

JOURNAL OF THE SENATE

Sixty-second Legislative Assembly

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Bismarck, February 10, 2011

The Senate convened at 1:00 p.m., with President Wrigley presiding.

The prayer was offered by Pastor Lee Herberg, First Lutheran Church, Mandan.

The roll was called and all members were present.

A quorum was declared by the President.

CORRECTION AND REVISION OF THE JOURNAL

MR. PRESIDENT: Your **Committee on Correction and Revision of the Journal (Sen. Andrist, Chairman)** has carefully examined the Journal of the Twenty-sixth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 309, line 34, remove "amended"

SEN. ANDRIST MOVED that the report be adopted, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2150: SEN. FLAKOLL (Education Committee) MOVED that the amendments on SJ pages 312-339 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2354: SEN. UGLEM (Human Services Committee) MOVED that the amendments on SJ page 344 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2043: SEN. MATHERN (Human Services Committee) MOVED that the amendments on SJ pages 310-311 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2268: SEN. NELSON (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 341-342 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2178: SEN. COOK (Finance and Taxation Committee) MOVED that the amendments on SJ page 339 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2240: SEN. J. LEE (Human Services Committee) MOVED that the amendments on SJ page 340 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2264: SEN. BERRY (Human Services Committee) MOVED that the amendments on SJ pages 340-341 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2298: SEN. DEVER (Human Services Committee) MOVED that the amendments on SJ pages 342-343 be adopted and then be **REREFERRED** to the **Appropriations**

Committee with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2360: SEN. OEHLKE (Finance and Taxation Committee) MOVED that the amendments on SJ page 344 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2122: SEN. BERRY (Human Services Committee) MOVED that the amendments on SJ pages 311-312 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2321: SEN. HOGUE (Finance and Taxation Committee) MOVED that the amendments on SJ pages 343-344 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2062: SEN. NODLAND (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 311 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2135: SEN. BERRY (Human Services Committee) MOVED that the amendments on SJ page 312 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2227: SEN. SCHNEIDER (Natural Resources Committee) MOVED that the amendments on SJ page 340 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2180: A BILL for an Act to amend and reenact sections 40-57.3-01, 40-57.3-01.1, and 40-57.3-02 and subsection 22 of section 57-39.2-04 of the North Dakota Century Code, relating to city lodging tax and state sales tax application to stays of thirty days or more and the city visitors' committee; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 40 YEAS, 7 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Dotzenrod; Erbele; Fischer; Freborg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Murphy; Nelson; Nething; Nodland; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

NAYS: Cook; Dever; Flakoll; Grindberg; Miller; O'Connell; Stenehjem

SB 2180 passed.

SECOND READING OF SENATE BILL

SB 2322: A BILL for an Act to amend and reenact sections 49-03-01, 49-03-01.4, 49-03-01.5, 49-03-02, 49-03-03, 49-03-04, and 49-03-05 of the North Dakota Century Code, relating to electric transmission providers; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Engrossed SB 2322 passed and the emergency clause was declared carried.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Les LaFountain.

SECOND READING OF SENATE BILL

SB 2215: A BILL for an Act to provide for umbilical cord blood donation information.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

SB 2215 passed.

SECOND READING OF SENATE BILL

SB 2292: A BILL for an Act to amend and reenact subsection 4 of section 57-39.2-04 of the North Dakota Century Code, relating to the sales tax exemption for nonprofit entities; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

SB 2292 passed.

SECOND READING OF SENATE BILL

SB 2282: A BILL for an Act to amend and reenact sections 61-02-12 and 61-04.1-07 of the North Dakota Century Code, relating to compensation of members of the state water commission and members of the North Dakota atmospheric resource board.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Engrossed SB 2282 passed.

SECOND READING OF SENATE BILL

SB 2303: A BILL for an Act to amend and reenact section 36-01-01 of the North Dakota Century Code, relating to the composition of the state board of animal health.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 3 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

NAYS: Christmann; Klein; Schaible

Engrossed SB 2303 passed.

