

JOURNAL OF THE SENATE

Sixty-second Legislative Assembly

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Bismarck, March 17, 2011

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

The prayer was offered by Father Patrick Schumacher, Church of St. Joseph, Mandan.

The roll was called and all members were present except Senator Hogue.

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 Forty-seventh Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 742, remove lines 23 through 24

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

CONSIDERATION OF AMENDMENTS

HB 1089: SEN. OEHLKE (Transportation Committee) MOVED that the amendments on SJ pages 742-743 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1270, as engrossed: SEN. HECKAMAN (Education Committee) MOVED that the amendments on SJ pages 743-744 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3027: A concurrent resolution of no confidence in the Natural Resources Conservation Service's state conservationist and urging the United States Department of Agriculture's Natural Resources Conservation Service to continue the present cooperative agreement process at a \$10,000 funding level; allow continuation of local decisionmaking by resource conservation and development councils, including implementation of community development projects, for as long as Congress funds the Resource Conservation and Development program; and to allow a resource conservation and development coordinator colocated with a North Dakota regional council to maintain that colocation.

REQUEST

SEN. WARNER REQUESTED a verification vote on the adoption of HCR 3027, which request was granted.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3027 was declared adopted on a verification vote.

SECOND READING OF HOUSE BILL

HB 1355: A BILL for an Act to create and enact section 54-09-02.1 of the North Dakota Century Code, relating to certificates and certified copies issued by the secretary of state; and to amend and reenact sections 10-34-09, 43-07-13, 54-09-04, and 54-09-07 of the North Dakota Century Code, relating to the fees collected by the secretary of state from real estate investment trusts, fees collected by the secretary

of state for certified copies, fees charged and collected by the secretary of state, and service of process on the secretary of state.

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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; 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

ABSENT AND NOT VOTING: Hogue

Engrossed HB 1355, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1425: A BILL for an Act to amend and reenact subsection 4 of section 54-21.3-03 of the North Dakota Century Code, relating to the state building code.

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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; 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

ABSENT AND NOT VOTING: Hogue

Reengrossed HB 1425, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1465: A BILL for an Act to create and enact six new sections to chapter 15.1-19 of the North Dakota Century Code, relating to the prevention of bullying in public schools.

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 36 YEAS, 10 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Bowman; Burckhard; Dever; Erbele; Larsen; Lyson; Schaible; Sitte; Uglem; Wanzek

ABSENT AND NOT VOTING: Hogue

Engrossed HB 1465 passed.

SECOND READING OF HOUSE BILL

HB 1129: A BILL for an Act to create and enact chapter 15-18.1 of the North Dakota Century Code, relating to authority of the state board of higher education to provide authorizations to operate private postsecondary educational institutions offering instruction at the associate in arts level or higher and to false academic degrees and accreditation mills; to amend and reenact subsections 1, 4, 7, and 10 of section 15-20.4-01, sections 15-20.4-02 and 15-20.4-02.1, subsections 1, 2, 3, 4, 5, and 8 of section 15-20.4-03, sections 15-20.4-03.1 and 15-20.4-04, subsections 1 and 2 of section 15-20.4-05, sections 15-20.4-06, 15-20.4-08, 15-20.4-09, and 15-20.4-13, and subsection 1 of section 15-20.4-14, of the North Dakota Century Code, relating to authority of the state board for career and technical education to provide authorizations to operate private postsecondary career schools offering instruction at the level of no higher than the associate of applied science level; to provide for application; to repeal sections 15-20.4-15, 15-20.4-16, 15-20.4-17, and 15-20.4-18 of the North Dakota Century Code, relating to false academic degrees and accreditation mills; and to provide a penalty.

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 12 YEAS, 34 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Heckaman; Larsen; Marcellais; Mathern; Murphy; Nelson; O'Connell; Schneider; Taylor; Triplett; Warner

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

ABSENT AND NOT VOTING: Hogue

Reengrossed HB 1129 lost.

