

JOURNAL OF THE SENATE**Fifty-ninth Legislative Assembly**

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Bismarck, March 17, 2005

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

The prayer was offered by Pastor Lester Wolfgram, Shepherd of the Valley Lutheran Church, Fismarck.

The roll was called and all members were present.

A quorum was declared by the President.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on March 16, 2005, I have signed the following: SB 2036, SB 2039, SB 2061, SB 2069, SB 2075, SB 2077, SB 2098, SB 2116, SB 2130, SB 2151, SB 2160, SB 2163, SB 2172, SB 2182, SB 2212, SB 2225, SB 2226, SB 2234, SB 2249, SB 2250, SB 2257, SB 2262, SB 2263, SB 2275, SB 2277, SB 2322, SB 2334, SB 2339, SB 2347, SB 2354, SB 2363, SB 2379, SB 2390, SB 2391, SB 2403, SB 2404, and SB 2405.

MOTION

SEN. CHRISTMANN MOVED that the Senate resolve itself into a Memorial Service, which motion prevailed.

SENATE MEMORIAL SERVICE**Memorial Service Committee**

Senator Dick Dever, Chairman
Senator Richard L. Brown
Senator Carolyn Nelson

Moderator

Lt. Governor Jack Dalrymple, President of the Senate

Invocation

Reverend Lester Wolfgram
Shepherd of the Valley Lutheran Church, Bismarck

Senate Quintet

Senator Robert S. Erbele
Senator Duaine C. Espegard
Senator Jerry Klein
Senator Thomas L. Trenbeath
Senator John M. Warner
Accompanied by Senator Carolyn Nelson
"What a Day That Will Be"

First and Second Reading of Senate Memorial Resolution**Senate Quintet**

"The Family of God"

2005 North Dakota VFW Voice of Democracy Speech Winner

Erin Doerner

Vocal Selection

Senator John M. Warner
Accompanied by Senator Carolyn Nelson
"Battle Hymn of the Republic"

Introduction of Guests and Memorial Address

Former Senate Majority Leader Gary Nelson

Vocal Selection

Job Christenson

Accompanied by Senator Carolyn Nelson
"Danny Boy"

Benediction

Reverend Lester Wolfgram

Bagpipe Instrumental

Senator Thomas L. Trenbeath
"Amazing Grace"

DECEASED MEMBERS

Linda Christenson

57th and 58th Legislative Assemblies, District 18
Died July 28, 2004

Glenn R. Dolan

34th and 35th Legislative Assemblies, District 2
Died May 1, 2004

Walter C. Erdman

42nd through 46th Legislative Assemblies, District 6
Died September 25, 2004

Donald C. Holand

34th through 39th Legislative Assemblies, District 14
40th and 41st Legislative Assemblies, District 27
42nd and 43rd Legislative Assemblies, District 21
Died December 26, 2003

Joe B. Leibhan

47th and 48th Legislative Assemblies, District 12
Died February 22, 2004

Evan E. Lips

37th through 39th Legislative Assemblies, District 27
40th through 44th Legislative Assemblies, District 32
45th through 55th Legislative Assemblies, District 47
Died January 9, 2005

Corlis Mushik

49th through 54th Legislative Assemblies, District 34
Died July 4, 2004

Ron Quail

47th Legislative Assembly, District 38
Died June 4, 2003

Leland Roen

35th through 43rd Legislative Assemblies, District 39
46 and 47th Legislative Assemblies, District 39
Died May 22, 2003

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Ninth order of business for the first reading of SMR 8001, which motion prevailed.

FIRST READING OF SENATE MEMORIAL RESOLUTION

Memorial Resolutions Committee introduced:

SMR 8001: A memorial resolution for deceased members of the Senate of North Dakota.
Was read the first time.

MOTION

SEN. DEVER MOVED that the rules be suspended, that SMR 8001 not be printed, not be referred to committee, but be read in its entirety, be printed in the Journal, and be placed on the calendar for immediate second reading and final passage, which motion prevailed.

Memorial Resolutions Committee introduced:

SENATE MEMORIAL RESOLUTION NO. 8001

A memorial resolution for deceased members of the Senate of North Dakota.

WHEREAS, God has summoned to eternal rest our former colleagues:

Linda Christenson, who served in the 57th and 58th Legislative Assemblies, from District 18, died July 28, 2004;

Glenn R. Dolan, who served in the 34th and 35th Legislative Assemblies, from District 2, died May 1, 2004;

Walter C. Erdman, who served in the 42nd through the 46th Legislative Assemblies, from District 6, died September 25, 2004;

Donald C. Holand, who served in the 34th through the 39th Legislative Assemblies, from District 14; in the 40th and 41st Legislative Assemblies, from District 27; and in the 42nd and 43rd Legislative Assemblies, from District 21; died December 26, 2003;

Joe B. Leibhan, who served in the 47th and 48th Legislative Assemblies, from District 12, died February 22, 2004;

Evan E. Lips, who served in the 37th through the 39th Legislative Assemblies, from District 27; in the 40th through the 44th Legislative Assemblies, from District 32; and in the 45th through the 55th Legislative Assemblies, from District 47; died January 9, 2005;

Corliss Mushik, who served in the 49th through the 54th Legislative Assemblies, from District 34, died July 4, 2004;

Ron Quail, who served in the 47th Legislative Assembly, from District 38, died June 4, 2003;

Leland Roen, who served in the 35th through the 43rd Legislative Assemblies, and the 46th and 47th Legislative Assemblies, from District 39, died May 22, 2003; and

WHEREAS, we now pause to mourn the passing of our former Senate colleagues and to honor their memories; and

WHEREAS, these legislators rendered outstanding service to the people of the state by their contributions to public service;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA:

That we express our sorrow on their passing and our appreciation, on behalf of the people of North Dakota, of the loyal and devoted service of our former colleagues; and

BE IT FURTHER RESOLVED, that for the perpetuation of their memory this token of respect and sympathy by their successors in trust be printed in the Journal of the Senate and that the Secretary of State present enrolled copies of this resolution to the surviving families of these deceased senators.