SECOND READING OF SENATE BILL

SB 2184: A BILL for an Act to provide for a legislative management study relating to the feasibility and desirability of extending the sales tax exemption on purchases of tangible property to all charitable nonprofit organizations and comparative analysis of the efficacy of sales tax exemptions or rate reductions.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Engrossed SB 2184 passed.

SECOND READING OF SENATE BILL

SB 2269: A BILL for an Act to create and enact a new section to chapter 57-38 and a new subdivision to subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to an income tax credit for a portion of higher education expenses; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 13 YEAS, 34 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Heckaman; Laffen; Marcellais; Mathern; Murphy; Nelson; Nodland; Robinson; Schneider; Taylor; Triplett; Wardner

NAYS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Miller; Nething; O'Connell; Oehlke; Olafson; Schaible; Sitte; Sorvaag; Stenehjem; Uglem; Wanzek; Warner

SB 2269 lost.

SECOND READING OF SENATE BILL

SB 2307: A BILL for an Act to amend and reenact subdivision b of subsection 5 of section 57-51-15 of the North Dakota Century Code, relating to county infrastructure fund grants to school districts to offset oil and gas development impact; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 18 YEAS, 29 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Dotzenrod; Heckaman; Larsen; Lyson; Marcellais; Mathern; Murphy; Nelson; Nodland; O'Connell; Robinson; Schneider; Taylor; Triplett; Wardner; Warner

NAYS: Berry; Burckhard; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Lee, G.; Lee, J.; Luick; Miller; Nething; Oehlke; Olafson; Schaible; Sitte; Sorvaag; Stenehjem; Uglem; Wanzek

SB 2307 lost.

SECOND READING OF SENATE BILL

SB 2034: A BILL for an Act to create and enact a new subsection to section 57-43.2-01 of the North Dakota Century Code, relating to the definition of green diesel; to amend and reenact sections 17-03-01, 17-03-04, and 17-03-05, subsection 1 of section 17-07-01, sections 19-10-01, 54-17.7-02, 54-44.5-09, 57-38-01.22, and 57-38-01.23, subsection 7 of section 57-38-30.3, section 57-38-30.6, subsection 2 of section 57-38.6-01, and subsection 51 of section 57-39.2-04 of the North Dakota Century Code, relating to green diesel; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Engrossed SB 2034 passed.

MOTION

SEN. CHRISTMANN MOVED that Senate rule 329 be amended, replacing "twenty-sixth legislative day" with "twenty-seventh legislative day", which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that SB 2245 be returned to the Senate floor from the **Appropriations Committee**, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that SB 2249 be returned to the Senate floor from the **Finance and Taxation Committee** and be rereferred to the **Judiciary Committee**, which motion prevailed.

Pursuant to Sen. Christmann's motion, SB 2249 was rereferred.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2161, SB 2174, SB 2296, SB 2341.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has passed, and your favorable consideration is requested on: HB 1190, HB 1223, HB 1312, HB 1313.

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, Fifth, and Ninth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Friday, February 11, 2011, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2001: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2001 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2002: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2002 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2005: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2005 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2007: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2007 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2011: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2011 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2023: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2023 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2060: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2060 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2108: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2108 was placed on the Sixth order on the calendar.

Page 1, line 14, after "and" insert "with an additional"

Page 1, line 14, remove "annually"

Page 1, line 15, replace "thereafter by an additional" with "of"

Page 1, line 15, remove "with the final increase taking place"

Page 1, line 16, replace "2015" with "2013"

Page 3, line 5, after "and" insert "with an additional"

Page 3, line 5, replace "annually thereafter by an additional" with "of"

Page 3, line 6, remove "with the final increase taking place"

Page 3, line 6, replace "2015" with "2013"

Page 3, line 20, replace "increases annually thereafter by" with "with"

Page 3, line 20, remove ", with the final"

Page 3, line 21, replace "increase taking place" with "increase."

