

JOURNAL OF THE SENATE

Fifty-sixth Legislative Assembly

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Bismarck, March 16, 1999

The Senate convened at 1:15 p.m., with President Myrdal presiding.

The prayer was offered by Pastor Erik Saxvik and Emily Brant Koppy, Good Shepherd Lutheran, Bismarck.

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

A quorum was declared by the President.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

This is to inform you that on March 15, 1999, I have signed the following: SB 2041, SB 2133, SB 2142, SB 2149, SB 2214, SB 2219, SB 2221, SB 2295, SB 2303, SB 2328, and SB 2376.

MOTION

SEN. ST. AUBYN MOVED that HB 1152, which is on the Sixth order, be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Sen. St. Aubyn's motion, HB 1152 was rereferred.

MOTION

SEN. ST. AUBYN MOVED that HB 1136, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

MOTION

SEN. ST. AUBYN MOVED that after action taken on the Sixth order, HB 1281, as amended, be rereferred to the **Appropriations Committee**, which motion prevailed.

MOTION

SEN. ST. AUBYN MOVED that after action taken on the Sixth order, HB 1257 not be rereferred to the **Appropriations Committee**, but be placed on the Fourteenth order, as amended, for second reading and final passage, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1257, as engrossed: SEN. WARDNER (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 712 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1404, as engrossed: SEN. CHRISTMANN (Natural Resources Committee) MOVED that the amendments on SJ pages 717-718 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1089, as engrossed: SEN. KREBSBACH (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 711-712 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1290, as reengrossed: SEN. KINNOIN (Agriculture Committee) MOVED that the amendments on SJ pages 716-717 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1079: SEN. O'CONNELL (Transportation Committee) MOVED that the amendments on SJ page 711 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1281: SEN. URLACHER (Agriculture Committee) MOVED that the amendments on SJ pages 713-716 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1446: SEN. MUTCH (Transportation Committee) MOVED that the amendments on SJ page 718 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HCR 3013: SEN. HEITKAMP (Natural Resources Committee) MOVED that the amendments on SJ pages 718-719 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HCR 3080: SEN. SCHOBINGER (Transportation Committee) MOVED that the amendments on SJ page 719 be adopted and then be placed on the **CONSENT CALENDAR** with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1075: A BILL for an Act to create and enact two new sections to chapter 43-34 of the North Dakota Century Code, relating to continuing education requirements and provisional licenses for nursing home administrators; and to amend and reenact sections 43-34-03, 43-34-10, and 43-34-12 of the North Dakota Century Code, relating to licensure of nursing home administrators.

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

YEAS: Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Andrist

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1075, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1377: A BILL for an Act to create and enact three new sections to chapter 11-28.2 of the North Dakota Century Code, relating to annexation of territory by a recreation service district; and to amend and reenact section 11-28.2-01 of the North Dakota Century Code, relating to annexation of territory by a recreation service district.

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

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

HB 1377, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1439: A BILL for an Act to amend and reenact section 4-35-09.1 of the North Dakota Century Code, relating to proof of financial responsibility for commercial pesticide applicators; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Kroeplin

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1439 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1260: A BILL for an Act to amend and reenact sections 5-04-01, 5-04-02, 5-04-04, subsection 1 of section 5-04-07, sections 5-04-08, and 5-04-13 of the North Dakota Century Code, relating to beer wholesaler and brewer relationships.

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

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1260 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1315: A BILL for an Act to amend and reenact section 36-21.1-02 of the North Dakota Century Code, relating to the abandonment of animals.

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 40 YEAS, 8 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; St. Aubyn; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Bowman; Christmann; Klein; Mutch; Naaden; Solberg; Stenehjem, B.; Tallackson

ABSENT AND NOT VOTING: Bercier

HB 1315 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1356: A BILL for an Act to amend and reenact section 54-09-04 of the North Dakota Century Code, relating to fees collected by the secretary of state.

