

JOURNAL OF THE HOUSE

Fifty-third Legislative Assembly

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Bismarck, April 6, 1993

The House convened at 9:00 a.m., with Speaker R. Berg presiding.

The prayer was offered by the Rev. Harold Vold, (retired) Pastor of St. John's Lutheran Church, Jamestown.

The roll was called and all members were present except Representatives Allmaras, Jacobs, Poolman, and Porter.

A quorum was declared by the Speaker.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1010.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1010

Page 1, line 1, replace "to amend and reenact section 57-39.2-26.1 of the North" with "making"

Page 1, remove line 2

Page 1, line 3, remove "and motor vehicle excise tax revenues; to provide"

Page 1, line 5, remove "and senior citizens mill levy match; to provide for a transfer"

Page 1, line 6, remove "and" and replace "an effective date" with "a statement of legislative intent; and to provide for allotments, reductions, and a transfer"

Page 1, remove lines 8 through 21

Page 2, remove lines 1 through 8

Page 2, replace lines 10 through 28 with "moneys in the state aid distribution fund in the state treasury, not otherwise appropriated, to the state treasurer for the purpose of distributing state aid distribution fund revenue to local political subdivisions, for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

Grants, benefits, and claims	<u>\$51,697,983</u>
Total state aid distribution fund appropriation	\$51,697,983"

Page 3, replace lines 1 through 9 with:

"SECTION 2. INTENT. It is the intent of the legislative assembly that if the amount appropriated and transferred from the state aid distribution fund, before budget allotments, is less than the amount deposited in the state aid distribution fund during the 1993-95 biennium, the legislative assembly shall provide a deficiency appropriation to local political subdivisions of the excess amount deposited and that the deficiency appropriation be for the 1993-95 biennium.

SECTION 3. BUDGET REDUCTIONS - TRANSFER. The appropriation provided in section 1 of this Act is to be reduced by the director of the budget by the same percentage as any general fund reductions or allotments made pursuant to North Dakota Century Code sections

54-44.1-12 and 54-44.1-13.1 which may occur during the biennium beginning July 1, 1993, and ending June 30, 1995, and an amount equal to the reduction must be transferred by the state treasurer from the state aid distribution fund to the general fund."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 085 - PAYMENTS TO POLITICAL SUBDIVISIONS

SENATE - This amendment removes the provisions of the bill which would have eliminated the state aid distribution fund and changes the funding source from the general fund to the state aid distribution fund.

This amendment eliminates the \$500,000 appropriation from the state aid distribution fund for the senior citizens mill levy match and increases the appropriation from the state aid distribution fund for payments to political subdivisions by \$500,000, from \$51,197,983 to \$51,697,983.

This amendment adds a section of legislative intent stating that if the amount deposited in the fund is more than the amount appropriated from the fund it is the intent that a deficiency appropriation be made by the 1995 Legislative Assembly for the 1993-95 biennium.

This amendment adds a section which requires the appropriation to be reduced by the same percentage as any general fund appropriation under North Dakota Century Code Sections 54-44.1-12 and 54-44.1-13.1 and transfers an amount equal to the reduction to the general fund.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2523.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2042.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The President has signed: HB 1023, HB 1032, HB 1091, HB 1097, HB 1103, HB 1134, HB 1138, HB 1139, HB 1142, HB 1163, HB 1165, HB 1184, HB 1203, HB 1211, HB 1234, HB 1247, HB 1286, HB 1306, HB 1313, HB 1335, HB 1337, HB 1347, HB 1357, HB 1376, HB 1394.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The President has signed: HB 1075, HB 1397, HB 1406, HB 1408, HB 1410, HB 1444, HB 1453, HB 1472, HB 1489, HB 1506, HB 1507, HB 1508, HB 1509, HB 1510, HCR 3014, HCR 3018, HCR 3019, HCR 3025, HCR 3026, HCR 3035, HCR 3039, HCR 3041, HCR 3043, HCR 3050.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The President has signed: HB 1400, HB 1405, HB 1417, HB 1426, HB 1429, HB 1436, HB 1474, HB 1475, HB 1484, HB 1485, HB 1488, HB 1491, HB 1495, HB 1497.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2027, SB 2051, SB 2120, SB 2144, SB 2216, SB 2327, SB 2359, SB 2468, SB 2487, SB 2505, SCR 4070.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2048, SB 2097, SB 2214, SB 2225, SB 2231, SB 2473, SB 2511.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. MARTINSON MOVED that the House do not concur in the Senate amendments to Engrossed HB 1015 as printed on HJ pages 1594-1597 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1015: Reps. Wald, Kunkel, Huether.

