

## JOURNAL OF THE SENATE

## Fifty-eighth Legislative Assembly

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Bismarck, February 14, 2003

The Senate convened at 12:00 p.m., with Deputy President Pro Tem Nething presiding.

The prayer was offered by Pastor Scott Bauman, Charity Lutheran, Bismarck.

The roll was called and all members were present except Senators Bowman, Erbele, and Traynor.

A quorum was declared by the Deputy President Pro Tem.

## 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 Twenty-seventh and Twenty-eighth Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 353, line 46, replace "7" with "5" and replace the first "0" with "2"

Page 382, line 33, replace "2" with "3"

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

## MOTION

**SEN. CHRISTMANN MOVED** that SB 2251, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

## MOTION

**SEN. CHRISTMANN MOVED** that Engrossed SB 2041 be moved to the bottom of the Sixth order, which motion prevailed.

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

**MR. PRESIDENT:** The House respectfully requests the return of: HB 1077.

## MOTION

**SEN. CHRISTMANN MOVED** that the Senate accede to the House request to return HB 1077, which was messaged to the Senate in error.

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

**MR. SPEAKER:** The Senate accedes to the House request for the return of: HB 1077.

## CONSIDERATION OF AMENDMENTS

**SB 2048: SEN. TOLLEFSON (Natural Resources Committee) MOVED** that the amendments on SJ pages 377-378 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**.

## REQUEST

**SEN. KRAUTER REQUESTED** that the Senate divide the amendments to SB 2048, which request was granted.

**DIVISION A:** The part of the amendments that does not refer to "The governor shall prescribe that ducks may be hunted for a time period no longer than from one-half hour before sunrise to one p.m. central daylight time for the first fourteen days of the fall duck season."

**DIVISION B:** The part of the amendments that does refer to "The governor shall prescribe that ducks may be hunted for a time period no longer than from one-half hour before sunrise to one p.m. central daylight time for the first fourteen days of the fall duck season."

## REQUEST

**SEN. KRAUTER REQUESTED** a recorded roll call vote on Division A of the proposed amendments to SB 2048, which request was granted.

**ROLL CALL**

The question being on the adoption of Division A of the proposed amendments to SB 2048, the roll was called and there were 44 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAY:** Andrist.

**ABSENT AND NOT VOTING:** Erbele; Traynor

Division A of the proposed amendments to SB 2048 was adopted.

**REQUEST**

**SEN. HEITKAMP REQUESTED** a recorded roll call vote on Division B of the proposed amendments to SB 2048, which request was granted.

**ROLL CALL**

The question being on the adoption of Division B of the proposed amendments to SB 2048, the roll was called and there were 1 YEA, 43 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEA:** Every

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

**ABSENT AND NOT VOTING:** Erbele; Traynor

Division B of the proposed amendments to SB 2048 failed.

Therefore, the question being the adoption of the proposed amendments including Division A and excluding Division B, the proposed amendments to SB 2048 were adopted on a voice vote.

Engrossed SB 2048 was referred to the **Appropriations Committee**.

**MOTION**

**SEN. CHRISTMANN MOVED** that the rules be suspended and after action taken on the Sixth order, all bills on that order be placed on the Eleventh order, as amended, for immediate second reading and final passage, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2002: SEN. ANDRIST (Appropriations Committee) MOVED** that the amendments on SJ pages 374-375 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2002:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the secretary of state and public printing.

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

**ABSENT AND NOT VOTING:** Erbele; Traynor

Engrossed SB 2002 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2135, as engrossed: SEN. HOLMBERG (Appropriations Committee) MOVED** that the amendments on SJ page 378 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2135:** A BILL for an Act to provide for national certification of teachers; and to provide an appropriation.

#### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Erbele; Tollefson; Traynor

Reengrossed SB 2135 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2017: SEN. ANDRIST (Appropriations Committee) MOVED** that the amendments on SJ pages 375-376 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2017:** A BILL for an Act to provide an appropriation for defraying the expenses of the adjutant general; and to provide an exemption to section 54-44.1-11 relating to unexpended appropriations.