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

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

HB 1356 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1372: A BILL for an Act to amend and reenact section 45-11-04.1 of the North Dakota Century Code, relating to fictitious name certificate renewals filed with the secretary of state.

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

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

HB 1372 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1388: A BILL for an Act to create and enact two new sections to chapter 43-15 of the North Dakota Century Code, relating to pharmacist education requirements and approved laboratory tests; and to amend and reenact subsection 23 of section 43-15-01 of the North Dakota Century Code, relating to the definition of practice of pharmacy.

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

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Lyson

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1388 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1391: A BILL for an Act to provide for voluntary blood donation by minors.

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 25 YEAS, 23 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; DeMers; Fischer; Grindberg; Kelsh; Kilzer; Kinnoin; Krebsbach; Kringstad; Lee; Lyson; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; Nelson, G.; O'Connell; Robinson; St. Aubyn; Tallackson; Thane; Thompson; Traynor; Urlacher; Wardner

NAYS: Bowman; Christmann; Cook; Flakoll; Freborg; Heitkamp; Holmberg; Klein; Krauter; Kroepin; Lindaas; Mutch; Naaden; Nething; Redlin; Sand; Schobinger; Solberg; Stenehjem, B.; Stenehjem, W.; Tomac; Wanzek; Watne

ABSENT AND NOT VOTING: Bercier

HB 1391 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1417: A BILL for an Act to amend and reenact sections 61-16.1-51, 61-16.1-53, 61-21-43.1, 61-21-67, and 61-32-07 of the North Dakota Century Code, relating to the time within which obstructions to drains, noncomplying dikes or dams, and noncomplying drains must be removed or closed.

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

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

HB 1417 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1450: A BILL for an Act to create and enact a new section to chapter 49-21 of the North Dakota Century Code, relating to eligible telecommunication carriers.

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

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1450 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3027: A concurrent resolution directing the Legislative Council to study heritage tourism and the relationships among the State Historical Society, Parks and Recreation Department, Tourism Department, Department of Economic Development and Finance, and private sector promoters and developers of heritage tourism in the state.

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

HCR 3027 was declared adopted on a voice vote and the title was agreed to.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2087, SB 2257, SB 2270, SB 2271, SB 2407.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has signed: SB 2196, SB 2215, SB 2305, SB 2306, SB 2314, SCR 4005, SCR 4015, SCR 4032, SCR 4041, SCR 4046.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 9:07 a.m., March 16, 1999: SB 2196, SB 2215, SB 2305, SB 2306, SB 2314.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for his filing at the hour of 9:07 a.m., March 16, 1999: SCR 4005, SCR 4015, SCR 4032, SCR 4041, SCR 4046.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2039, SB 2040, SB 2084, SB 2116, SB 2121, SB 2134, SB 2204, SB 2223, SB 2312, SB 2435, SB 2438, SCR 4014, SCR 4024, SCR 4030, SCR 4043, SCR 4047, SCR 4049, SCR 4050, SCR 4053.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has passed unchanged: HB 1095, HB 1154, HB 1155, HB 1161, HB 1169, HB 1185.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has failed to pass: HB 1137, HCR 3015, HCR 3017, HCR 3023.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1093, HB 1284, HCR 3022.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has passed unchanged: SCR 4018, SCR 4020, SCR 4025, SCR 4026, SCR 4034, SCR 4040.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2073, SB 2126, SB 2128, SB 2180, SB 2186, SB 2225.

