

## JOURNAL OF THE SENATE

## Sixty-first Legislative Assembly

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Bismarck, January 16, 2009

The Senate convened at 12:00 p.m., with President Dalrymple presiding.

The prayer was offered by Bishop Mark Narum, Western North Dakota Synod of the Evangelical Lutheran Church in America, Stanley.

The roll was called and all members were present except Senators Lindaas, Marcellais, Nething, Stenehjem, and Taylor.

A quorum was declared by the President.

## CONSIDERATION OF AMENDMENTS

**SB 2117: SEN. OLAFSON (Judiciary Committee) MOVED** that the amendments on SJ page 86 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## COMMUNICATION

**MR. PRESIDENT:** On Friday, January 16, 2009, the Senate Appropriations Committee held a hearing on the community services block grant moneys anticipated by the Department of Commerce during the period beginning October 1, 2009, and ending September 30, 2011. If any member of the Legislative Assembly desires copies of the minutes and testimony presented to the Senate Appropriations Committee during the block grant hearing, the Senate Appropriations Committee clerk will make copies available to you. I inform you about the availability of the information at this time, since your approval or disapproval of the appropriation for the Department of Commerce includes the legislative action regarding the use of the federal block grant funds.

## MOTION

**SEN. HOLMBERG MOVED** that the communication he read be printed in the Journal, which motion prevailed.

## MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SCR 4004.

## 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 1072, HB 1080, HB 1091, HB 1095, HB 1142.

## MOTION

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

## MOTION

**SEN. CHRISTMANN MOVED** that the Senate be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Monday, January 19, 2009, which motion prevailed.

## REPORT OF STANDING COMMITTEE

**SB 2038, as amended, Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2038, as amended, was placed on the Sixth order on the calendar.

Page 1, line 5, after the first semicolon insert "to provide for a report to the legislative council;"

Page 11, after line 14, insert:

**"SECTION 5. STATE BOARD OF HIGHER EDUCATION - REQUIRED REPORTS.**

1. a. During the 2009-10 interim, the state board of higher education shall compile by campus information regarding the salaries, benefits, and

total compensation of higher education instructional personnel having master's degrees.

- b. The state board of higher education shall compare the information required by subdivision a with the salaries, benefits, and total compensation of teachers who have master's degrees and who are employed by the school district headquartered in the same city as that in which each institution of higher education is located. The comparison should reflect a comparable nine- to ten-month employment contract.
2. During the 2009-10 interim, the state board of higher education shall compile by campus information regarding the number of students who are enrolled only in courses delivered electronically to a site not on the campus, the types of courses delivered in this manner, and demographic information regarding the students enrolled in such courses.
3. During the 2009-10 interim, the state board of higher education shall compile by campus information regarding the number of students who have not yet graduated from high school but who are enrolled in higher education courses offered for credit.
4. The state board of higher education shall provide the information required by this section to the legislative council at the time and in the manner directed by the council."

Page 11, line 21, after the period insert "If the legislative council appoints a committee to study issues related to higher education during the 2009-10 interim, the council shall include on the committee:

- a. The chairman of the house education committee or the chairman's designee;
- b. The chairman of the senate education committee or the chairman's designee;
- c. One member of the minority party from the house of representatives; and
- d. One member of the minority party from the senate."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2046, as amended, Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2046, as amended, was placed on the Sixth order on the calendar.

Page 1, line 3, after "health" insert "; to provide legislative intent; to provide an appropriation; and to declare an emergency"

Page 1, line 12, replace "a life safety survey" with "the review of plans for construction, renovation, or construction and renovation projects"

Page 1, after line 19, insert:

**"SECTION 2. LEGISLATIVE INTENT.** The legislative assembly authorizes the department of health to add two full-time equivalent positions to carry out section 1 of this Act.

**SECTION 3. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$215,680, or so much of the sum as may be necessary, and from other funds the sum of \$106,230, or so much of the sum as may be necessary, derived from fees collected before reviews of plans for construction, renovation, or construction and renovation projects for health facilities licensed by the department to the department of health for the purpose of carrying out section 1 of this Act, for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 4. EMERGENCY.** Sections 1 and 2 of this Act are declared to be an emergency measure."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2047, as amended, Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2047, as amended, was placed on the Sixth order on the calendar.

Page 1, line 2, replace "and individuals choosing to" with "agencies."

Page 1, remove line 3

Page 1, line 8, replace "and individuals choosing" with "agencies for licensed officers who choose"

Page 1, line 10, replace "means licensed officers from city" with "agencies mean"

Page 1, line 11, remove "all licensed officers from"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2077: Education Committee (Sen. Freborg, Chairman)** recommends **DO PASS** (4 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2077 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2081, as amended, Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2081, as amended, was placed on the Sixth order on the calendar.

Page 3, line 6, remove "Subject to policies of"

Page 3, replace lines 7 through 18 with:

- "1. The advisory council, in consultation with the school of medicine and health sciences and the other agencies, associations, and institutions represented on the advisory council, shall study and make recommendations regarding the strategic plan, programs, and facilities of the school of medicine and health sciences.
2. Biennially, the advisory council shall submit a report, together with its recommendations, to the agencies, associations, and institutions represented on the advisory council, to the university of North Dakota, and to the legislative council.
3. a. The report must describe the advisory council's recommendations regarding the strategic plan, programs, and facilities of the school of medicine and health sciences as developed under subsection 1. The recommendations for implementing strategies through the school of medicine and health sciences or other agencies and institutions must:
  - (1) Address the health care needs of the people of the state; and
  - (2) Provide information regarding the state's health care workforce needs.
- b. The recommendations required under subdivision a may address:
  - (1) Medical education and training;
  - (2) The recruitment and retention of physicians and other health care professionals;

- (3) Factors influencing the practice environment for physicians and other health care professionals;
  - (4) Access to health care;
  - (5) Patient safety;
  - (6) The quality of health care and the efficiency of its delivery; and
  - (7) Financial challenges in the delivery of health care.
4. The council may consult with any individual or entity in performing its duties under this section."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2083: Education Committee (Sen. Freborg, Chairman)** recommends **DO NOT PASS** (4 YEAS, 1 NAY, ABSENT AND NOT VOTING). SB 2083 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2092: Transportation Committee (Sen. G. Lee, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2092 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2096: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2096 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2104: 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). SB 2104 was placed on the Sixth order on the calendar.

Page 1, line 7, after "of" insert "claims"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2125: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2125 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2128: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2128 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2146: Transportation Committee (Sen. G. Lee, Chairman)** recommends **DO PASS** (4 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2146 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2147: Transportation Committee (Sen. G. Lee, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2147 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2157: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2157 was placed on the Eleventh order on the calendar.

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

**Fran A. Gronberg, Secretary**