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

**ABSENT AND NOT VOTING:** Erbele; Traynor

Engrossed SB 2017 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2195: SEN. J. LEE (Human Services Committee) MOVED** that the amendments on SJ pages 378-380 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2195:** A BILL for an Act to create and enact a new subsection to section 26.1-04-03 and four new sections to chapter 26.1-08 of the North Dakota Century Code, relating to the comprehensive health association of North Dakota; to amend and reenact subsection 2 of section 26.1-03-17 and sections 26.1-08-01, 26.1-08-06, 26.1-08-06.1, 26.1-08-07, 26.1-08-08, 26.1-08-09, 26.1-08-10, 26.1-08-11, 26.1-08-12, 26.1-08-13, and 57-38-30.4 of the North Dakota Century Code, relating to the comprehensive health association of North Dakota; and to repeal sections 26.1-08-02, 26.1-08-03, and

26.1-08-04 of the North Dakota Century Code, relating to the comprehensive health association of North Dakota.

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

**ABSENT AND NOT VOTING:** Erbele; Traynor

Engrossed SB 2195 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2023: SEN. ROBINSON (Appropriations Committee) MOVED** that the amendments on SJ page 376 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2023:** A BILL for an Act to provide an appropriation for defraying the expenses of the workers compensation bureau.

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

**ABSENT AND NOT VOTING:** Erbele; Traynor

Engrossed SB 2023 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2242: SEN. HEITKAMP (Natural Resources Committee) MOVED** that the amendments on SJ page 381 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2242:** A BILL for an Act to amend and reenact section 20.1-03-07.1 of the North Dakota Century Code, relating to hunting of Canada geese 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Erbele; Traynor

Engrossed SB 2242 passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**SB 2328: SEN. DEVER (Judiciary Committee) MOVED** that the amendments on SJ page 382 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2328:** A BILL for an Act to amend and reenact sections 29-01-16 and 29-01-19 of the North Dakota Century Code, relating to when misdemeanors or infractions may be compromised.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 2 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christenson; Cook; Dever; Espegard; Every; Fairfield; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Syverson; Tallackson; Taylor; Thane; Tollefson; Trenbeath; Urlacher; Wardner

**NAYS:** Christmann; Stenehjem

**ABSENT AND NOT VOTING:** Erbele; Fischer; Traynor

Engrossed SB 2328 passed and the title was agreed to.

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**VOTING INTENTION**

**SEN. FISCHER REQUESTED** that the record show he intended to vote YEA on Engrossed SB 2328, which request was granted.

**CONSIDERATION OF AMENDMENTS**

**SB 2225: SEN. HEITKAMP (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 380 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2225:** A BILL for an Act to amend and reenact subsection 2 of section 52-06-04 and sections 52-06-05 and 52-07.1-05 of the North Dakota Century Code, relating to unemployment compensation benefit amounts, maximum potential benefits, and eligibility for extended benefits.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 20 YEAS, 24 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Christenson; Espegard; Every; Fairfield; Heitkamp; Holmberg; Krauter; Lindaas; Mathern; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Seymour; Tallackson; Taylor; Thane

**NAYS:** Andrist; Bowman; Brown; Christmann; Cook; Dever; Fischer; Flakoll; Freborg; Grindberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Schobinger; Stenehjem; Syverson; Tollefson; Trenbeath; Wardner

**ABSENT AND NOT VOTING:** Erbele; Traynor; Urlacher

Engrossed SB 2225 lost.

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**CONSIDERATION OF AMENDMENTS**

**SB 2345: SEN. BROWN (Human Services Committee) MOVED** that the amendments on SJ pages 382-383 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2345:** A BILL for an Act to amend and reenact section 25-03.1-04 of the North Dakota Century Code, relating to the preparation of health care directives; 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 34 YEAS, 11 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Brown; Christmann; Cook; Dever; Espegard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Nething; Nichols; Polovitz; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Trenbeath; Urlacher; Wardner

**NAYS:** Bercier; Christenson; Every; Fairfield; Heitkamp; Krauter; Lindaas; Mathern; Nelson; O'Connell; Robinson

**ABSENT AND NOT VOTING:** Erbele; Traynor

Engrossed SB 2345 passed, the title was agreed to, and the emergency clause was declared carried.