SECOND READING OF SENATE MEMORIAL RESOLUTION

SMR 8001: A memorial resolution for deceased members of the Senate of North Dakota.

The question being on the final adoption of the resolution, which has been read.

SMR 8001 was declared adopted on a voice vote.

MOTION

SEN. DEVER MOVED that the Memorial Address by Former Majority Leader Gary Nelson, the address by Erin Doerner, and the invocation and benediction by Reverend Wolfram be printed in the Journal, which motion prevailed.

INVOCATION BY REVEREND LESTER WOLFRAM

In the name of the Father and of the Son and of the Holy Spirit. Amen. Heavenly Father, we come to Your throne of grace this day, thanking You that Your mercies are new to us each and every day. On this St. Patrick's Day we are grateful for the clear witness of St. Patrick as he brought the saving message of Jesus Christ to people of his day who needed to hear it. We thank You that the message of forgiveness in Christ applies to our sin, even today. We gather

today to remember those who have served in the North Dakota Senate in past years who are no longer living. We thank You for their service to our state and for the sacrifices that they and their families made as they represented their local communities. Thank You for their friendship and for their service. We pray Your special and tender care for their families as they celebrate the gift that those loved ones were to siblings, spouse, and children. We thank You for great events like the State Class B Basketball tourney and ask that You would send Your angels to guard and protect those who are traveling to Minot for the tournament. Be with all who need to travel as the almost-spring storm approaches and intensifies. It is on days like today that we are especially grateful for the warmth of Your great love. Be present with us today as we remember and honor those who have served in this legislative body. Bless the speakers and presenters during this very special hour. In Jesus' name we pray. Amen.

CELEBRATING OUR VETERANS' SERVICE BY ERIN DOERNER

The water under the boat churned, frothy and cold. Wind softly lifted the birds and the sun gleamed with honor and authority. My stomach turned and I lifted my head. Almost there, I thought, almost there. The film had been long and sad and I figured the real thing had to be similar. But it wasn't.

I remember stepping on to the platform. Everything was white: the walls, the floor, the polo shirts on the tour guides. But the water was dark and the sky was blue and the blood that had spilt from these men's veins was red. It had long ago disappeared into the rusty ship, out of sight and into the murky depths of the ocean. Oil bubbles still float up to the surface; they have been for sixty three years. I'm only seventeen.

I tried to take a photo of the bubbles, beautiful and terrible at the same time. Their rainbow rings spread across the water like drops of blood. Or perhaps tears. I'm sure that many tears have fallen into those waves, beside whispered prayers and placed sighs. This is hallowed ground, I thought. A cemetery for 1,102 souls. My eyes filled with tears but I hid them behind my camera, efficiently snapping shots of the view. I had been wandering around for a while when I suddenly felt the need to stop right where I was. Looking up, I saw the American flag flying directly above my head. The sun was right above it and the beams that were the ceiling of the memorial formed a frame around the subject. I lifted my camera. The edges of the flag were worn and frayed, much like the heart of a weary and tired soldier. But the colors were bright and constant, steadfast in their duty of proclaiming American honor over the watery graves. "Thank you," I whispered into the breeze and the flag rippled with dignity in the sunlight. I knew I had been heard.

I don't know if I will ever get to visit Pearl Harbor again in my life. The time I spent there was minimal compared to the time spent there by others, yet I feel like it was, and will remain to be, one of the most moving experiences I have every encountered. I was on a high school band tour and it was the first stop in a busy day of sightseeing. Yet it stands out completely from the rest of the trip. Seeing the U.S.S. Arizona Memorial with my peers and classmates made me realize that we are no different than those who lived and died for their country so many years ago. We have the same feelings, the same job, the same pain, the same uniting bond that makes us Americans. It also made me think of the thousands and thousands of veterans of other wars and other conflicts; people who courageously and unselfishly gave up so much in order to guarantee the safety of this great country. Both of my grandfathers were in the Korean War. I am here because of them.

What is it that makes a person willing to die for his country? What is it that moves her to give up security, family, the comforts of home for an unknown land, teeming with horror and violence? What drives a person to stay in the trenches? To lift one's neighbor over one's shoulder when blood is seeping from one's own wounds? To stay calm in the face of danger, to stay open in the face of diversity, to stay ready in the face of attack, to stay at all when so many are retreating to safety? What does it take? Something extraordinary.

I am not a powerful leader who creates law. I am not a history teacher who shares the bravery of these veterans with classrooms of students. I am not an architect who designs beautiful memorials and monuments. I am not a poet who writes sonnets and love songs as a tribute to the dead. I am not the President, not a mother, not a widow, not the daughter of a POW or MIA. I am not an officer or a sailor or a soldier. I am a young girl who can thank her veterans by whispering "thank you" into the wind. If that is all I can do to celebrate my veterans' service, then I will be honored to do it.

Celebrating Our Veterans' Service is an important theme that should be manifest in our daily lives. This country was built on the sweat, blood and determination of our forefathers and for 229 years, America has been defended and protected by those who love her.

MEMORIAL ADDRESS BY FORMER MAJORITY LEADER GARY NELSON

Mr. President, members of the Senate, and honored guests - family and friends who have come here today to honor the departed members of this Senate. First, I would like to thank the committee for giving me the opportunity to participate in the service today. It is certainly an honor for me to be here. I often wondered what the Senate looked like from this angle. Some is better, but some is not too good!

