

JOURNAL OF THE SENATE

Fifty-sixth Legislative Assembly

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Bismarck, March 19, 1999

The Senate convened at 12:30 p.m., with President Myrdal presiding.

The prayer was offered by Senior Minister Philip Bedwell, First Church of the Nazarene, Minot.

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 18, 1999, I have signed the following: SB 2039, SB 2040, SB 2084, SB 2087, SB 2116, SB 2119, SB 2121, SB 2134, SB 2177, SB 2213, SB 2240, SB 2270, SB 2298, SB 2312, SB 2405, SB 2426, SB 2435, and SB 2438.

MOTION

SEN. ST. AUBYN MOVED that HB 1382, which is on the Sixth order, and HCR 3067, which is on the Fourteenth order, be laid over two legislative days, and that HB 1082, 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 1152 be placed on the Fourteenth order, as amended, for immediate second reading and final passage, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1025: SEN. TRAYNOR (Judiciary Committee) MOVED that the amendments on SJ pages 753-754 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1152, as engrossed: SEN. DEMERS (Human Services Committee) MOVED that the amendments on SJ pages 754-755 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1152: A BILL for an Act to amend and reenact sections 43-32-13 and 43-32-30 of the North Dakota Century Code, relating to the practice of psychology and the authority of the board of psychologist examiners to deny renewal of a license.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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 1152, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1307, as engrossed: SEN. B. STENEHJEM (Finance and Taxation Committee) MOVED that the amendments on SJ pages 755-756 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1008: A BILL for an Act to provide an appropriation for defraying the expenses of the department of banking and financial institutions; 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 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

Engrossed HB 1008 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1158: A BILL for an Act to create and enact a new section to chapter 43-17 of the North Dakota Century Code, relating to exceptions to the licensure requirements to practice medicine; and to amend and reenact sections 43-17-01, 43-17-02, 43-17-06, 43-17-30.1, and 43-17-31 of the North Dakota Century Code, relating to the definitions of practice of medicine and telemedicine, persons exempt from medical practice licensure requirements, officers of the board of medical examiners, and disciplinary action of the board.

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

Engrossed HB 1158, as amended, passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4056: A concurrent resolution of appreciation to Ralph and Betty Engelstad for their gift of \$100 million to the University of North Dakota.

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

SCR 4056 was declared adopted on a voice vote and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1286: A BILL for an Act to create and enact a new section to chapter 5-02 of the North Dakota Century Code, relating to the retail sale of alcoholic beverages.

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 12 YEAS, 36 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Flakoll; Grindberg; Kelsh; Krebsbach; Lee; Mathern, D.; Nelson, C.; O'Connell; Thompson; Traynor; Watne

NAYS: Andrist; Bowman; Christmann; Cook; Fischer; Freborg; Heitkamp; Holmberg; Kilzer; Kinnoin; Klein; Krauter; Kringstad; Kroeplin; Lindaas; Lyson; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Tomac; Urlacher; Wanzek; Wardner

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1286, as amended, lost.

SECOND READING OF HOUSE BILL

HB 1415: A BILL for an Act to amend and reenact section 54-03-20 of the North Dakota Century Code, relating to compensation of members of the legislative assembly.

CONFLICT OF INTEREST

SEN. G. NELSON STATED that he had a conflict of interest on HB 1415 and requested that he be excused from voting on HB 1415, which request was granted.

CONFLICT OF INTEREST

SEN. T. MATHERN STATED that he had a conflict of interest on HB 1415 and requested that he be excused from voting on HB 1415, which request was granted.

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 42 YEAS, 4 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lyson; Mathern, D.; Mutch; Mutzenberger; Nelson, C.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: DeMers; Lindaas; Naaden; Redlin

ABSENT AND NOT VOTING: Bercier; Mathern, T.; Nelson, G.