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**CONSIDERATION OF AMENDMENTS**

**SB 2349: SEN. FAIRFIELD (Human Services Committee) MOVED** that the amendments on SJ page 383 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2349:** A BILL for an Act to create and enact a new section to chapter 43-06 of the North Dakota Century Code, relating to the chiropractic practice.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 27 YEAS, 18 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Brown; Christenson; Christmann; Cook; Dever; Espegard; Every; Fairfield; Fischer; Heitkamp; Holmberg; Krebsbach; Lindaas; Mathern; Nelson; Nething; Nichols; Polovitz; Robinson; Schobinger; Seymour; Syverson; Taylor; Thane; Wardner

**NAYS:** Bowman; Flakoll; Freborg; Grindberg; Kilzer; Klein; Krauter; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; O'Connell; Stenehjerm; Tallackson; Tollefson; Trenbeath; Urlacher

**ABSENT AND NOT VOTING:** Erbele; Traynor

Engrossed SB 2349 passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**SB 2361: SEN. SEYMOUR (Finance and Taxation Committee) MOVED** that the amendments on SJ page 383 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2361:** A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to an optional contribution by individual income taxpayers for programs and activities conducted by the silver-haired education association; to provide a continuing appropriation; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 31 YEAS, 14 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Bowman; Christenson; Dever; Espegard; Every; Fairfield; Freborg; Heitkamp; Holmberg; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Seymour; Tallackson; Taylor; Thane; Tollefson; Urlacher; Wardner

**NAYS:** Andrist; Brown; Christmann; Cook; Fischer; Flakoll; Grindberg; Kilzer; Kringstad; Mutch; Schobinger; Stenehjem; Syverson; Trenbeath

**ABSENT AND NOT VOTING:** Erbele; Traynor

Engrossed SB 2361 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2379: SEN. TRENBEATH (Judiciary Committee) MOVED** that the amendments on SJ page 383 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2379:** A BILL for an Act to provide for a legislative council study of the doctrine of assumption of risk.

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

**ABSENT AND NOT VOTING:** Erbele; Traynor

Engrossed SB 2379 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2389: SEN. FLAKOLL (Education Committee) MOVED** that the amendments on SJ pages 383-384 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2389:** A BILL for an Act to amend and reenact subsection 1 of section 15.1-27-26 of the North Dakota Century Code, relating to school district transportation payments.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 37 YEAS, 8 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Brown; Christenson; Christmann; Cook; Dever; Espegard; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Nelson; Nething; Polovitz; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Trenbeath; Urlacher; Wardner

**NAYS:** Bercier; Every; Fairfield; Lindaas; Mathern; Nichols; O'Connell; Robinson

**ABSENT AND NOT VOTING:** Erbele; Traynor

Engrossed SB 2389 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2400: SEN. SYVERSON (Finance and Taxation Committee) MOVED** that the amendments on SJ page 384 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2400:** A BILL for an Act to amend and reenact subsection 2 of section 57-28-04, and sections 57-28-08 and 57-28-09 of the North Dakota Century Code, relating to survival

of an easement or right of way on property upon acquisition by the county through tax foreclosure.

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

**ABSENT AND NOT VOTING:** Erbele; Traynor

Engrossed SB 2400 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2041: SEN. ROBINSON (Appropriations Committee) MOVED** that the amendments on SJ page 377 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2041:** A BILL for an Act to provide for a criminal justice information sharing board; to create and enact a new section to chapter 12-60 of the North Dakota Century Code, relating to federal criminal history checks; and to amend and reenact section 12-60-16.2 of the North Dakota Century Code, relating to the collection of criminal information.

#### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Erbele; Flakoll; Traynor

Reengrossed SB 2041 passed and the title was agreed to.

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#### VOTING INTENTION

**SEN. FLAKOLL REQUESTED** that the record show he intended to vote YEA on Reengrossed SB 2041, which request was granted.

#### MOTION

**SEN. CHRISTMANN MOVED** that the Senate stand in recess until 1:55 p.m., which motion prevailed.

**THE SENATE RECONVENED** pursuant to recess taken, with Deputy President Pro Tem Nething presiding.

#### SECOND READING OF SENATE BILL

**SB 2330:** A BILL for an Act to provide for a choice of options for individuals eligible for home and community-based services medical assistance waivers.

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

**YEAS:** Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein;



Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Erbele; Traynor

Engrossed SB 2330 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2367:** A BILL for an Act to create and enact a new subdivision to subsection 1 of section 57-38-01.2 and a new subdivision to subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to an income tax deduction for members of the reserve components of the armed forces of the United States when called to federal active service; and to provide an effective date.

#### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Erbele; Traynor

Engrossed SB 2367 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2160:** A BILL for an Act to create and enact sections 14-09-08.20, 14-09-09.32, 14-09-09.33, and 14-09-09.34, two new subsections to section 34-15-03, and a new section to chapter 50-09 of the North Dakota Century Code, relating to medical support, agreements to waive child support, judicial offsets of child support, income payer duties, and cooperative agreements for child support enforcement services; to amend and reenact sections 14-09-08.11, 14-09-09.13, and 14-09-09.15, subsections 1 and 9 of section 14-09-09.16, sections 14-09-09.17, 14-09-09.30, and 26.1-36.5-03, and subsections 2 and 3 of section 34-15-01 of the North Dakota Century Code, relating to child support, medical support, and past-due child support; to provide a continuing appropriation; and to provide an effective date.

#### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Erbele; Mutch; Traynor

Engrossed SB 2160 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2337:** A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to an additional sales tax on lodging for promotion of the Lewis and Clark bicentennial celebration; to provide a continuing appropriation; to provide an effective date; and to provide an expiration date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 33 YEAS, 11 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Mathern; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Syverson; Tallackson; Taylor; Tollefson; Urlacher; Wardner

**NAYS:** Cook; Dever; Espegard; Holmberg; Kilzer; Klein; Kringstad; Lyson; Mutch; Stenehjem; Trenbeath

**ABSENT AND NOT VOTING:** Erbele; Thane; Traynor

Engrossed SB 2337 passed and the title was agreed to.

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**VOTING INTENTION**

**SEN. THANE REQUESTED** that the record show he intended to vote YEA on Engrossed SB 2337, which request was granted.

**SECOND READING OF SENATE BILL**

**SB 2227:** A BILL for an Act to amend and reenact section 20.1-03-07.2 of the North Dakota Century Code, relating to hunting by nonresident youths.

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

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

**NAYS:** Kilzer

**ABSENT AND NOT VOTING:** Erbele; Traynor

SB 2227 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2226:** A BILL for an Act to create and enact a new section to chapter 57-38 and a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to an income tax credit for dependent care expenses; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 18 YEAS, 26 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Christenson; Espegard; Every; Fairfield; Heitkamp; Krauter; Lindaas; Mathern; Nelson; Nichols; O'Connell; Polovitz; Robinson; Seymour; Tallackson; Taylor; Thane

**NAYS:** Andrist; Bowman; Brown; Christmann; Cook; Dever; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lyson; Mutch; Nething; Schobinger; Stenehjem; Syverson; Tollefson; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Erbele; Lee, J.; Traynor

SB 2226 lost.

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**VOTING INTENTION**

**SEN. J. LEE REQUESTED** that the record show she intended to vote NAY on SB 2226, which request was granted.

**MOTION**

**SEN. CHRISTMANN MOVED** that SB 2356, which is on the Eleventh order, be laid over one legislative day, which motion prevailed on a verification vote.

**SECOND READING OF SENATE BILL**

**SB 2369:** A BILL for an Act to amend and reenact sections 49-02-01, 49-02-01.1, and 49-02-03 of the North Dakota Century Code, relating to jurisdiction of the public service commission over certain rural electric cooperatives.

**MOTION**

**SEN. STENEHJEM MOVED** the previous question, which motion prevailed.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 13 YEAS, 32 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bowman; Cook; Dever; Fischer; Freborg; Kilzer; Kringstad; Lee, J.; Mutch; Schobinger; Stenehjem; Tollefson; Wardner

**NAYS:** Andrist; Bercier; Brown; Christenson; Christmann; Espegard; Every; Fairfield; Flakoll; Grindberg; Heitkamp; Holmberg; Klein; Krauter; Krebsbach; Lee, G.; Lindaas; Lyson; Mathern; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Seymour; Syverson; Tallackson; Taylor; Thane; Trenbeath; Urlacher

**ABSENT AND NOT VOTING:** Erbele; Traynor

SB 2369 lost.

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**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 1161, HB 1255, HB 1273, HB 1291, HB 1292, HB 1322, HB 1336, HB 1396, HB 1416, HB 1420, HB 1489.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1243, HB 1353.

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2003, SB 2004, SB 2006, SB 2007, SB 2010, SB 2011, SB 2014, SB 2016, SB 2024, SB 2031, SB 2033, SB 2095, SB 2096, SB 2125, SB 2162, SB 2194, SB 2246, SB 2255, SB 2288, SB 2308, SB 2321, SB 2350, SCR 4023.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2021.