It is fitting that you take a few minutes from your busy schedule to honor the departed members of the Senate. They went through basically the same process that we all have gone through in being elected and serving the people of the state only at an earlier time. They had the same motivations of dedication, commitment, and sacrifice that moved us into serving the people of North Dakota. When I first ran for the Senate we explained to our young kids what it would mean to have a North Dakota Senator in the family. We talked about the time commitment that would be involved. We talked about the critics they would hear that would not agree with all the positions I would take. And we talked about the values and importance of public service and standing up for what one believes. They were so excited that unbeknownst to me they hung around the outside door of the city hall until they learned that I had been nominated. When we got home later that evening my proud kids said "Way to go, Dad" and I knew that they were backing me and happy for me which was very important. It not only made me want them to continue to be proud of me by doing my very best, it also showed they understood the importance of the commitment and dedication and the magnitude of the sacrifice we would make to be able to serve the state and people of North Dakota. I am sure that all the people we are honoring here today had similar stories as do each of you, but the common threads that unite us all are the dedication and commitment to serve and the sacrifices we all made to be able to do our best for North Dakota.

Of the Senators we are honoring today I had the privilege to serve with all but two of them. I was not in the Senate when Senator Holand and Senator Dolan were members. Of the others, each had their own style and each had their own issues that were most important to them.

Linda Christenson, a teacher and a real advocate for education. I recall Senator Freborg saying that while they were not always on the same page she was an excellent member of the committee and there was never a question of her deep feeling for education.

Walter Erdman represented a rural district and his interests were about rural issues and he represented his district well.

Joseph Leibhan was the Vice Chair of the Education Committee when I served my first session and he never wavered in his support for small schools and for education as a whole.

Ron Quail and Leland Roth both represented southwest North Dakota and represented it with a vengeance. Leland also always led the Senate anytime we were to sing.

Corliss Mushik and I started out with very little in common and with very little agreement on any issues. When she moved over to the Senate we started working on issues in the Legislative Council and we spent a lot of time and effort on a real belief we both held and that was the legislature should fulfill its constitutional responsibilities and the real importance of separation of powers in the branches of government. It made no difference if it was a Republican or a Democrat governor; the issue wasn't party but what was best for the Legislature and I came to really appreciate her dedication to that issue.

And of course, what can you say about Evan Lips? Successful businessman, long-time mayor of Bismarck, active in many civic activities, long-time member of the Senate, Senate majority leader, and avid golfer. Evan was respected in everything he did and always reached the goals he set for himself. Most of his life was involved in serving the public.

All of these Senators were dedicated and committed to their issues and I am sure the sacrifices when they served were very similar to the ones that you face now. They deserve our respect and great admiration for a job well done.

One of the things Martin Luther King said that I have always appreciated was:

Cowardice asks the question - is it safe?
Expediency asks the question - is it politic?
Vanity asks the question - is it popular?
But conscience asks the question - is it right?

And there comes a time when one must take a position that is neither safe, nor politic, nor popular, but one must take it because it is right.

Each of us has gone through this dilemma during our time in the Senate and I am sure that those we are honoring today each had the same struggles in their time. I would like to congratulate you members of the Senate of the 59th Legislative Assembly on how you are handling that problem. While we are seeing a contentiousness on the national level that leads a person to believe that partisan politics are far more important than doing what is right for our country, I congratulate you, both members of the majority and minority parties, for staying on a higher level. A level that shows the people of North Dakota that it is more important to do what is best for the state, to do what is right, than to continually attempt to score partisan political points that seems to be so prevalent in other areas, particularly in Washington, D.C. You are indeed a credit to your state and its people and we all owe you our thanks for your commitment, your dedication, and your sacrifices.

Mr. President, I again want to thank the Senate for giving me the opportunity to participate in the service today.

BENEDICTION BY REVEREND LESTER WOLFGRAM

Heavenly Father, it is good for us to remember. Thank You for the opportunity to do so today as we have remembered the State Senators of former days. Continue to bless their families. As we remember and look back, we also look forward and pray that You would mightily bless those who currently serve. Give to them wisdom and discernment as they represent those who have elected them to office. Help them to seek Your good and gracious will that they might enact laws that are beneficial for all of our citizens. We are so grateful for the freedoms that we enjoy in our nation and in our state. Self government is a wonderful blessing for which we give You hearty thanks. We do pray Your care and blessing on our President and national leaders, our military, for Governor Hoeven, and for all our citizens. As we approach Holy Week, help us to remember that it cost the Lord Jesus His very life in order to win forgiveness and eternal life for all people. Grant us Your peace this day. Amen. The Lord Almighty bless us and direct our days and our deeds in His peace. Amen.

MOTION

SEN. CHRISTMANN MOVED that the Memorial Service be dissolved, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 2:15 p.m., which motion prevailed.

CORRECTION AND REVISION OF THE JOURNAL

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

Page 849, replace lines 40 through 52 with:

"HB 1359, as engrossed and amended: Human Services Committee (Sen. J. Lee, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1359, as amended, was placed on the Fourteenth order on the calendar."

Page 850, remove lines 2 through 4

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

CONSIDERATION OF AMENDMENTS

HB 1173, as engrossed: SEN. BROWN (Human Services Committee) MOVED that the amendments on SJ page 847 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1172, as reengrossed: SEN. WARNER (Human Services Committee) MOVED that the amendments on SJ page 847 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1252, as reengrossed: SEN. BROWN (Human Services Committee) MOVED that the amendments on SJ pages 847-848 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1314: SEN. KREBSBACH (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 849 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1347, as engrossed: SEN. HEITKAMP (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 849 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that Engrossed HB 1359 be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1410, as engrossed: SEN. DEVER (Human Services Committee) MOVED that the amendments on SJ pages 850-851 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

MOTION

SEN. WARNER MOVED that the Senate reconsider its action whereby Engrossed HB 1383 failed to pass.

REQUEST

SEN. GRINDBERG REQUESTED a recorded roll call vote on the motion to reconsider the action whereby Engrossed HB 1383 failed to pass, which request was granted.