MOTION

REP. MARTINSON MOVED that HB 1513, which is on the Sixth order, be laid over until Friday, April 9, 1993, which motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

SPEAKER R. BERG ANNOUNCED that the House would stand in recess until 1:00 p.m.

REPORT OF CONFERENCE COMMITTEE

SB 2042: Your conference committee (Sens. Maxson, W. Stenehjem, Traynor and Reps. Klein, Wanzek, Ring) recommends that the HOUSE RECEDE from the House amendments on HJ pages 927-928, adopt amendments as follows, and place SB 2042 on the Seventh order:

That the House recede from its amendments as printed on pages 849-850 of the Senate Journal and pages 927-928 of the House Journal and that Senate Bill No. 2042 be amended as follows:

Page 1, line 1, after "Act" insert "to create and enact two new subsections to section 12.1-32-02 and a new subsection to section 54-23.3-04 of the North Dakota Century Code, relating to presentence reports in certain felony cases;"

Page 1, line 4, remove "and"

Page 1, line 5, after "Code" insert a comma

Page 1, line 6, after "offenses" insert "; and to provide an effective date"

Page 1, after line 7, insert:

"SECTION 1. A new subsection to section 12.1-32-02 of the 1991 Supplement to the North Dakota Century Code is created and enacted as follows:

A court shall order a defendant to pay fifty dollars to the department of corrections and rehabilitation at the time a presentence investigation is initiated to partially defray the costs incurred by the department for the preparation of the presentence report. The court may also order that any additional costs incurred by the department relating to the presentence investigation and report be paid by the defendant at a rate of payment up to the full costs of conducting the investigation and preparing the report as established by the department.

SECTION 2. A new subsection to section 12.1-32-02 of the 1991 Supplement to the North Dakota Century Code is created and enacted as follows:

Before sentencing a defendant on a felony charge under sections 12.1-20-03, 12.1-20-11, 12.1-27.2-02, 12.1-27.2-03, 12.1-27.2-04, or 12.1-27.2-05, a court shall order the department of corrections and rehabilitation to conduct a

presentence investigation and to prepare a presentence report."

Page 5, after line 4, insert:

"SECTION 4. A new subsection to section 54-23.3-04 of the 1991 Supplement to the North Dakota Century Code is created and enacted as follows:

To collect the costs of any presentence investigation and report incurred under section 1 of this Act, giving due consideration to the financial obligations and resources of the defendant."

Page 5, after line 7, insert:

"SECTION 6. EFFECTIVE DATE. Section 2 of this Act becomes effective on July 1, 1994."

Renumber accordingly

SB 2042 was placed on the Seventh order of business on the calendar.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1015 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1015: Reps. Wald; Kunkel; Huether

THE HOUSE RECONVENED pursuant to recess taken, with Speaker R. Berg presiding.

MOTIONS

REP. MARTINSON MOVED that the House rerefer HB 1512 to the Education Equity Review Committee, which motion prevailed.

REP. FREIER MOVED that the absent members be excused, which motion prevailed.

MOTIONS

REP. MARTINSON MOVED that the conference committee on Reengrossed HB 1064 be dissolved, which motion prevailed.

REP. MARTINSON MOVED that the House reconsider its action whereby the House did not concur in the Senate amendments to Reengrossed HB 1064, which motion prevailed.

REP. MARTINSON MOVED that the House do concur in the Senate amendments to Reengrossed HB 1064, which motion prevailed.