HOUSE AMENDMENTS TO SENATE BILL NO. 2073

Page 2, line 15, after the first "school" insert "and did not graduate from high school"

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2126

Page 1, line 1, replace "subsection" with "subsections" and after "1" insert "and 3"

Page 1, line 5, replace "Subsection" with "Subsections" and after "1" insert "and 3"

Page 1, line 14, after the second underscored comma insert "and" and remove ", and any other"

Page 1, remove line 15

Page 1, line 16, remove "prevention and required by the state health council"

Page 1, line 18, overstrike "superintendent of public instruction" and insert immediately thereafter "public school district in which the child resides"

Page 1, after line 18, insert:

- "3. Any minor child, through the child's parent or guardian, may submit to the institution authorities either a certificate from a licensed physician stating that the physical condition of the child is such that immunization would endanger the life or health of the child or a certificate signed by the child's parent or guardian whose religious, philosophical, or moral beliefs are opposed to such immunization. The minor child is then exempt from the provisions of this section."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2128

Page 1, line 14, replace "The" with "If the service takes more than an hour to provide, the"

Page 1, line 15, remove ", which must", overstrike "be a minimum of twenty-five cents and", and after "~~shall~~" insert ", which"

Page 1, line 16, after "hour" insert ", excluding the initial hour,"

Page 2, line 12, after "hour" insert "per request, excluding the initial hour," and remove "and compiling"

Page 2, line 13, replace "a record" with "records", remove "or compiling", and replace the second "record" with "records"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2180

Page 1, line 1, replace the first comma with "and" and remove ", and 26.1-39-16.1"

Page 1, line 2, replace the second comma with "and"

Page 1, line 3, remove ", and flood insurance notices"

Page 1, line 5, remove "26.1-22-21,"

Page 1, line 9, remove "excess loss reinsurance,"

Page 3, line 23, replace "ten" with "twenty-five"

Page 3, line 26, remove the overstrike over "~~twenty-five~~" and remove "ten"

Page 3, line 27, remove the overstrike over "~~five~~" and remove "one"

Page 3, line 29, remove the overstrike over "~~and interest~~"

Page 5, remove lines 27 through 31

Page 6, remove lines 1 through 22

Page 10, remove lines 22 through 30

Page 11, remove lines 1 through 3

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2186

Page 1, line 1, after "12.1-17" insert "and a new section to chapter 23-07"

Page 1, line 2, after "excrement" insert "and the reporting of test results for certain diseases"

Page 1, line 7, replace "a class C felony" with "an offense" and remove "knowingly"

Page 1, line 12, after "employment" insert "unless the employee does an act within the scope of employment which requires or causes the contact"

Page 1, after line 18, insert:

- "3. The offense is a class C felony if the individual knowingly causes the contact and is a class A misdemeanor if the individual recklessly causes the contact.

SECTION 2. A new section to chapter 23-07 of the North Dakota Century Code is created and enacted as follows:

Report of testing result of imprisoned individuals. Notwithstanding any other provision of law, the state department of health or any other agency shall release the results of any testing for any reportable disease performed on an individual convicted of a crime who is imprisoned if the request is made by any individual and the individual provides written proof from the administrator of the facility with control over the individual imprisoned which states that the individual has had a significant exposure as defined in section 23-07.3-01."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2225

Page 1, line 2, replace "fraudulent" with "unauthorized" and after "information" insert "; and to provide a penalty"

Page 1, line 6, replace "**Fraudulent**" with "**Unauthorized**"

Page 1, line 18, after the semicolon insert "or"

Page 1, line 19, replace the semicolon with a period

Page 1, remove lines 20 and 21

Page 2, remove lines 3 through 12

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2199.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2199

Page 1, line 3, remove the first "and"

Page 1, line 4, after "education" insert "; and to declare an emergency"

Page 2, after line 28, insert:

"SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2068.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2068

Page 1, line 16, replace "approved" with ":

- (1) Approved" and replace "a majority" with "one-third"

Page 1, line 20, after the semicolon insert "or

- (2) Approved by a majority of each participating school district's electors voting on the question at a regular school district election or at a special election called by the board;"

Page 2, line 12, remove "and"

Page 2, line 13, after "d." insert "The loan is:

- (1) Approved by one-third of the eligible electors residing in each school district participating in the consortium, as evidenced by

their signatures on a petition clearly stating the purpose of the loan, the amount of the loan, and its terms of repayment, and filed with the superintendent of public instruction; or

- (2) Approved by a majority of each participating school district's electors voting on the question at a regular school district election or at a special election called by the board; and

e."