ROLL CALL

The question being on the motion to reconsider the action whereby Engrossed HB 1383 failed to pass, the roll was called and there were 25 YEAS, 22 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bercier; Brown; Espgaard; Every; Fairfield; Fischer; Flakoll; Grindberg; Hacker; Heitkamp; Holmberg; Klein; Kringstad; Lee, J.; Nelson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Traynor; Trenbeath; Triplett; Warner

NAYS: Andrist; Bowman; Christmann; Cook; Dever; Erbele; Freborg; Kilzer; Krauter; Krebsbach; Lee, G.; Lindaas; Lyson; Mathern; Mutch; Nething; O'Connell; Robinson; Thane; Tollefson; Urlacher; Wardner

So the motion to reconsider the action whereby Engrossed HB 1383 failed to pass, prevailed.

Engrossed HB 1383 was placed on the Fourteenth order for immediate second reading.

SECOND READING OF HOUSE BILL

HB 1383: A BILL for an Act to create and enact a new subsection to section 5-01-01 of the North Dakota Century Code, relating to definitions for the purpose of sale and consumption of alcoholic beverages; to amend and reenact sections 5-02-05 and 5-02-09 of the North Dakota Century Code, relating to the sale and consumption of alcoholic beverages; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 26 YEAS, 21 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bercier; Brown; Christmann; Cook; Espgaard; Fairfield; Fischer; Flakoll; Grindberg; Hacker; Heitkamp; Holmberg; Klein; Kringstad; Lee, J.; Nelson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Traynor; Trenbeath; Triplett; Warner

NAYS: Andrist; Bowman; Dever; Erbele; Every; Freborg; Kilzer; Krauter; Krebsbach; Lee, G.; Lindaas; Lyson; Mathern; Mutch; Nething; O'Connell; Robinson; Thane; Tollefson; Urlacher; Wardner

Engrossed HB 1383 passed, the title was agreed to, but the emergency clause lost for lack of two-thirds majority.

SECOND READING OF HOUSE BILL

HB 1344: A BILL for an Act to amend and reenact section 38-18.1-03 of the North Dakota Century Code, relating to termination of mineral interests.

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; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

Engrossed HB 1344, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1467: A BILL for an Act to create and enact a new subsection to section 43-42-01, two new subsections to section 43-42-03, and a new section to chapter 43-42 of the North Dakota Century Code, relating to temporary licenses for respiratory therapy students; 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 NOT PASS, the roll was called and there were 7 YEAS, 40 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Espegard; Klein; Lyson; O'Connell; Syverson

NAYS: Bowman; Brown; Christmann; Cook; Dever; Erbele; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Mathern; Mutch; Nelson; Nething; Robinson; Schobinger; Seymour; Stenehjerm; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

Engrossed HB 1467 lost.

VOTING INTENTION

SEN. ESPEGARD REQUESTED that the Journal reflect that he intended to vote NAY on Engrossed HB 1467, which request was granted.

SECOND READING OF HOUSE BILL

HB 1038: A BILL for an Act to establish an advisory commission on the No Child Left Behind Act; to amend and reenact section 54-35-21 of the North Dakota Century Code, relating to the interim no child left behind committee; 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 NOT PASS, the roll was called and there were 0 YEAS, 47 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

NAYS: Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

Reengrossed HB 1038 lost.

SECOND READING OF HOUSE BILL

HB 1140: A BILL for an Act to amend and reenact subsection 1 of section 6-02-01 and section 6-05-02 of the North Dakota Century Code, relating to use of terms for bank, annuity, safe deposit, surety, and trust company regulation purposes.

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; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

Engrossed HB 1140 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1116: A BILL for an Act to amend and reenact sections 26.1-22.1-08 and 26.1-22.1-10 of the North Dakota Century Code, relating to qualifications of inspectors and the time period for which certificates of inspection of the boiler inspection program are effective for steam traction engines.

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 45 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner

NAYS: O'Connell; Warner

HB 1116 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1141: A BILL for an Act to amend and reenact section 13-05-02 of the North Dakota Century Code, relating to licensing of collection agencies.

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; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

HB 1141 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1330: A BILL for an Act to create and enact section 43-10-22.2 of the North Dakota Century Code, relating to funeral establishment ownership disclosures.

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 3 YEAS, 44 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Dever; Syverson; Warner

NAYS: Andrist; Bercier; Bowman; Brown; Christmann; Cook; Erbele; Espgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner

Engrossed HB 1330 lost.

SECOND READING OF HOUSE BILL

HB 1185: A BILL for an Act to amend and reenact section 54-34.3-13 of the North Dakota Century Code, relating to continuation of the rural growth incentive grant program.

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; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

HB 1185 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1271: A BILL for an Act to amend and reenact section 15-10-18.2 of the North Dakota Century Code, relating to tuition waivers for dependents of veterans.

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; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

Engrossed HB 1271 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1236: A BILL for an Act to amend and reenact section 15.1-09-31 of the North Dakota Century Code, relating to the publication of school board proceedings.

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 8 YEAS, 39 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Brown; Cook; Dever; Flakoll; Lee, J.; Nelson; Syverson; Triplett

NAYS: Andrist; Bercier; Bowman; Christmann; Erbele; Espgaard; Every; Fairfield; Fischer; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach;

Kringstad; Lee, G.; Lindaas; Lyson; Mathern; Mutch; Nothing; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner; Warner

HB 1236 lost.

SECOND READING OF HOUSE BILL

HB 1501: A BILL for an Act to amend and reenact section 26.1-13-15 and subsection 2 of section 26.1-25-02 of the North Dakota Century Code, relating to territorial limits of county mutual insurance companies.

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, 1 NAY, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nothing; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

NAYS: Bercier

Engrossed HB 1501 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1169: A BILL for an Act to provide for the North Dakota transmission authority, provide for the planning, constructing, owning, financing, maintaining, operating, and disposing of electric transmission facilities and related infrastructure, and to authorize issuance of revenue bonds; to amend and reenact subdivision I of subsection 2 of section 28-32-01 of the North Dakota Century Code, relating to an Administrative Agencies Practice Act exemption for the transmission authority; and to provide for reports to the legislative council.