Reengrossed HB 1064 was placed on the Eleventh order for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1064: A BILL for an Act to create and enact a new section to chapter 43-17, a new section to chapter 43-28, and a new chapter to title 57 of the North Dakota Century Code, relating to a tax and fees to fund medical assistance; to provide a penalty; to provide an appropriation; to provide an effective date; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 3 YEAS, 93 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Gerntholz; Huether; Ring

NAYS: Aarsvold; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Gates; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzenk; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Allmaras; Jacobs

HB 1064 was declared lost.

SECOND READING OF SENATE CONCURRENT RESOLUTION ON CONSENT CALENDAR

SCR 4073: A concurrent resolution directing the Legislative Council to study the cost effectiveness and economic impact of permitting Roughrider Industries to manufacture and sell products that may be produced and sold by the private sector.

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

SCR 4073 was declared adopted on a voice vote.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for his filing at the hour of 1:08 p.m., April 6, 1993: HCR 3014, HCR 3018, HCR 3019, HCR 3025, HCR 3026, HCR 3035, HCR 3039, HCR 3041, HCR 3043, HCR 3050.

REPORT OF CONFERENCE COMMITTEE

REP. A. CARLSON MOVED that the conference committee report on Engrossed HB 1126 as printed on HJ page 1601 be adopted, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

REP. WARDNER MOVED that the conference committee report on Engrossed SB 2279 as printed on HJ pages 1601-1602 be adopted, which motion prevailed.

MOTION

REP. MARTINSON MOVED that the House Conference Committee on Engrossed SB 2003 be dissolved and that the House request the return of Engrossed SB 2003 from the Senate, which motion prevailed.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has dissolved the Conference Committee on SB 2003 and respectfully requests the return of the same for purposes of reconsideration.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has dissolved its Conference Committee on SB 2003 and accedes to the House request to return SB 2003.

MOTIONS

REP. MARTINSON MOVED that the House reconsider its action whereby Engrossed SB 2003 passed, which motion prevailed.

REP. MARTINSON MOVED that the House reconsider its action whereby the amendments to Engrossed SB 2003 were adopted, which motion prevailed.

REP. MARTINSON MOVED that the amendments to Engrossed SB 2003 not be adopted, which motion prevailed.

Engrossed SB 2003 was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2003: A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota university system and the various institutions of higher learning under the supervision of the state board of higher education; to authorize the industrial commission to issue and sell bonds for capital repair projects and special assessment costs; and to provide an exemption to the provisions of section 54-44.1-11.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 74 YEAS, 22 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Belter; Bernstein; Bodine; Brodshaug; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dobrinski; Dorso; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorman; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Hokana; Holm; Howard; Huether; Johnson; Kaldor; Keiser; Kelsch; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Nelson; Nicholas; Nichols; Oban; Olsen, D.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Speaker R. Berg

NAYS: Bateman; Berg, J.; Boehm; Boucher; Brown; Byerly; Carlisle; Dalrymple; DeWitz; Drovdal; Gorder; Grosz; Henegar; Kempenich; Kerzman; Monson; Mutzenberger; Ness; Olson, A.; Sitz; Skarphol; Wilkie

ABSENT AND NOT VOTING: Allmaras; Jacobs

Engrossed SB 2003 passed and the title was agreed to.

MOTIONS

REP. MARTINSON MOVED that the House clinch all legislative action taken this afternoon, which motion prevailed.

REP. MARTINSON MOVED that all bills on which action was taken this afternoon be messaged to the Senate, which motion prevailed.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has reconsidered its action whereby it did not concur with the Senate amendments to HB 1064 and wishes to inform you that the House does now concur with the Senate amendments to HB 1064 and subsequently failed to pass the same. Also, the House has dissolved the House Conference Committee on HB 1064.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The President has appointed as a conference committee to act with a like committee from the House on:

HB 1511: Sens. Langley; Schoenwald; Krebsbach

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2074, SB 2082, SB 2285, SB 2293, SB 2453.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The President has signed: HB 1009, HB 1096, HB 1168, HB 1180, HB 1181, HB 1225, HB 1344, HB 1469.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2403, SCR 4074.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The President has signed and your signature is respectfully requested on the veto certification of SB 2398.