**MOTION**

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

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Monday, February 17, 2003, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2027: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2027 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2112: Transportation Committee (Sen. Trenbeath, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS,

0 ABSENT AND NOT VOTING). SB 2112 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**SB 2215: Natural Resources Committee (Sen. Fischer, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2215 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2175: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2175 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2189: Transportation Committee (Sen. Trenbeath, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2189 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2208: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2208 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2237: Natural Resources Committee (Sen. Fischer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2237 was placed on the Sixth order on the calendar.

Page 1, line 7, after "paraplegic" insert an underscored comma, remove the overstrike over "~~or who~~", and remove the second underscored comma

Page 1, line 8, overstrike the comma and remove "or who has a physical disability certified by a physician"

Page 1, line 9, remove "verifying that individual's condition,"

Page 1, line 11, after the period insert "For purposes of this subsection, an individual who is blind means an individual who is totally blind, whose central visual acuity does not exceed twenty/two hundred in the better eye with corrective lenses, or in whom the widest diameter of the visual field is no greater than twenty degrees."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2271: Judiciary Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2271 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact three new sections to chapter 50-25.1 of the North Dakota Century Code, relating to prenatal testing and reporting; and to amend and reenact section 50-25.1-02 of the North Dakota Century Code, relating to child abuse and neglect reporting requirements.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Section 50-25.1-02 of the North Dakota Century Code is amended and reenacted as follows:

**50-25.1-02. Definitions.**

1. "A person responsible for the child's welfare" means the child's parent, guardian, or foster parent; an employee of a public or private school or nonresidential child care facility; an employee of a public or private residential home, institution, or agency; or a person responsible for the child's welfare in a residential setting.

2. "Abuse of alcohol", "alcohol abuse", or "abused alcohol" means alcohol abuse or dependence as defined in the current diagnostic and statistical manual published by the American psychiatric association or a maladaptive use of alcohol with negative medical, sociological, occupational, or familial effects.
3. "Abused child" means an individual under the age of eighteen years who is suffering from serious physical harm or traumatic abuse caused by other than accidental means by a person responsible for the child's welfare, or who is suffering from or was subjected to any act involving that individual in violation of sections 12.1-20-01 through 12.1-20-08.
- ~~3-~~ 4. "Assessment" means a factfinding process designed to provide information that enables a determination to be made that services are required to provide for the protection and treatment of an abused or neglected child.
- 4- 5. "Department" means the department of human services or its designee.
- 5- 6. "Harm" means negative changes in a child's health which occur when a person responsible for the child's welfare:
  - a. Inflicts, or allows to be inflicted, upon the child, physical or mental injury, including injuries sustained as a result of excessive corporal punishment; or
  - b. Commits, allows to be committed, or conspires to commit, against the child, a sex offense as defined in chapter 12.1-20.
- 6- 7. "Institutional child abuse or neglect" means situations of known or suspected child abuse or neglect where the person responsible for the child's welfare is an employee of a residential child care facility, a treatment or care center for mentally retarded, a public or private residential educational facility, a maternity home, or any residential facility owned or managed by the state or a political subdivision of the state.
- 7- 8. "Local child protection team" means a multidisciplinary team consisting of the designee of the director of the regional human service center, together with such other representatives as that director might select for the team with the consent of the director of the county social service board. All team members, at the time of their selection and thereafter, must be staff members of the public or private agencies they represent or shall serve without remuneration. An attorney member of the child protection team may not be appointed to represent the child or the parents at any subsequent court proceeding nor may the child protection team be composed of fewer than three members. The department shall coordinate the organization of local child protection teams on a county or multicounty basis.
- 8- 9. "Neglected child" means a deprived child as defined in chapter 27-20.
- 9- 10. "Prenatal exposure to a controlled substance" means use of a controlled substance as defined in chapter 19-03.1 by a pregnant woman for a nonmedical purpose during pregnancy as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery of the child at birth, or medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance.
11. "Protective services" includes services performed after an assessment of a report of child abuse or neglect has been conducted, such as social assessment, service planning, implementation of service plans, treatment services, referral services, coordination with referral sources, progress assessment, monitoring service delivery, and direct services.
- ~~10-~~ 12. "State child protection team" means a multidisciplinary team consisting of the designee of the department and, where possible of a physician, a representative of a child-placing agency, a representative of the state department of health, a representative of the attorney general, a representative of the superintendent of public instruction, a representative of the department of corrections and rehabilitation, one or more

representatives of the lay community, and, as an ad hoc member, the designee of the chief executive official of any institution named in a report of institutional abuse or neglect. All team members, at the time of their selection and thereafter, must be staff members of the public or private agency they represent or shall serve without remuneration. An attorney member of the child protection team may not be appointed to represent the child or the parents at any subsequent court proceeding nor may the child protection team be composed of fewer than three persons.