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; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nothing; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

Engrossed HB 1169 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3008: A concurrent resolution directing the Legislative Council to study agricultural commodity organizations and the Legislative Assembly oversight of commodity appropriations and charges.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS.

HCR 3008 was declared lost on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3011: A concurrent resolution urging the state's public research institutions of higher education to participate in a regional hydrogen and energy research and education consortium.

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

Engrossed HCR 3011 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3028: A concurrent resolution directing the Legislative Council to study utilization of the state's abundant energy resources to attract energy-intensive economic development projects to the state.

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

HCR 3028 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3039: A concurrent resolution directing the Legislative Council to study the appropriate level of state-sponsored tourism marketing.

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

HCR 3039 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3040: A concurrent resolution directing the Legislative Council to study the unemployment insurance tax rate structure; the structure's impact on the unemployment insurance trust fund, with special focus on the impact of the current unemployment insurance tax structure on new businesses; the historical cyclical risks faced by the industries in which new businesses are beginning to operate; and whether the unemployment insurance tax impact is reasonably favorable to the desired economic development of the state.

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

HCR 3040 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3002: A concurrent resolution urging Congress and the United States Fish and Wildlife Service to repeal the regulations restricting the hunting of migratory waterfowl on agricultural crops that have not been harvested and subsequently manipulated.

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

HCR 3002, as amended, was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3038: A concurrent resolution directing the Legislative Council to study organ and tissue donation and actions that may be taken at the regional, state, local, and private levels to increase organ and tissue donations.

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

HCR 3038 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3034: A concurrent resolution urging school districts to provide a midmorning and midafternoon recess to all students in kindergarten through grade six.

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

HCR 3034 was declared adopted, and the title was agreed to on a voice vote.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FREBORG MOVED that the Senate do concur in the House amendments to SB 2076 as printed on SJ page 829, which motion prevailed on a voice vote.

SB 2076, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2076: A BILL for an Act to amend and reenact subsection 2 of section 15-10-19.1 of the North Dakota Century Code, relating to the definition of resident student for tuition purposes.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Andrist

Engrossed SB 2076 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MUTCH MOVED that the Senate do concur in the House amendments to SB 2094 as printed on SJ page 772, which motion prevailed on a voice vote.

SB 2094, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2094: A BILL for an Act to amend and reenact section 26.1-39-06 of the North Dakota Century Code, relating to excluding commercial insurance coverage for loss by fire or other perils caused directly or indirectly by terrorism; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Andrist

Engrossed SB 2094 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MUTCH MOVED that the Senate do concur in the House amendments to SB 2167 as printed on SJ page 734, which motion prevailed on a voice vote.

SB 2167, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2167: A BILL for an Act to amend and reenact subsection 5 of section 30.1-31-21 of the North Dakota Century Code, relating to the definition of security account for purposes of the uniform probate code.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Andrist

Engrossed SB 2167 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MUTCH MOVED that the Senate do concur in the House amendments to SB 2194 as printed on SJ page 772, which motion prevailed on a voice vote.

SB 2194, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2194: A BILL for an Act to amend and reenact section 26.1-02-21 and 26.1-06.1-31 of the North Dakota Century Code, relating to treatment of reinsurance upon insolvency, liquidation, or dissolution and reinsurer's liability in delinquency proceedings.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bercier; Bowman; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Andrist; Brown

Engrossed SB 2194 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LYSON MOVED that the Senate do concur in the House amendments to Engrossed SB 2220 as printed on SJ page 785, which motion prevailed on a voice vote.

Engrossed SB 2220, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2220: A BILL for an Act to amend and reenact section 20.1-03-07.1 of the North Dakota Century Code, relating to crane hunting by nonresidents.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nothing; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Andrist

Reengrossed SB 2220 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MUTCH MOVED that the Senate do concur in the House amendments to SB 2231 as printed on SJ page 772, which motion prevailed on a voice vote.

SB 2231, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2231: A BILL for an Act to create and enact a new section to chapter 51-12 of the North Dakota Century Code, relating to product rebates; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nothing; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Andrist

Engrossed SB 2231 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LYSON MOVED that the Senate do concur in the House amendments to SB 2293 as printed on SJ page 787, which motion prevailed on a voice vote.

SB 2293, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2293: A BILL for an Act to create and enact a new section to chapter 61-35 of the North Dakota Century Code, relating to conversion of water resource district water supply systems to water districts; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nothing; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Andrist; Freborg

Engrossed SB 2293 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LYSON MOVED that the Senate do concur in the House amendments to Engrossed SB 2338 as printed on SJ page 785, which motion prevailed on a voice vote.

Engrossed SB 2338, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2338: A BILL for an Act to create and enact five new subsections to section 20.1-01-02 and a new chapter to title 20.1 of the North Dakota Century Code, relating to prevention and control of aquatic nuisance species; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjelm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Andrist

Reengrossed SB 2338 passed and the title was agreed to.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4039.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1041, HB 1052, HB 1091, HB 1156, HB 1241, HB 1263, HB 1413.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1104, HB 1136, HB 1342, HB 1374, HB 1419, HB 1452.

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

MR. SPEAKER: The Senate has failed to pass: HB 1251.

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

MR. SPEAKER: The Senate has amended and subsequently failed: HB 1210, HB 1317.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1525, HB 1528.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1064, HB 1086, and HB 1178.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has passed unchanged: SB 2074, SB 2158, SB 2162, SB 2209, SB 2260, SB 2351, SCR 4031, SCR 4032.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has passed, the emergency clause carried, unchanged: SB 2121.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has amended and subsequently passed: SB 2205, SB 2237, SB 2256, SB 2282, SB 2290, SB 2324, SB 2356, SB 2375.