Page 3, line 21, replace "2015" with "2013"

Page 4, line 23, after "and" insert "with an additional"

Page 4, line 23, replace "annually thereafter by an additional" with "of"

Page 4, line 24, remove "with the final increase taking place"

Page 4, line 25, replace "2015" with "2013"

Page 6, line 10, after "and" insert "with an additional"

Page 6, line 10, remove "annually thereafter"

Page 6, line 11, replace "by an additional" with "of"

Page 6, line 11, remove "with the final increase taking place"

Page 6, line 12, replace "2015" with "2013"

Page 7, line 10, after "and" insert "with an additional"

Page 7, line 10, remove "annually thereafter"

Page 7, line 11, replace "by an additional" with "of"

Page 7, line 11, remove "with the final increase taking place"

Page 7, line 12, replace "2015" with "2013"

Page 7, line 19, after "and" insert "with an additional"

Page 7, line 19, replace "annually thereafter by an additional" with "of"

Page 7, line 19, remove "with the final"

Page 7, line 20, remove "increase taking place"

Page 7, line 20, replace "2015" with "2013"

Page 8, line 1, after "and" insert "with an additional"

Page 8, line 2, replace "annually thereafter by an additional" with "of"

Page 8, line 2, remove "with the final increase taking place"

Page 8, line 3, replace "2015" with "2013"

Page 8, line 17, after "and" insert "with an additional"

Page 8, line 18, replace "annually thereafter by an additional" with "of"

Page 8, line 18, remove "with the final increase taking place"

Page 8, line 19, replace "2015" with "2013"

Page 9, line 7, replace "increases annually thereafter by" with "with"

Page 9, line 8, after "additional" insert "increase of"

Page 9, line 8, remove "with the final increase taking place"

Page 9, line 9, replace "2015" with "2013"

Page 9, line 25, after "and" insert "with an additional"

Page 9, line 25, replace "annually thereafter by an additional" with "of"

Page 9, line 25, remove "with the"

Page 9, line 26, remove "final increase taking place"

Page 9, line 26, replace "2015" with "2013"

Page 9, line 30, after "and" insert "with an additional"

Page 9, line 30, remove "annually"

Page 9, line 31, replace "thereafter by an additional" with "of"

Page 9, line 31, remove "with the final increase taking place"

Page 10, line 1, replace "2015" with "2013"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2185: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2185 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create a new section to chapter 43-52 of the North Dakota Century Code, relating to the regulation of sign language interpreters; to amend and reenact sections 43-52-01, 43-52-02, and 43-52-03 of the North Dakota Century Code, relating to regulation of sign language interpreters; to provide a penalty; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 43-52-01 of the North Dakota Century Code is amended and reenacted as follows:

43-52-01. Definitions.

As used in this chapter, unless the context otherwise requires:

1. "Consumer" means an individual who is deaf, deaf-blind, speech-impaired, hard-of-hearing, or who requires special communication techniques in order to communicate.
2. "Interpreter" means an individual who engages in the practice of interpreting.
3. "Interpreting" means the translating or transliterating of English concepts to any necessary specialized vocabulary used by a consumer or translating of a consumer's specialized vocabulary to English concepts. Necessary specialized vocabularies include American sign language, English-based sign language, and oral interpreting.
4. "Nationally recognized certification" means certification granted by a national organization that is based on a skills assessment of the applicant. These organizations include the registry of interpreters for the deaf and the national association of the deaf.
5. "Video remote interpreting" is a process that allows an individual who is deaf or hard-of-hearing to communicate with a hearing individual at the same location through an interpreter displayed via videoconferencing equipment or through a television with a videophone.

SECTION 2. AMENDMENT. Section 43-52-02 of the North Dakota Century Code is amended and reenacted as follows:

43-52-02. Practice of interpreting.

An individual may not practice or represent as an interpreter for deaf, deaf-blind, speech-impaired, or hard-of-hearing individuals in the state unless the individual holds a valid nationally recognized certification. ~~However, an individual who was practicing as an interpreter in this state before August 1, 2001, has until July 31, 2003, to meet the certification requirement under this section.~~ A person may not provide video remote interpreting services in this state unless certified under this chapter.

SECTION 3. AMENDMENT. Section 43-52-03 of the North Dakota Century Code is amended and reenacted as follows:

43-52-03. Exceptions.