SECOND READING OF HOUSE BILL

HB 1391: A BILL for an Act to create and enact section 57-39.4-33.3 of the North Dakota Century Code, relating to prohibited replacement taxes; to amend and reenact subsection 2 of section 11-09.1-05, subsection 16 of section 40-05.1-06, subsection 1 of section 57-39.2-02.1, sections 57-39.4-01, 57-39.4-02, 57-39.4-03, and 57-39.4-04, subsections 1 and 3 of section 57-39.4-09, and sections 57-39.4-10, 57-39.4-11.1, 57-39.4-14, 57-39.4-14.1, 57-39.4-18, 57-39.4-19, 57-39.4-20, and 57-39.4-24 of the North Dakota Century Code, relating to the administration of the streamlined sales and use tax agreement; to repeal chapter 57-39.3 of the North Dakota Century Code, relating to fees in lieu of sales taxes; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; 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

ABSENT AND NOT VOTING: Hogue

HB 1391 passed.

SECOND READING OF HOUSE BILL

HB 1319: A BILL for an Act to amend and reenact section 39-21-45 of the North Dakota Century Code, relating to air-conditioning equipment in motor vehicles; and to declare an emergency.

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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; 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

ABSENT AND NOT VOTING: Hogue

HB 1319 passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1378: A BILL for an Act to amend and reenact section 4-09-10 of the North Dakota Century Code or in the alternative to repeal section 4.1-53-18 of the North Dakota Century Code, relating to label requirements for canola seed.

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 2 YEAS, 44 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Mathern; Warner

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

ABSENT AND NOT VOTING: Hogue

Engrossed HB 1378 lost.

SECOND READING OF HOUSE BILL

HB 1139: A BILL for an Act to amend and reenact subdivision k of subsection 1 of section 57-40.6-10 of the North Dakota Century Code, relating to dispatch of emergency medical services.

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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; 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

ABSENT AND NOT VOTING: Hogue

HB 1139 passed.

SECOND READING OF HOUSE BILL

HB 1113: A BILL for an Act to amend and reenact sections 39-04-10.11 and 39-04-10.12, subsection 3 of section 39-04-10.13, subdivision o of subsection 2 of section 39-04-18, subsection 3 of section 39-04-19, and subsection 4 of section 39-22.3-04 of the North Dakota Century Code, relating to number plates, motor vehicle registration fees and miles tax, and dealer's licenses.

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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; 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

ABSENT AND NOT VOTING: Hogue

HB 1113 passed.

SECOND READING OF HOUSE BILL

HB 1106: A BILL for an Act to amend and reenact section 15.1-21-02.6 of the North Dakota Century Code, relating to eligibility for North Dakota academic and career and technical scholarships.

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 0 YEAS, 46 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

NAYS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; 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

ABSENT AND NOT VOTING: Hogue

Engrossed HB 1106 lost.

SECOND READING OF HOUSE BILL

HB 1222: A BILL for an Act to amend and reenact subsection 3 of section 43-17-18 of the North Dakota Century Code, relating to graduates of international medical schools

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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; 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

ABSENT AND NOT VOTING: Hogue

HB 1222 passed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3032: A concurrent resolution directing the Legislative Management to study the needs of, economic values of, and methods to improve access roadways to recreational, tourist, and historical sites in North Dakota.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3032 was declared adopted on a voice vote.

MOTION

SEN. CHRISTMANN MOVED that HB 1244, as amended, be rereferred to the **Agriculture Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, HB 1244, as amended, was rereferred.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1096, HB 1130, HB 1200, HB 1271, HB 1399, HCR 3024.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1066.

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

MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1140, HB 1385.

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

MR. PRESIDENT: The House has passed, unchanged: SB 2048, SB 2088, SB 2174, SB 2197, SB 2214, SB 2223, SB 2249, SB 2287, SB 2346.