HOUSE AMENDMENTS TO SENATE BILL NO. 2205

Page 1, line 1, after "reenact" insert "subsection 2 of section 39-24-03," and after "39-24-09" insert a comma

Page 1, line 2, after "to" insert "snowmobile registration and"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Subsection 2 of section 39-24-03 of the North Dakota Century Code is amended and reenacted as follows:

2. Upon receipt of the application and the appropriate fee, the department shall register a snowmobile and assign a registration number and a certificate of registration. The registration number must be at least one and one-half inches [3.81 centimeters] in height and of a reflectorized material and must be securely affixed on each side of the ~~forward half of the~~ snowmobile in a position as to provide clear legibility for identification. The certificate of registration must include information regarding the make, year, serial number, and name and address of the owner. The fee for registration of each snowmobile must be five dollars for any portion of the registration period and the registration period is for two years beginning October first of each odd-numbered year. The fee for a duplicate or replacement registration number or registration card which is lost, mutilated, or becomes illegible may not exceed five dollars. In addition, in each year that fees are collected for the unsatisfied judgment fund there must be assessed a fee of one dollar per year for each snowmobile registered, which must be placed in the unsatisfied judgment fund. For each snowmobile registered under the provisions of this chapter, there must be assessed a snowmobile trail tax in the amount of thirty-five dollars."

Page 1, line 16, overstrike "to operate a snowmobile", remove "or operates the snowmobile", and overstrike "upon the lands"

Page 1, line 17, overstrike "of the", remove "individual's", and overstrike "parent or guardian" and insert immediately thereafter "operates the snowmobile on private land"

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2237

Page 1, line 13, after "providing" insert "services including", remove the overstrike over "~~police protection, sewer and water, garbage removal~~", and remove the overstrike over "~~, and~~"

Page 1, line 14, remove the overstrike over "~~public road construction and maintenance,~~"

Page 2, line 17, after "provide" insert "services including" and remove the overstrike over "~~police protection, sewer and water, garbage removal~~"

Page 2, line 18, remove the overstrike over "~~, and public road construction and maintenance,~~"

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2256

Page 1, line 17, replace "Fifteen" with "The total number of statewide nonresident waterfowl hunting licenses issued may not exceed one-half of the total nonresident waterfowl hunting licenses issued. Eighty-five"

Page 2, line 12, replace "Fifteen" with "The total number of statewide nonresident waterfowl hunting licenses issued may not exceed one-half of the total nonresident waterfowl hunting licenses issued. Eighty-five"

Page 2, line 20, after "hundred" insert "seventy"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2282

Page 1, line 1, replace "26.1-12" with "26.1-36"

Page 1, line 2, replace "nonprofit mutual insurance company" with "accident and health insurance issuer"

Page 1, line 5, replace "26.1-12" with "26.1-36"

Page 1, line 7, replace "A nonprofit mutual" with "Every" and after "company" insert ", nonprofit health service corporation, and health maintenance organization"

Page 1, line 9, after "rendered" insert "under the line of insurance"

Page 1, line 10, after the period insert "For purposes of this section, "independent external review" means a review conducted by the North Dakota health care review, inc., another peer review organization meeting the requirements of section 1152 of the Social Security Act, or any person designated by the commissioner to conduct an independent external review. A determination made by the independent external reviewer is binding on the parties. Costs associated with the independent external review are the responsibility of the nonprevailing party."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2290

Page 1, line 1, remove "create and enact a new subsection to section 20.1-03-07 of the North"

Page 1, line 2, remove "Dakota Century Code, relating to licenses to hunt on private shooting preserves; and to"

Page 1, line 3, remove "subsection 1 of section 20.1-03-07," and remove the second comma

Page 1, remove lines 7 through 21

Page 3, line 14, after the period insert "If a wild upland bird of the same species hunted on the shooting preserve is taken accidentally by a client out of the regular hunting season proclaimed by the governor, or is taken by a client not in possession of a proper small game license, the client may keep the bird."

Page 3, line 18, after the underscored period insert "Other than those wild birds allowed to be retained by a client, the shooting preserve operator shall deliver to the department all wild birds harvested."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2324

Page 1, line 11, remove the overstrike over the first "~~not~~" and remove the overstrike over "~~any tax or exercise any power that was not otherwise~~"

Page 1, remove the overstrike over lines 12 through 14

Page 1, line 15, remove the overstrike over "~~board which are designated as cities~~" and replace "~~taxes within the portion of the combined~~" with "or as otherwise specified in the plan and approved by the electorate in each of the affected cities and counties"

Page 1, remove lines 16 through 18

Page 1, line 19, remove "districts"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2356

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 53-01 of the North Dakota Century Code, relating to mixed fighting style competitions; and to amend and reenact sections 53-01-02, 53-01-03, 53-01-07, 53-01-09, and 53-01-17 of the North Dakota Century Code, relating to the regulation of mixed fighting style competitions."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 53-01 of the North Dakota Century Code is created and enacted as follows:

Mixed fighting style competition - Definition - Prohibition. As used in this chapter, "mixed fighting style competition" means an advertised or professionally promoted exhibition or contest for which any type of admission fee is charged and in which participants who inflict or employ kicks, punches, blows, holds, and other techniques to injure, stun, choke, incapacitate, or disable an opponent. The techniques may include a combination of boxing, kickboxing, wrestling, grappling, or other recognized martial arts. Boxing and kickboxing exhibitions or contests without the combination of other techniques do not constitute mixed fighting style competitions. A person may not advertise, promote, sponsor, hold, or participate in any mixed fighting style competition in this state until a mixed fighting style advisory board is authorized and appointed and rules governing the competitions have been adopted by the secretary of state under this chapter.

SECTION 2. AMENDMENT. Section 53-01-02 of the North Dakota Century Code is amended and reenacted as follows:

53-01-02. Administration by secretary of state - Appointment of athletic advisory board and mixed fighting style advisory board. The secretary of state shall act as state athletic commissioner and administer this chapter. The secretary of state may appoint an athletic advisory board to assist and advise the secretary of state in matters relating to the regulation of boxing, kickboxing, and sparring. The secretary of state also may appoint a mixed fighting style advisory board whose members may include one or more members of the athletic advisory board. The secretary of state shall define the duties of the each board. ~~Members of the board shall serve without~~ Board members are not entitled to compensation, except for reimbursement for actual and necessary expenses at the same rate as allowed state employees incurred in performing their official duties.