This chapter does not prevent or restrict:

1. A nonresident interpreter working in this state not more than nineteen days per year.
2. An interpreter working at a religious activity.
3. An interpreter working as a volunteer without compensation.
4. An interpreter working in an emergency. An emergency is a situation in which the consumer decides that the length of time needed to obtain a licensed interpreter is likely to cause injury or loss to the consumer.
5. The activities and services of an interpreter intern or student-in-training enrolled in a program of study in interpreting at an accredited institution of higher learning; interpreting under the supervision of a licensed interpreter as part of a supervised program; and identified as an interpreter intern or student-in-training.
6. An individual using sign language or a manual communication system as a means of communication with or on behalf of a family member, a deaf individual, a deaf-blind individual, a speech-impaired individual, or hard-of-hearing individual who has specifically requested that use by that individual.

7. A communication made as a reasonable accommodation for the employment of a deaf, deaf-blind, speech-impaired, or hard-of-hearing individual.
8. A communication with a deaf, deaf-blind, speech-impaired, or hard-of-hearing individual who could not communicate using American sign language or English-based sign language.
9. An individual working in an elementary or secondary school who has successfully completed a three-year educational interpreter certificate program of study or who has passed the educational interpreter performance assessment at a level of 3.5 or higher. ~~The individual may work in the school setting without national certification until August 1, 2005, if the individual is being mentored by a trained mentor who is either a certified interpreter or a deaf adult. To continue working in the school setting after August 1, 2005, the individual must have obtained national certification.~~
10. ~~An individual who has successfully completed an accredited interpreter training program from interpreting without certification for a period of up to two years from the date of completion of the program if, during that period, the individual is mentored by a trained mentor who is either a certified interpreter or a deaf adult.~~

SECTION 4. A new section to chapter 43-52 of the North Dakota Century Code is created and enacted as follows:

Penalty - Civil penalty.

Any person who violates this chapter is guilty of a class B misdemeanor. In addition to the criminal penalties provided, the civil remedy of injunction is available to restrain and enjoin a violation of this chapter without proof of actual damages sustained by any person.

SECTION 5. EFFECTIVE DATE. Section 3 of this Act becomes effective on January 1, 2014."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2261: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2261 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2271: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2271 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "naturopathic physicians" with "naturopaths"

Page 1, line 4, replace "naturopathic physicians" with "naturopaths"

Page 1, line 8, replace "naturopathic physician" with "naturopath"

Page 1, line 13, replace "naturopathic physician" with "naturopath"

Page 2, line 6, replace "naturopathic physician" with "naturopath"

Page 3, line 1, after "means" insert "nonprescriptive"

Page 3, line 2, after the underscored period insert "The term does not include prescriptive drugs."

Page 3, line 4, after "5." insert "Naturopath" means an individual licensed to practice naturopathic health care under this chapter.

6."

Page 3, line 5, replace "naturopathic physicians" with "naturopaths"

Page 3, line 9, remove "naturopathic"

Page 3, line 10, replace "physician" with "naturopath"

Page 3, line 11, replace "6." with "7."

Page 3, line 11, remove "naturopathic"

Page 3, line 12, replace "physician" with "naturopath"

Page 3, remove lines 15 and 16

Page 3, line 19, replace "naturopathic physician" with "naturopath"

Page 3, line 25, replace "naturopathic physician" with "naturopath"

Page 4, line 16, remove "That contain the naturopathic formulary list created by the board:"

Page 4, line 17, remove "f."

Page 5, line 2, replace "naturopathic physician" with "naturopath"

Page 5, line 3, replace "naturopathic physician" with "naturopath"

Page 5, line 5, remove "unless the"

Page 5, line 6, replace "drug or device is included on the naturopathic formulary list" with "except if authorized by the board, a naturopath may prescribe antibiotics and hormones that are not controlled substances"

Page 5, line 11, after the underscored period insert "A naturopath may not hold out to the public that the naturopath is a primary care provider."

Page 5, line 12, replace "naturopathic physician" with "naturopath"

Page 5, line 20, replace "naturopathic physician" with "naturopath"

Page 5, remove lines 24 through 30

Page 6, remove lines 1 through 12

Page 6, line 13, replace "43-57-06." with "43-57-05."