**SECTION 2.** A new section to chapter 50-25.1 of the North Dakota Century Code is created and enacted as follows:

Prenatal exposure to controlled substances - Reporting requirements.

1. An individual required to report under section 50-25.1-03 who has knowledge of or reasonable cause to suspect that a woman is pregnant and has used a controlled substance for a nonmedical purpose during the pregnancy shall report the circumstances to the department if the knowledge or suspicion is derived from information received by that individual in that individual's official or professional capacity.
2. Any individual may make a voluntary report if the individual has knowledge of or reasonable cause to suspect that a woman is pregnant and has used a controlled substance for a nonmedical purpose during the pregnancy.
3. If a report alleges a pregnant woman's use of a controlled substance for a nonmedical purpose, the department or its designee shall immediately initiate an appropriate assessment and offer services indicated under the circumstances. Services offered may include a referral for chemical dependency assessment, a referral for chemical dependency treatment if recommended, or a referral for prenatal care. The department or its designee may also take any appropriate action under chapter 25-03.1.
4. A report and assessment under this section is not required if the pregnant woman voluntarily enters treatment in a licensed treatment program. If the pregnant woman does not complete voluntary treatment or fails to follow treatment recommendations, an individual required to report under section 50-25.1-03 who has knowledge of the failure to complete voluntary treatment or failure to follow treatment recommendations shall make a report as required by this section.
5. A report under this section must be made as described in section 50-25.1-04 and must be sufficient to identify the woman, the nature and extent of use, if known, and the name and address of the individual making the report.

**SECTION 3.** A new section to chapter 50-25.1 of the North Dakota Century Code is created and enacted as follows:

Toxicology testing - Requirements.

1. If the woman has obstetrical complications that are a medical indication of possible use of a controlled substance for a nonmedical purpose, upon the consent of the pregnant woman, or without consent if a specimen is otherwise available, a physician shall administer a toxicology test to a pregnant woman under the physician's care or to a woman under the physician's care within eight hours after delivery to determine whether there is evidence that she has ingested a controlled substance. If the test results are positive, the physician shall report the results under section 50-25.1-03.1. A negative test result or the pregnant woman's refusal to consent to a test does not eliminate the obligation to report under section 50-25.1-03 if other evidence gives the physician reason to believe the patient has used a controlled substance for a nonmedical purpose.
2. If a physician has reason to believe based on a medical assessment of the mother or the infant that the mother used a controlled substance for a nonmedical purpose during the pregnancy, the physician shall administer, without the consent of the child's parents or guardian, to the newborn infant born under the physician's care a toxicology test to determine whether there is evidence of prenatal exposure to a controlled substance. If the test

results are positive, the physician shall report the results as neglect under section 50-25.1-03. A negative test result does not eliminate the obligation to report under section 50-25.1-03 if other medical evidence of prenatal exposure to a controlled substance is present.

3. A physician or any other medical personnel administering a toxicology test to determine the presence of a controlled substance in a pregnant woman, in a woman within eight hours after delivery, or in a child at birth or during the first month of life is immune from civil or criminal liability arising from administration of the test if the physician ordering the test believes in good faith that the test is required under this section and the test is administered in accordance with an established protocol and reasonable medical practice. A physician or any other medical personnel who determines in good faith not to administer a toxicology test under this section is immune from liability for not administering the test.

**SECTION 4.** A new section to chapter 50-25.1 of the North Dakota Century Code is created and enacted as follows:

Prenatal exposure to alcohol abuse - Reporting requirements.