SECTION 3. AMENDMENT. Section 53-01-03 of the North Dakota Century Code is amended and reenacted as follows:

53-01-03. Restrictions. The secretary of state may ~~not promote~~, directly or indirectly, ~~promote~~ any boxing, kickboxing, mixed fighting style competition, or sparring exhibition, engage in the managing of any boxer ~~or~~, kickboxer, or mixed style fighter, or be interested in any manner in the proceeds from any boxing, kickboxing, mixed fighting style competition, or sparring exhibition.

SECTION 4. AMENDMENT. Section 53-01-07 of the North Dakota Century Code is amended and reenacted as follows:

53-01-07. Duties of state athletic commissioner. The secretary of state shall supervise all boxing, kickboxing, mixed fighting style competitions, or sparring exhibitions held in the state and may:

1. Adopt rules governing the conduct of boxing, kickboxing, mixed fighting style competitions, and sparring exhibitions.
2. Establish license fees for all boxers, kickboxers, mixed style fighters, boxing ~~and~~, kickboxing, and mixed fighting style competition promoters, managers, judges, timekeepers, cornerpersons, knockdown counters, matchmakers, and referees or other participants.
3. Establish by rule a fee based on the percentage of gross revenues from any boxing, kickboxing, mixed fighting style competition, or sparring exhibition held in this state to pay for the expenses of members of the athletic advisory board or the mixed fighting style advisory board. A fee established under this subsection may not exceed one percent of the gross revenues of the exhibition from any and all sources including cable television and pay-per-view telecasts of the event, exclusive of any federal tax thereon.

SECTION 5. AMENDMENT. Section 53-01-09 of the North Dakota Century Code is amended and reenacted as follows:

53-01-09. Fees paid into special fund - Continuing appropriation. All fees collected by the secretary of state pursuant to this chapter must be deposited in a special fund maintained in the state treasury. All money deposited in the fund is appropriated as a continuing appropriation to the secretary of state for administering this chapter and for the compensation and expenses of members of the athletic advisory board and the mixed fighting style advisory board.

SECTION 6. AMENDMENT. Section 53-01-17 of the North Dakota Century Code is amended and reenacted as follows:

53-01-17. Exhibitions also governed by local ordinance. Boxing, kickboxing, or sparring exhibitions may not be held in cities in which such contests or exhibitions are declared illegal by ordinance. All boxing, kickboxing, mixed fighting style competitions, or sparring exhibitions held in any city in this state must be held in conformity with the ordinances of the city in addition to the requirements under this chapter."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2375

Page 1, line 1, after "of" insert "licensure and" and after "qualifications" insert "or reciprocity"

Page 1, line 2, replace "Minnesota" with "each state bordering North Dakota"

Page 1, line 5, after "board" insert ", in cooperation with the department of public instruction,"

Page 1, line 6, replace "the state of Minnesota" with "each state bordering North Dakota", after the second "of" insert "licensure and", and after "qualifications" insert "or reciprocity"

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2141.

HOUSE AMENDMENTS TO SENATE BILL NO. 2141

Page 1, line 1, replace "sections" with "section"

Page 1, line 2, remove "20.1-13.1-06 and"

Page 2, remove lines 3 through 30

Page 3, remove lines 1 through 30

Page 4, remove lines 1 through 11

Page 4, line 15, after the boldfaced period insert:

"1."

Page 4, line 24, overstrike "1." and insert immediately thereafter "a.", remove the overstrike over "~~ninety-one days~~", and remove "one year"

Page 4, line 28, overstrike "2." and insert immediately thereafter "b.", remove the overstrike over "~~three hundred sixty-four days~~", and remove "two years"

Page 5, line 1, overstrike "3." and insert immediately thereafter "c.", remove the overstrike over "~~two~~", and remove "three"

Page 5, after line 5, insert:

"2. A person who is prohibited from operating a motorboat or a vessel under subdivision a of subsection 1 shall serve the prohibition within the time period between May first and October first. If the person is unable to serve the full prohibition within this time period in a single year, the person shall serve the remaining portion of the prohibition during the same time period in subsequent years."

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has failed to pass: SB 2240, SB 2242, SB 2332.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2323.

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, Fifth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:00 p.m., Friday, March 18, 2005, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2411: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2411 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1051, as engrossed: Judiciary Committee (Sen. Traynor, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1051 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1108: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1108 was placed on the Sixth order on the calendar.

Page 1, line 3, after the semicolon insert "to amend and reenact subdivision e of subsection 1 of section 57-38-30 of the North Dakota Century Code, relating to the imposition and rate of tax on corporations;"

Page 1, underscore lines 7 through 14

Page 1, after line 14, insert:

"SECTION 2. AMENDMENT. Subdivision e of subsection 1 of section 57-38-30 of the North Dakota Century Code is amended and reenacted as follows:

- e. On all taxable income above thirty thousand dollars, at the rate of ~~seven~~ six and one-half percent."

Page 1, line 15, replace "This" with "Section 1 of this"

Page 1, line 16, after the period insert "Section 2 of this Act is effective for taxable years beginning after December 31, 2006."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1161, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1161 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1165, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1165 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1186: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1186 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1224, as engrossed: Transportation Committee (Sen. Trenbeath, Chairman) recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1224 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1225, as engrossed: Transportation Committee (Sen. Trenbeath, Chairman) recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1225 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1248, as engrossed: 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). Engrossed HB 1248 was placed on the Sixth order on the calendar.

Page 3, line 8, remove "and interest"

Page 3, line 9, after "to" insert "at least eighty percent of"

Page 3, line 23, after "child" insert "who resided and was supported financially by the deceased" and after "or" insert "by a"

Page 3, line 26, after "children" insert "who resided and were supported financially by the deceased" and after the second "or" insert "the"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1259, as reengrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (8 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). Reengrossed HB 1259, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1272, as engrossed: Agriculture Committee (Sen. Flakoll, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1272 was placed on the Sixth order on the calendar.