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

MR. PRESIDENT: The House has passed, the emergency clause carried, unchanged: SB 2203, SB 2280.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2053, SB 2080, SB 2112, SB 2158.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2053

Page 2, line 2, remove "The committee also shall work to"

Page 2, remove line 3

Page 2, line 4, remove "tribal sovereignty."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2080

Page 6, line 16, replace "ten" with "eight"

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2112

Page 4, after line 3, insert:

"6. If the driver provides a current medical certification, the director shall upgrade without retesting the license of a driver which was downgraded under this section."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2158

Page 1, line 9, after the period insert:

"a."

Page 1, line 15, after the period insert "If the state's attorney, holder, or financial institution determines the person identified as the issuer of the instrument did not make, draw, utter, or deliver the instrument in violation of this section but instead is the victim of fraud, that state's attorney, holder, or financial institution shall provide the holder or its agent or representative written notice of the fraud and upon receipt of the notice that holder or its agent or representative may not collect fees or costs under this subdivision."

b."

Page 1, line 18, after the period insert:

"c."

Page 2, line 1, after the period insert:

"d."

Page 2, line 27, replace "ninety" with "one hundred twenty"

Page 2, line 28, remove ", and"

Page 2, remove line 29

Page 2, line 30, remove "notice under this subsection the state's attorney may."

Page 3, line 9, after the period insert "If the state's attorney, holder, or financial institution determines the person identified as the issuer of the instrument did not issue the instrument in violation of this section but instead is the victim of fraud, that state's attorney, holder, or financial institution shall provide the holder or its agent or representative written notice of the fraud and upon receipt of the notice that holder or its agent or representative may not collect fees or costs under this subsection."

Page 3, line 17, replace "ninety" with "one hundred twenty"

Page 3, line 18, remove ", and thereafter until the expiration of one hundred twenty days after the drawer"

Page 3, line 19, remove "received notice under this subsection the state's attorney may."

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2023, SB 2026, SB 2075, SB 2109, SB 2165, SB 2179, SB 2215, SB 2234, SB 2322, SB 2352.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1078, HB 1213, HB 1375, HCR 3005, HCR 3010.

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

MR. PRESIDENT: The Speaker has signed: SB 2062, SB 2064, SB 2136, SB 2156, SB 2166, SB 2168, SB 2190, SB 2192, SB 2199, SB 2263, SB 2292.

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

MR. PRESIDENT: The Speaker has signed: SB 2023, SB 2026, SB 2075, SB 2109, SB 2165, SB 2179, SB 2215, SB 2234, SB 2322, SB 2352.

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

MR. SPEAKER: The President has signed: HB 1027, HB 1078, HB 1083, HB 1098, HB 1102, HB 1108, HB 1122, HB 1131, HB 1137, HB 1156, HB 1159, HB 1181, HB 1213, HB 1218, HB 1261, HB 1337, HB 1375, HB 1396, HCR 3005, HCR 3010.

MOTION

SEN. CHRISTMANN MOVED that the absent member be excused, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, Fifth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Friday, March 18, 2011, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1038, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1038 was placed on the Sixth order on the calendar.

Page 7, line 23, remove "have not been"

Page 7, replace lines 24 through 26 with ":

- (1) Have not been convicted of a felony;
- (2) Have not been convicted of a misdemeanor involving dishonesty or untrustworthiness; or
- (3) Have not been the subject of an adverse finding or adjudication in a license disciplinary or other administrative proceeding concerning allegations involving dishonesty or untrustworthiness"

Page 8, line 3, after "commissioner" insert "unless the commissioner determines the violation is not material"

Page 16, line 25, replace "void" with "voidable"

Page 24, line 26, replace "**Voidable**" with "**Void**"

Page 24, line 28, remove "individual may void the"

Page 24, line 28, after "contract" insert "is void"

Page 24, line 29, after "and" insert "the individual may"

Page 24, line 31, replace "voidable by the individual" with "void"

Page 25, line 1, replace "If an individual voids a" with "For a void"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1075, as engrossed: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1075 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1100: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1100 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1145: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1145 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1158, as engrossed: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **DO NOT PASS** (4 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1158 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1161: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1161 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1167: 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). HB 1167 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "in all" with "on behalf"

Page 1, line 9, remove "America's"

Page 1, line 10, replace "wars and conflicts" with "America"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1176: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1176 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1185, as engrossed: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1185 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1205, as engrossed: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1205 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1214, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1214 was placed on the Sixth order on the calendar.