Page 2, line 15, after the period insert "The superintendent of public instruction may not approve a loan under this section if the superintendent determines that the instructional technology acquisition is not compatible with the statewide information technology plan."

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has signed: SB 2029, SB 2264, SB 2298, SB 2347, SB 2358, SB 2369, SB 2382, SB 2405, SB 2426.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1028, HB 1045, HB 1069, HB 1072, HB 1080, HB 1099, HB 1101, HB 1122, HB 1126, HB 1130, HB 1143, HB 1188, HB 1200, HB 1209, HB 1233, HB 1266, HB 1303, HB 1332, HB 1347, HB 1349, HB 1367, HB 1374, HB 1379, HB 1384, HB 1393, HB 1416, HB 1418, HB 1423, HB 1456, HCR 3002, HCR 3003, HCR 3021, HCR 3039, HCR 3040, HCR 3055, HCR 3062, HCR 3079.

MOTION

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

MOTION

SEN. ST. AUBYN MOVED that the Senate be on the Fifth, Seventh, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Wednesday, March 17, 1999, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1149, as engrossed: Political Subdivisions Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1149 was placed on the Sixth order on the calendar.

Page 1, line 11, remove ". Other"

Page 1, remove line 12

Page 1, line 13, remove "pursuant to section 16.1-01-04"

Page 4, line 27, after "16.1-05-06" insert "and include a voter's affidavit with the outgoing absentee voter's ballot along with an explanation that the voter's right to vote is being challenged and that the voter's affidavit must be completed and returned with the voter's absentee voter's ballot to be accepted"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1175, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1175 was placed on the Sixth order on the calendar.

Page 1, line 1, after "enact" insert "a new section to chapter 26.1-01 and"

Page 1, line 2, after "to" insert "electronic filings,"

Page 1, after line 10, insert:

"SECTION 1. A new section to chapter 26.1-01 of the North Dakota Century Code is created and enacted as follows:

Electronic filings allowed.

1. Notwithstanding any other provision of this title, the commissioner may adopt rules that allow either an applicant or a licensee to file documents electronically with the commissioner or the commissioner's designee. The rules may contain procedures for the electronic filing of the following:
 - a. Any document required as part of an application for a license under this title;
 - b. Any document required to be filed by an applicant or licensee to maintain the license in good standing;
 - c. Any fee required under this title; and
 - d. Any other document required or permitted to be filed.
2. This section may not be interpreted to supersede any other provision of law that requires the electronic filing of a document or to require an applicant or licensee to make any other filing electronically."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1237: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1237 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1255: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1255 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1275: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1275 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1452, as engrossed: Human Services Committee (Sen. Thane, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1452 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3004: Human Services Committee (Sen. Thane, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3004 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3053: Human Services Committee (Sen. Thane, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3053 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3054: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3054 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3064, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3064 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3068, as engrossed: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3068 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3067: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3067 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3072: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3072 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3077: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3077 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3078: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3078 was placed on the Tenth order on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2246, as engrossed: Your conference committee (Sens. Wardner, Urlacher, Kinnoin and Reps. Mickelson, Clark, Winrich) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 661 and place SB 2246 on the Seventh order.

Engrossed SB 2246 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2280, as engrossed: Your conference committee (Sens. Watne, Flakoll, C. Nelson and Reps. Maragos, B. Thoreson, Delmore) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 604 and place SB 2280 on the Seventh order.

Engrossed SB 2280 was placed on the Seventh order of business on the calendar.

The Senate stood adjourned pursuant to Senator St. Aubyn's motion.

WILLIAM C. PARKER, Secretary