HOUSE ENROSSING AND ENROLLING REPORT

The following bills were engrossed and enrolled: HB 1019, HB 1079, HB 1111, HB 1238, HB 1239, HB 1374.

The following bills were engrossed and enrolled: HB 1187, HB 1188, HB 1304, HB 1438, HB 1462, HB 1479, HB 1490.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has adopted the conference committee report on HB 1126.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has adopted the conference committee report on SB 2279.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has passed unchanged: SCR 4073.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 2:45 p.m., April 6, 1993: HB 1075, HB 1397, HB 1406, HB 1408, HB 1410, HB 1444, HB 1453, HB 1472, HB 1489, HB 1506, HB 1507, HB 1508, HB 1509, HB 1510.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 2:50 p.m., April 6, 1993: HB 1484, HB 1485, HB 1488, HB 1491, HB 1495, HB 1497.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 2:55 p.m., April 6, 1993: HB 1023, HB 1032, HB 1091, HB 1097, HB 1103, HB 1134, HB 1138, HB 1139, HB 1142, HB 1163, HB 1165, HB 1184, HB 1203, HB 1211, HB 1234, HB 1247, HB 1286, HB 1306, HB 1313, HB 1335, HB 1337, HB 1347, HB 1357, HB 1376, HB 1394, HB 1400, HB 1405, HB 1417, HB 1426, HB 1429, HB 1436, HB 1474, HB 1475.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has signed the veto certification on SB 2398.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2379, SCR 4038.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1300.

MOTION

REP. FREIER MOVED that the House be on the Fifth and Seventh orders of business and at the conclusion of those orders, the House stand adjourned until 9:00 a.m., Wednesday, April 7, 1993, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1517: Human Services Committee (Rep. Rydell, Chairman) recommends DO NOT PASS (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1517 was placed on the Eleventh order on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1104: Your conference committee (Sens. Scherber, Tomac, Krebsbach and Reps. Austin, Kelsch, Nelson) recommends that the SENATE RECEDE from the Senate amendments on HJ pages 1162-1163, adopt amendments as follows, and place HB 1104 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1162-63 of the House Journal and pages 866-868 of the Senate Journal and that House Bill No. 1104 be amended as follows:

Page 1, after line 22, insert:

"c. The employee's use of shared leave does not exceed four months in any twelve-month period."

Page 2, line 10, replace "chief administrative officer of the employee approves the" with "employee may not donate more than five percent of the employee's accrued leave hours, and all leave must be donated in full-hour increments."

Page 2, remove line 11

Page 2, line 18, remove "with the agreement of both chief administrative"

Page 2, line 19, remove "officers of the entities"

Page 2, line 20, replace "The value" with "One hour" and replace "determined based on the" with "regarded as one hour of shared leave for the recipient."

Page 2, remove lines 21 through 27

Page 3, replace lines 5 through 9 with "may be retained by the recipient."

Re-number accordingly

HB 1104 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1383, as engrossed: Your conference committee (Sens. Graba, Lindgren, B. Stenehjem and Reps. Svedjan, Rydell, Boucher) recommends that the SENATE RECEDE from the Senate amendments on HJ pages 1348-1350, adopt amendments as follows, and place HB 1383 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1348-1350 of the House Journal and pages 1050-1052 of the Senate Journal and that Engrossed House Bill No. 1383 be amended as follows:

Page 1, line 2, replace "five" with "six"

Page 1, replace lines 10 through 12 with:

"Personal physician" means the physician designated by a patient as the patient's primary physician or if no physician has been designated or the designated physician is unable to

make a determination as to whether a significant exposure has occurred, the patient's primary attending physician. The term means the local health officer having jurisdiction in the area the significant exposure has allegedly occurred if the patient has no attending physician or designated primary physician."

Page 2, line 4, replace "center" with "centers"

Page 2, replace lines 15 through 22 with:

"a. A sample of the patient's blood has been drawn for other purposes and is available to be used to test for the presence of the human immunodeficiency virus."