HB 1415, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1170: A BILL for an Act to create and enact a new section to chapter 54-44.4 of the North Dakota Century Code, relating to approved vendors under state purchasing laws; to amend and reenact sections 12-48-07, 24-03-14, 46-01-02, 46-02-01, 46-02-09, 46-05-03, 54-23.2-02, 54-24-09, 54-44-04.5, 54-44-04.6, subsection 3 of section 54-44.2-02, subsections 4, 5, and 8 of section 54-44.4-02, sections 54-44.4-03, 54-44.4-05, 54-44.4-07, and 54-44.4-08 of the North Dakota Century Code, relating to state purchasing and printing practices and the responsibilities of the office of management and budget; to repeal section 54-44-09 of the North Dakota Century Code, relating to the requirement that state purchases comply with United States bureau of standards; 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 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 1170 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1149: A BILL for an Act to amend and reenact sections 16.1-01-05, 16.1-05-06, 16.1-07-08, 44-02-01, and 58-04-09 of the North Dakota Century Code, relating to voting by an elector moving from one precinct to another, procedures for challenging voters and voters who apply for absent voter's ballots, and when vacancies in office occur.

MOTION

SEN. W. STENEHJEM MOVED that Engrossed HB 1149, as amended, be further amended as follows, which motion prevailed on a voice vote.

In addition to the amendments adopted by the Senate as printed on page 729 of the Senate Journal, Engrossed House Bill No. 1149 is further amended as follows:

Page 2, line 9, replace "physically reside at the address within" with "meet the residency requirements provided in section 16.1-01-05."

Page 2, remove line 10

Renumber accordingly

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, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; 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; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Heitkamp; Kroeplin; Tomac

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1149, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1295: A BILL for an Act to amend and reenact sections 5-01-08, 12.1-36-06, and subsection 1 of section 29-06-15 of the North Dakota Century Code, relating to consumption of alcohol, inhalation of volatile chemicals, and to arrest without a warrant; and to provide a penalty.

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; 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 1295, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1467: A BILL for an Act to create and enact three new sections to chapter 43-40 of the North Dakota Century Code, relating to complaints and investigations against occupational therapists and occupational therapy assistants and the board of occupational therapy practice recovering costs of prosecution; to amend and reenact sections 43-40-01, 43-40-02, 43-40-03, 43-40-04, 43-40-08, 43-40-10, 43-40-11, 43-40-12, 43-40-13, 43-40-15, 43-40-16, and 43-40-18 of the North Dakota Century Code, relating to licensing and practice of occupational therapists; to repeal section 43-40-09 of the North Dakota Century Code, relating to licensing occupational therapy assistants; and to provide a penalty.

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

Engrossed HB 1467, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3005: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of facilitating pro se representation in domestic relations matters.

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

HCR 3005, as amended, was declared adopted on a voice vote and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1255: A BILL for an Act to provide a self-critical insurance analysis privilege.

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; 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 1255 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1006: A BILL for an Act to provide an appropriation for defraying the expenses of the aeronautics commission.

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; Kroepelin; 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 1006 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1010: A BILL for an Act to provide an appropriation for defraying the expenses of the council on the arts and an appropriation of funds from the cultural endowment fund.

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; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Solberg

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1010 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1063: A BILL for an Act to create and enact a new section to chapter 15-36 of the North Dakota Century Code, relating to provisional teaching certificates.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 48 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

NAYS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; 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 1063 lost.

SECOND READING OF HOUSE BILL

HB 1066: A BILL for an Act to amend and reenact section 54-10-01 of the North Dakota Century Code, relating to the authority of the state auditor to conduct audits of the international peace garden.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; 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: Krauter; Mathern, T.

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1066 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1070: A BILL for an Act to amend and reenact sections 52-09-07, 52-09-08, and subsection 9 of section 52-09-20 of the North Dakota Century Code, relating to contributions to and primary insurance benefits under the old-age and survivor insurance system; and to repeal sections 52-09-09, 52-09-10, 52-09-11, 52-09-12, and 52-09-13 of the North Dakota Century Code, relating to old-age and survivor insurance taxes.