Page 1, line 18, replace "three-year" with "twelve-month"

Page 2, line 6, replace "shall" with "may"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1276, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1276 was placed on the Sixth order on the calendar.

Page 3, line 17, after "association" insert ", and the applicant must be actively and regularly employed in and responsible for the management, supervision, and operation of the outfitting business"

Page 3, line 20, remove "or guides"

Page 3, line 21, after "standing" insert "or landowners who own agricultural land used for the outfitting business"

Page 3, line 22, remove "or guides" and replace ", actively and regularly" with "or by landowners who own agricultural land used for the outfitting business"

Page 3, remove line 23

Page 3, line 24, remove "the outfitting business"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1290: Judiciary Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1290 was placed on the Sixth order on the calendar.

Page 1, line 9, remove ", at the individual's own cost,"

Page 1, line 12, after the period insert "The court shall provide notice to the selected provider of the required examination or testing. The provider shall notify the court of the examination or testing results, if any, and shall notify the court if the individual fails to appear for the examination or testing. The testing must be at the individual's own cost

unless the court makes a specific finding on the record that the payment of testing costs by the individual will result in an undue hardship."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1350, as engrossed: 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). Engrossed HB 1350 was placed on the Sixth order on the calendar.

Page 1, line 20, after "requested" insert "in writing"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1404, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1404 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1458, as reengrossed: Transportation Committee (Sen. Trenbeath, Chairman) recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Reengrossed HB 1458 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1459, as reengrossed: 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, 0 ABSENT AND NOT VOTING). Reengrossed HB 1459 was placed on the Sixth order on the calendar.

Page 1, line 1, after "chapter" insert "50-06 and a new section to chapter"

Page 1, line 2, after the first "to" insert "creation of a prescription drug monitoring program and" and replace "a report" with "reports to the legislative council; to provide for a legislative council study; to provide an expiration date"

Page 1, after line 4, insert:

"SECTION 1. A new section to chapter 50-06 of the North Dakota Century Code is created and enacted as follows:

Prescription drug monitoring program. The department of human services shall seek federal grant funds for the planning and implementing of a prescription drug monitoring program. Upon receipt of federal grant funds, the department of human services shall adopt rules necessary to implement the prescription drug monitoring program and shall implement the program. State agencies shall cooperate with the department to ensure the success of the program."

Page 1, line 9, replace "for neonates and the two" with "to include a concentrated, but not an exclusive, emphasis for the two thousand medical assistance recipients with the highest cost for treatment of chronic diseases and the families of neonates that can benefit from case management services"

Page 1, remove line 10

Page 1, line 11, remove "chronic diseases"

Page 1, replace lines 15 through 18 with:

"2. Review and develop recommendations to identify any instances in which a provider of services is not properly reporting diagnosis or reason and procedure codes when submitting claims for medical assistance reimbursement."

Page 2, after line 19, insert:

"SECTION 3. PRESCRIPTION DRUG MONITORING PROGRAM WORKING GROUP - REPORT TO LEGISLATIVE COUNCIL.

1. The department of human services shall form a prescription drug monitoring program working group of interested individuals to:
 - a. Identify problems relating to the abuse and diversion of controlled substances and how a prescription drug monitoring program may address these problems.
 - b. Identify a strategy and propose a prescription drug monitoring program through which to address the identified problems, including consideration of how the program would fit into the overall strategy. Factors to be addressed in the program must include:
 - (1) Determination of what types of prescription drugs will be monitored.
 - (2) Determination of what types of drug dispensers will be required to participate in the program.
 - (3) Determination of what data will be required to be reported.
 - (4) Determination of what persons will be allowed to access data, what types of data will be accessible, and how to ensure appropriate protection of data.
 - (5) Determination of the entity that will implement and sustain the program.
 - c. Establish how the program will be implemented, the fiscal requirements for implementation, and the timelines for implementation. In establishing how the program will be implemented, the working group shall consider the feasibility and desirability of formal or informal educational outreach to North Dakota communities and interested persons.
 - d. Consider possible performance measures the state may use to assess the impact of the program and whether special data collection instruments would be required to effectively monitor the impact of the program.
 - e. Provide to the department of human services a draft of proposed administrative rules to implement the proposed program.
2. The membership of the working group may include representatives from the private and public sectors, including representatives from the North Dakota medical association; the North Dakota nurses association; the North Dakota pharmacists association; the North Dakota society of health-system pharmacists; the North Dakota board of pharmacy; the North Dakota dental association; the North Dakota veterinary medical association; the North Dakota healthcare association; the North Dakota long term care association; the university of North Dakota school of medicine and health sciences; law enforcement agencies, appointed by the attorney general; the department of human services; the state department of health; workforce safety and insurance; the information technology department; and the federally designated state peer review organization.
3. During the 2005-06 interim, the department of human services and the prescription drug monitoring program working group shall provide the legislative council with periodic status reports on the activities of the working group and the implementation of the program.
4. The department shall designate the chairman and vice chairman of the working group."

Page 2, line 22, replace "1" with "2"

Page 2, after line 22, insert:

"SECTION 5. LEGISLATIVE COUNCIL STUDY. The legislative council shall consider studying, during the 2005-06 interim, the medicaid medical reimbursement

system, including costs of providing services, fee schedules, parity among provider groups, and access. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixtieth legislative assembly.

SECTION 6. EXPIRATION DATE. Section 3 of this Act is effective through December 31, 2006, and after that date is ineffective."

Renumber accordingly

REPORT OF STANDING COMMITTEE

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

REPORT OF STANDING COMMITTEE

HCR 3014: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3014 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3023: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3023 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3029: Natural Resources Committee (Sen. Lyson, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3029 was placed on the Fourteenth order on the calendar.

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

William R. Horton, Secretary