Page 2, line 23, replace "A" with "The patient's personal"

Page 3, line 10, after the first "record" insert "of the test results may be placed in the individual's medical record, and if not in the medical record," and remove "of the test results"

Page 3, line 11, after the period insert "A person who discloses the identity of a patient under this Act is guilty of a class C felony. Each individual who has had a significant exposure and to whom test results are disclosed must first sign a document indicating that individual's understanding that the individual may not disclose the information and that disclosing the information constitutes a class C felony."

Page 3, line 20, after "a." insert "A sample of the provider's blood has been drawn for other purposes and is available to be used to test for the presence of the human immunodeficiency virus.

b."

Page 3, line 23, remove "If the patient who has had"

Page 3, remove lines 24 and 25

Page 3, line 26, replace "b." with "c."

Page 4, line 1, replace "c." with "d."

Page 4, line 11, after the period insert "A person who discloses the identity of the provider or otherwise breaches the confidentiality requirements of this subsection is guilty of a class C felony. Each patient who has had a significant exposure and to whom test results are disclosed must first sign a document indicating that patient's understanding that the patient may not disclose the information and that disclosing the information constitutes a class C felony."

Page 4, line 28, replace "a" with "b" and replace "require that" with "petition an appropriate district court for issuance of an order directing"

Page 4, line 29, after "patient" insert "or provider" and after "exposure" insert "to"

Page 5, line 3, after the period insert "The court shall hold a hearing on the petition within five days of the date the court receives the petition. The record of any court hearing conducted under this subsection is confidential. The court may issue an order requiring testing under this subsection only if:

a. The patient or provider has been requested to consent to testing and has refused to be tested and a sample of the

patient's or provider's blood is not available to be used to test for the human immunodeficiency virus;

- b. The court finds clear and imminent danger to the public health or the health of the person petitioning for the testing and the person has demonstrated a compelling need for the test which cannot be accommodated by other means;
- c. The petition substitutes a pseudonym for the true name of the person to be tested;
- d. The court provides the person to be tested with notice and reasonable opportunity to participate in the proceeding if the person is not already a party to the proceeding;
- e. The proceedings are conducted in camera unless the subject of the test agrees to a hearing in open court; and
- f. The court imposes appropriate safeguards against unauthorized disclosure which must specify the persons who have access to the information, the purposes for which the information may be used, and appropriate prohibition on future disclosure."

Page 5, line 12, after "request" insert ", subject to the provisions of this chapter"

Page 5, after line 12, insert:

"SECTION 7. A new subsection to section 23-07.5-02 of the North Dakota Century Code is created and enacted as follows:

A health care provider who subjects a patient to a significant exposure must notify the patient of the exposure. A health care provider witnessing a significant exposure may report the exposure pursuant to any appropriate facility or employer guidelines that the provider may be subject. The knowing failure to inform a patient of a significant exposure or refusal to submit to testing as required under this chapter may be considered by a health care provider's licensing board to constitute conduct that may subject the licensee to disciplinary action."

Renumber accordingly

Engrossed HB 1383 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1393, as engrossed: Your conference committee (Sens. Graba, Lindgren, B. Stenehjem and Reps. Rydell, Price, Kerzman) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1314 and place HB 1393 on the Seventh order.

Engrossed HB 1393 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2379: Your conference committee (Sens. Scherber, O'Connell, Grindberg and Reps. Gates, Torgerson, Goffe) recommends that the **HOUSE RECEDE** from the House amendments on HJ page 945 and place SB 2379 on the Seventh order.

SB 2379 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SCR 4038: Your conference committee (Sens. Graba, Maxson, Andrist and Reps. Tollefson, Bernstein, Kilichowski) recommends that the **HOUSE RECEDE** from the House amendments on HJ pages 1417-1418 and place SCR 4038 on the Seventh order.

SCR 4038 was placed on the Seventh order of business on the calendar.

The House stood adjourned pursuant to Representative Freier's motion.

ROY GILBREATH, Chief Clerk