1. An individual required to report under section 50-25.1-03 who has knowledge of or reasonable cause to suspect that a woman is pregnant and has abused alcohol after the woman knows of the pregnancy may:
  - a. Arrange for a chemical dependency assessment conducted by a licensed treatment program and confirm that the recommendations indicated by the assessment are followed; or
  - b. Immediately report the circumstances to the department if the knowledge or suspicion is derived from information received by that individual in that individual's official or professional capacity.
2. An individual may make a voluntary report if the individual has knowledge of or reasonable cause to suspect that a woman is pregnant and has abused alcohol during the pregnancy.
3. If the woman is referred for a chemical dependency assessment under subdivision a of subsection 1 and fails to obtain an assessment or refuses to comply with the recommendations of the assessment, an individual required to report under section 50-25.1-03 who has knowledge of the failure to obtain the assessment or refusal to comply with recommendations of the assessment shall make a report to the department.
4. If a report alleges a pregnant woman has abused alcohol, the department or its designee shall immediately initiate an appropriate assessment and offer services indicated under the circumstances. Services offered may include a referral for chemical dependency assessment, a referral for chemical dependency treatment, if recommended, or a referral for prenatal care. The department or its designee may also take any appropriate action under chapter 25-03.1.
5. A report and assessment under this section is not required if the pregnant woman voluntarily enters treatment in a licensed treatment program. If the pregnant woman does not complete voluntary treatment or fails to follow treatment recommendations, an individual required to report under section 50-25.1-03 who has knowledge of the failure to complete voluntary treatment or failure to follow treatment recommendations shall make a report as required by this section.
6. A report under this section must be made as described in section 50-25.1-04 and must be sufficient to identify the woman, the nature and extent of the abuse of alcohol, any health risk associated with the abuse of alcohol, and the name and address of the individual making the report."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2276: Transportation Committee (Sen. Trenbeath, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2276 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2277: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2277 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2278: Natural Resources Committee (Sen. Fischer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2278 was placed on the Sixth order on the calendar.

Page 1, line 11, overstrike "within the"

Page 1, line 12, overstrike "watershed"

Page 1, after line 22, insert:

"c. All revenue from an assessment under this section must be exhausted before a subsequent assessment covering any portion of lands subject to a prior assessment may be levied."

Page 2, line 1, replace "the assessment must be" with "a public hearing must be held attended by a quorum of the board and a quorum of the board of county commissioners. The hearing must be preceded by notice as to date, time, location, and subject matter published in the official newspaper in the county or counties in which the proposed assessment is to be levied. The notice must be published at least ten days but not more than thirty days before the public hearing."

Page 2, remove lines 2 and 3

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2283: Natural Resources Committee (Sen. Fischer, Chairman)** recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2283 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2284: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2284 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2293: Transportation Committee (Sen. Trenbeath, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2293 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2296: Judiciary Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2296 was placed on the Sixth order on the calendar.

Page 1, line 1, replace the comma with "and"

Page 1, line 2, remove ", and subsection 1 of section 25-03.1-25"

Page 1, line 9, replace "includes" with "may include"

Page 1, line 10, remove "pursuant to section 25-03.1-18.1"

Page 3, line 15, remove the overstrike over "~~a serious risk of harm to that person, others, or property.~~"  **Serious risk**"

Page 3, line 16, remove the overstrike over "~~of harm~~" means"



Page 3, line 20, remove ". Direct"

Page 3, remove line 21

Page 3, line 22, remove "required"

Page 3, line 27, remove "risk of loss"

Page 3, line 28, remove "of the person's ability to function independently in the community or the"

Page 4, line 1, replace "person's inability to make a" with "effect of the person's mental condition on the person's ability to consent"

Page 4, line 2, remove "rational decision about the need for treatment"

Page 5, remove lines 22 through 31

Page 6, remove lines 1 through 8

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2305, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2305 was placed on the Sixth order on the calendar.

Page 4, line 18, replace "One hundred" with "Seventy-five"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2319, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2319 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2322: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). SB 2322 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2325: Transportation Committee (Sen. Trenbeath, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2325 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2326: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2326 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2329: Judiciary Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2329 was placed on the Sixth order on the calendar.

Page 2, line 27, remove "if two"

Page 2, remove line 28

Page 2, line 29, remove "effect at the same time," and replace "one of those orders" with "order"

Page 2, line 30, replace "one" with "two"

Page 2, line 31, remove "any two or more"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2347: Natural Resources Committee (Sen. Fischer, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2347 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2363, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed SB 2363 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2370: Transportation Committee (Sen. Trenbeath, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2370 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2390: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2390 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2412: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2412 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4016: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4016 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4024: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4024 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "California" with "Anaheim"

Page 1, line 18, remove "became the fastest hitter in major league history to reach 100 runs,"

Page 1, line 19, after "the" insert "1998 and" and replace "Team" with "teams"

Page 1, line 21, replace "California" with "Anaheim"

Renumber accordingly

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

**WILLIAM R. HORTON, Secretary**