Page 6, line 14, replace "naturopathic physician" with "naturopath"

Page 6, line 16, replace "naturopathic physicians" with "naturopaths"

Page 6, line 20, replace "43-57-07." with "43-57-06."

Page 6, line 21, replace "naturopathic physician" with "naturopath"

Page 6, line 26, replace "43-57-08." with "43-57-07."

Page 6, line 29, replace "naturopathic physician" with "naturopath"

Page 6, line 29, remove "doctor of naturopathic medicine."

Page 6, line 30, remove "doctor of naturopathy", "naturopathic doctor", "naturopathic"

Page 6, line 30, remove "physician."

Page 6, line 31, remove "and the abbreviation "N.D." when used to imply any of these titles"

Page 7, line 1, replace "these terms or initials" with "this title"

Page 7, line 3, replace "43-57-09." with "43-57-08."

Page 7, line 7, replace "43-57-10." with "43-57-09."

Page 7, line 23, replace "43-57-11." with "43-57-10."

Page 8, line 5, replace "43-57-12." with "43-57-11."

Page 8, line 8, replace "43-57-13." with "43-57-12."

Page 8, line 25, replace "43-57-14." with "43-57-13."

Page 8, line 26, replace "naturopathic physician" with "naturopath"

Page 8, line 28, replace "43-57-15." with "43-57-14."

Page 10, line 18, replace "43-57-16." with "43-57-15."

Page 11, line 11, replace "43-57-17." with "43-57-16."

Page 11, line 21, replace "43-57-18." with "43-57-17."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2272: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2272 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "\$237,703" with "\$118,639"

Page 1, line 7, replace "conversion" with "preservation activities"

Page 1, line 10, replace "\$250,000" with "\$125,000"

Page 1, line 12, replace "conversion" with "preservation activities"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2315: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2315 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 43-12.1 of the North Dakota Century Code, relating to creation of a lay and traditional midwife registry; to amend and reenact sections 43-12.1-02, 43-12.1-09, and 43-12.1-09.1 of the North Dakota Century Code, relating to the registry of lay and traditional midwives; to provide for a legislative management study; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 43-12.1-02 of the North Dakota Century Code is amended and reenacted as follows:

43-12.1-02. Definitions.

In this chapter, unless the context otherwise requires:

1. "Advanced practice registered nurse" means an individual who holds a current license to practice in this state as an advanced practice registered nurse.
2. "Board" means the North Dakota board of nursing.
3. "Lay or traditional midwife" means an individual who is currently registered as a lay or traditional midwife under this chapter.
4. "Licensed practical nurse" means an individual who holds a current license to practice in this state as a licensed practical nurse.
- 4.5. "Nurse" means an individual who is currently licensed as an advanced practice registered nurse, registered nurse, or licensed practical nurse.
- 5.6. "Nursing" means the performance of acts utilizing specialized knowledge, skills, and abilities for people in a variety of settings. The term includes the following acts, which may not be deemed to include acts of medical diagnosis or treatment or the practice of medicine as defined in chapter 43-17:
 - a. The maintenance of health and prevention of illness.
 - b. Diagnosing human responses to actual or potential health problems.
 - c. Providing supportive and restorative care and nursing treatment, medication administration, health counseling and teaching, case finding and referral of individuals who are ill, injured, or experiencing changes in the normal health processes.
 - d. Administration, teaching, supervision, delegation, and evaluation of health and nursing practices.
 - e. Collaboration with other health care professionals in the implementation of the total health care regimen and execution of the health care regimen prescribed by a health care practitioner licensed under the laws of this state.
- 6.7. "Prescriptive practices" means assessing the need for drugs, immunizing agents, or devices and writing a prescription to be filled by a licensed pharmacist.
- 7.8. "Registered nurse" means an individual who holds a current license to practice in this state as a registered nurse.
- 8.9. "Specialty practice registered nurse" means an individual who holds a current license to practice in this state as a specialty practice registered nurse.
- 9.10. "Unlicensed assistive person" means an assistant to the nurse who regardless of title is authorized by the board to perform nursing interventions delegated and supervised by a nurse.