Page 3, replace lines 25 through 29 with "The committee shall take all necessary steps to protect the confidentiality of any information that identifies an individual and which is collected or stored by the statewide longitudinal data system. Information that identifies an individual may be disclosed only pursuant to a court order that protects the confidentiality of the information."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1346, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1346 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1353, as reengrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1353 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1363, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1363 was placed on the Sixth order on the calendar.

Page 1, replace lines 5 through 18 with:

"SECTION 1. AMENDMENT. Section 15-70-04 of the North Dakota Century Code is amended and reenacted as follows:

15-70-04. Submission of grant application - Distribution of grants.

1. In order to qualify for a grant under this chapter, an institutional tribally controlled community college shall submit an application at the time and in the manner required by the state board of higher education. The application must document:
 - a. Include the name and address of each student who qualifies for financial assistance under this chapter; and
 - b. Document the enrollment status of each student on whose account who qualifies for financial assistance under this chapter is sought.
2. If an application is approved, the state board of higher education shall distribute to each the tribally controlled community college, during each year of the biennium, five thousand three hundred dollars per full-time equivalent nonbeneficiary student an amount equivalent to the most recent per student payment provided in accordance with the Tribally Controlled Colleges and Universities Assistance Act of 1978 [25 U.S.C. 20] for each nonbeneficiary student who is a resident of this state. If the amount appropriated is insufficient to meet the requirements of this section, the board shall distribute a prorated amount per full-time equivalent nonbeneficiary student prorate the amount to be distributed.
3. If after meeting the requirements of this section any amount remains available for distribution at the conclusion of each year of the biennium, the state board of higher education shall provide prorated distribution based on criteria set forth in this section.
4. At the time and in the manner determined by the state board of higher education, each tribally controlled community college receiving assistance under this section shall file a report indicating:
 - a. The graduation rate of nonbeneficiary students; and
 - b. The ratio between the amount of funding received by the tribally controlled community college under this section and the college's annual budget."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1376, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1376 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1386: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1386 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "to provide for a legislative management study and a report from the insurance department.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**SECTION 1. LEGISLATIVE MANAGEMENT STUDY - REPORT FROM INSURANCE DEPARTMENT.**

1. During the 2011-12 interim, the legislative management shall consider studying whether steps can be taken to improve health care service providers' access to third-party payer reimbursement network systems in order to improve North Dakotans' access to health care services and to contain their health care costs and out-of-pocket expenses. For purposes of this study, health care services include major medical as well as dental and vision services. The study may include consideration of:
 - a. Whether it would improve patients' freedom of choice by allowing all health care service providers the opportunity to be included in network systems and negotiating deeper discounts with third-party payers;
 - b. Whether a third-party payer for health care services should have the ability to deny a health care service provider the right to provide services or to negotiate a contract for services that do not cover the the provider's entire scope of practice;
 - c. Whether current practices in preferred provider arrangements allow third-party payers to interfere with a patient's continuity of care; and
 - d. The positive or negative impact any changes in the current practice may have on:
 - (1) Insurance companies doing business in the state, including managed care companies and health management organizations; and
 - (2) Health insurance premiums.
2. As part of the study, the insurance department may assist the legislative management by gathering information regarding current practices, including whether health care providers are being denied provider contracts by insurance companies and other third-party payers. The department shall make periodic reports to the legislative management on the status of this information gathering.
3. 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

HB 1430, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT

VOTING). Engrossed HB 1430 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3007: Natural Resources Committee (Sen. Lyson, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3007 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3020: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3020 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3022: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3022 was placed on the Fourteenth order on the calendar.

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

William R. Horton, Secretary