SECTION 2. AMENDMENT. Section 43-12.1-09 of the North Dakota Century Code is amended and reenacted as follows:

43-12.1-09. Initial licensure and registration.

1. The board shall license and register nursing, lay or traditional midwife, and unlicensed assistive person applicants. The board shall adopt rules establishing qualifications for initial nursing licensure and unlicensed

assistive person registration and for issuing limited licenses and registrations pursuant to subsection 3.

2. Each applicant who successfully meets the requirements of this section is entitled to initial licensure or registration as follows:
 - a. An applicant for licensure by examination to practice as a registered nurse or licensed practical nurse shall:
 - (1) Submit a completed application and appropriate fee as established by the board.
 - (2) Submit an official transcript showing completion of an in-state nursing education program or a board-approved out-of-state nursing education program preparing for the level of licensure sought. The board shall adopt rules establishing standards for the approval of out-of-state nursing education programs. These standards for out-of-state programs must include consideration of whether the program is accredited by the national league for nursing accrediting commission, incorporated, or the commission on collegiate nursing education and whether the program meets the requirements of the state in which the program is provided.
 - (3) Pass an examination approved by the board.
 - b. An applicant for licensure by endorsement to practice as a registered nurse or licensed practical nurse shall:
 - (1) Submit a completed application and appropriate fee as established by the board.
 - (2) Submit an official transcript showing completion of a nursing education program preparing for the level of licensure sought.
 - (3) Submit proof of initial licensure by examination with the examination meeting North Dakota requirements for licensure examinations in effect at the time the applicant qualified for initial licensure.
 - (4) Submit evidence of current unencumbered licensure in another state or meet continued competency requirements as established by the board.
 - (5) Notwithstanding the foregoing requirements of this subdivision, if an applicant for licensure as a licensed practical nurse has been licensed in another state as a licensed practical nurse based upon completion of a registered nurse education program and has had at least twenty-four months of unencumbered practice as a licensed practical nurse in another state within the five-year period preceding the application, then the applicant is not required to meet any additional educational requirements for licensure as a licensed practical nurse.
 - c. An applicant for licensure as an advanced practice registered nurse shall:
 - (1) Submit a completed application and appropriate fee as established by the board.
 - (2) Submit evidence of appropriate education and current certification in an advanced nursing role by a national nursing organization meeting criteria as established by the board. An advanced practice registered nurse applicant must have a graduate degree with a nursing focus or must have completed the educational requirements in effect when the applicant was initially licensed.

- (3) Possess or show evidence of application for a current unencumbered registered nurse license.
- d. An applicant for licensure as an advanced practice registered nurse who completed an advanced nursing education program and was licensed or certified in advanced practice by another state before January 1, 2001, or who completed an advanced nursing education program and was licensed or certified as a women's health care nurse practitioner by another state before January 1, 2007, may apply for and receive an advanced practice license if that applicant meets the requirements that were in place in this state at the time the applicant qualified for initial advanced practice licensure in that state.
- e. An applicant for unlicensed assistive person registration shall:
 - (1) Submit a completed application and the appropriate fee as established by the board.
 - (2) Provide verification of appropriate training or evidence of certification or evaluation in the performance of basic nursing interventions.
- f. An applicant for licensure as a specialty practice registered nurse shall:
 - (1) Submit a completed application and appropriate fee as established by the board.
 - (2) Submit evidence of appropriate education and current certification in a specialty nursing role by a national nursing organization meeting criteria as established by the board. A specialty practice registered nurse applicant must have the educational preparation and national certification within a defined area of nursing practice.
 - (3) Possess or show evidence of application for a current unencumbered registered nurse license.
- g. An applicant for registration as a lay or traditional midwife shall:
 - (1) Submit a completed application and the appropriate fee as established by the board. A qualified applicant may not be licensed as a physician or nurse.
 - (2) Submit evidence of education related to the practice as a lay midwife; experience, including preceptorship, in the practice of a lay midwife; and effective January 1, 2013, certification by a national organization.
- 3. For good cause shown, the board may issue a limited license or registration to an applicant.

SECTION 3. AMENDMENT. Section 43-12.1-09.1 of the North Dakota Century Code is amended and reenacted as follows:

43-12.1-09.1. ~~Nursing licensure~~Licensure or registration - Criminal history record checks.

The board may require each applicant for initial or renewed nursing licensure or registration and any licensee or registrant who is the subject of a disciplinary investigation or proceeding to submit to a statewide and nationwide criminal history record check. The nationwide criminal history record check must be conducted in the manner provided by section 12-60-24. All costs associated with obtaining a background check are the responsibility of the applicant, licensee, or registrant. The board may grant a nonrenewable temporary permit to an applicant for initial or renewed license or registration who submits to a criminal history record check as

required by this chapter if the applicant has met all other licensure or registration requirements in accordance with subsection 2 of section 43-12.1-09.

SECTION 4. A new section to chapter 43-12.1 of the North Dakota Century Code is created and enacted as follows:

Lay or traditional midwife registry.

The board shall administer a voluntary registry for an individual who provides services to women and their newborn children outside of a hospital or clinical setting which is consistent with the individual's training, education, and certification. In order to register as a lay or traditional midwife, an applicant shall submit to a statewide and nationwide criminal history record check under section 43-12.1-09.1.

SECTION 5. LEGISLATIVE MANAGEMENT STUDY - REGULATION OF LAY OR TRADITIONAL MIDWIVES. During the 2011-12 interim, the legislative management shall study the feasibility and desirability of developing a mechanism for mandatory regulation of lay or traditional midwives. The state department of health shall convene a task force of interested parties to study the feasibility and desirability of developing a method and source of funding for the regulation of lay or traditional midwives, including the gathering of current and relevant data, and shall report any recommendations to the legislative management. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly.

SECTION 6. EXPIRATION DATE. This Act is effective through July 31, 2013, and after that date is ineffective."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2320: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). SB 2320 was placed on the Sixth order on the calendar.

Page 1, line 1, after the first comma insert "57-35.3-05,"

Page 1, line 3, replace "elimination" with "adjustment"

Page 1, line 3, remove "to the state general fund"

Page 1, line 3, after the semicolon insert "to provide for a legislative management study;"

Page 1, line 11, replace "five" with "six and one-half"

Page 1, after line 12, insert:

"SECTION 2. AMENDMENT. Section 57-35.3-05 of the North Dakota Century Code is amended and reenacted as follows:

57-35.3-05. Credits.

1. a. There is allowed a credit against the tax imposed by sections 57-35.3-01 through 57-35.3-12 in an amount equal to fifty percent of the aggregate amount of charitable contributions made by the taxpayer during the taxable year to nonprofit private institutions of higher education located within the state or to the North Dakota independent college fund. The amount allowable as a credit under this subdivision for any taxable year may not exceed ~~five and seven-tenths~~four and six-tenths percent of the tax before credits allowed under this section, or two thousand five hundred dollars, whichever is less.

- b. There is allowed a credit against the tax imposed by sections 57-35.3-01 through 57-35.3-12 in an amount equal to fifty percent of the aggregate amount of charitable contributions made by the taxpayer during the taxable year to nonprofit private institutions of secondary education located within the state. The amount allowable as a credit under this subdivision for any taxable year may not exceed ~~five and seven-tenths~~four and six-tenths percent of the tax before credits allowed under this section, or two thousand five hundred dollars, whichever is less.
 - c. For the purposes of this subsection, the term "nonprofit private institution of higher education" means only a nonprofit private educational institution located in North Dakota which normally maintains a regular faculty and curriculum and which normally has a regularly organized body of students in attendance at the place where its educational activities are carried on, and which regularly offers education at a level above the twelfth grade. The term "nonprofit private institution of secondary education" means only a nonprofit private educational institution located in North Dakota which normally maintains a regular faculty and curriculum approved by the department of public instruction and which normally has a regularly organized body of students in attendance at the place where its educational activities are carried on, and which regularly offers education to students in the ninth through twelfth grades.
 - d. For the purposes of this subsection, a taxpayer may elect to treat a contribution as made in the preceding taxable year if the contribution and election are made not later than the time prescribed for filing the return for the taxable year.
- 2. a. There is allowed a credit against the tax imposed by sections 57-35.3-01 through 57-35.3-12 in an amount equal to any overpayment of tax paid pursuant to chapter 57-35 or 57-35.1, for a taxable year beginning before January 1, 1997, to the extent that the overpayment would have been an allowable deduction from tax payable for the current taxable year, under section 57-35-12 or 57-35.1-07, if chapters 57-35 and 57-35.1 applied to the current taxable year. The amount allowable as a credit under this subsection for any taxable year may not exceed five-sevenths of the tax before credits allowed under this section.
 - b. For purposes of determining distributions to and from the counties under section 57-35.3-09:
 - (1) The balance in the financial institution tax distribution fund and the amount of the payment received by each county from the state shall be determined as if any credit allowed under subdivision a had not been claimed and the full amount of the tax otherwise due had been timely paid;
 - (2) The credited amount must be deducted from the distributions that would otherwise be made to and from the county that received the tax overpayment until the sum of the deductions equals the credit; and
 - (3) The deductions from distributions made by a county to each distributee must be proportionate to the overpayment of tax received by each distributee.
- 3. There is allowed a credit against the tax imposed by sections 57-35.3-01 through 57-35.3-12 in an amount equal to fifty percent of the aggregate amount of contributions made by the taxpayer during the taxable year for tuition scholarships for participation in rural leadership North Dakota conducted through the North Dakota state university extension service. Contributions by a taxpayer may be earmarked for use by a designated

recipient. The amount allowable as a credit under this subsection for any taxable year may not exceed ~~five and seven tenths~~four and six tenths percent of the tax before credits allowed under this section, or two thousand five hundred dollars, whichever is less."

Page 1, line 16, after "~~Two-sevenths~~" insert "Three-thirteenths"

Page 1, line 16, remove the overstrike over "~~of the tax before credits allowed under section-57-35.3-05, less the credit~~"

Page 1, remove the overstrike over lines 17 and 18

Page 1, line 19, remove the overstrike over "~~time for filing the return granted under section-57-35.3-06.~~"

Page 1, line 19, after "~~Five-sevenths~~" insert "Ten-thirteenths"

Page 1, line 19, remove the overstrike over "of the"

Page 1, line 19, remove "The"

Page 2, line 4, remove the overstrike over "~~payable in the year the return is due~~"

Page 2, remove the overstrike over line 5

Page 2, line 6, remove the overstrike over "~~year after the return is due~~"

Page 2, line 6, remove "collected under this chapter"

Page 2, line 8, remove the overstrike over "~~attributable to each portion of the tax~~"

Page 2, line 8, remove the overstrike over "~~appropriate~~"

Page 2, line 8, remove "financial institution"

Page 2, line 9, remove "tax distribution"

Page 2, after line 9, insert:

"SECTION 5. LEGISLATIVE MANAGEMENT STUDY - FINANCIAL INSTITUTIONS TAXATION. During the 2011-12 interim, the legislative management shall consider studying the feasibility and desirability of revision of the financial institutions taxes, including the feasibility of taxing financial institutions under the state corporate income tax laws. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2331: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2331 was placed on the Sixth order on the calendar.

Page 1, line 8, after "means" insert an underscored colon

Page 1, line 8, remove "an individual with a"

Page 1, replace lines 9 through 12 with:

"a. An individual who is receiving social security disability insurance or supplemental security income; or

b. An individual:

- (1) Who has severe physical or mental impairments that seriously limit the individual's functional capacity, including mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills in terms of an employment outcome; and
- (2) Who has one or more physical or mental disabilities resulting from amputation, arthritis, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, intellectual disability, mental illness, multiple sclerosis, muscular dystrophy, musculoskeletal disorders, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia and other spinal cord conditions, sickle cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitations."

Page 1, line 19, replace "of an" with "to the newly hired"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4003: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4003 was placed on the Sixth order on the calendar.

Page 1, line 4, after "network" insert "for the purpose of supporting the research and education missions of the North Dakota University System"

Renumber accordingly

The Senate stood adjourned pursuant to Senator Christmann's motion.

William R. Horton, Secretary