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 1070 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1144: A BILL for an Act to create and enact section 10-04-08.4 of the North Dakota Century Code, relating to filing requirements for federal covered securities; and to amend and reenact sections 10-04-02, subsections 4 and 5 of section 10-04-03, sections 10-04-04, 10-04-05, 10-04-06, 10-04-07.1, 10-04-08, 10-04-08.1, 10-04-08.2, 10-04-08.3, 10-04-09, 10-04-10, 10-04-10.1, 10-04-10.2, 10-04-10.3, 10-04-11, 10-04-12, 10-04-14, 10-04-16.1, 10-04-17, and 10-04-18 of the North Dakota Century Code, relating to definitions, administration, and registration of securities under the Securities Act of 1951, advertising of and statements about securities, federal covered securities, suspensions and revocation of securities registrations, registration of dealers, agents, investment advisers, and investment adviser representatives, suspension and revocation of registrations of dealers, agents, investment advisers and investment adviser representatives, hearing provisions, securities investigations, consent to service of process, remedies available to investors, and penalties.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 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

ABSENT AND NOT VOTING: Bercier; Watne

Engrossed HB 1144 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1341: A BILL for an Act to amend and reenact subsection 2 of section 44-08-04 of the North Dakota Century Code, relating to state officer and employee expense reimbursement.

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 38 YEAS, 10 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Kinnoin; Krebsbach; Kringstad; Lee; Lyson; Mathern, D.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Sand; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Christmann; Kelsh; Klein; Krauter; Kroepelin; Lindaas; Mathern, T.; Robinson; Solberg; Tomac

ABSENT AND NOT VOTING: Bercier

HB 1341 passed and the title was agreed to.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. W. STENEHJEM MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1431, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1431: Sens. Traynor, Lyson, C. Nelson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FREBORG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2068 as printed on SJ pages 728-729 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2068: Sens. Freborg, Wanzek, O'Connell.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FREBORG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2075 as printed on SJ page 698 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2075: Sens. Cook, Wanzek, O'Connell.

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

MADAM PRESIDENT: The House has failed to pass: SB 2031.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2080.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2321.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2036, SB 2055, SB 2189, SB 2287, SB 2299, SB 2319, SB 2349.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2036

Page 1, line 3, after the second "the" insert "state"

Page 1, line 12, remove the overstrike over "~~basic care~~" and remove "assisted"

Page 1, line 13, remove "living facility"

Page 1, line 17, after the second "facility" insert "or basic care facility" and after the third "facility" insert "or basic care facility"

Page 4, line 20, after "AND" insert "STATE"

Page 4, line 21, after "the" insert "state"

Re-number accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2055

Page 1, line 9, replace "ninety-one" with "seventy-five"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 160 - LEGISLATIVE COUNCIL

HOUSE - The amendment reduces the per diem rate for attendance at Legislative Council related meetings from \$91 as approved by the Senate to \$75 as introduced and recommended by the Legislative Compensation Commission. The current per diem rate is \$62.50.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2189

Page 1, line 10, replace "seven" with "fourteen"

Re-number accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2287

Page 1, line 19, replace "principal" with "judgment amount"

Page 1, line 20, replace "principal" with "judgment amount"

Page 1, line 22, replace "principal" with "judgment amount"

Page 2, line 1, replace the first "principal" with "judgment amount" and replace the second "principal" with "judgment amount"

Re-number accordingly

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2299

Page 2, line 14, after the underscored comma insert "attending school for longer than ten days."

Page 2, line 28, after "resides" insert ", attends school."

Page 3, line 4, replace "e" with "c"

Page 3, remove lines 5 through 8

Page 3, line 9, replace "d" with "b"

Page 3, line 16, replace "e" with "c"

Page 3, line 23, replace "f" with "d"

Page 4, line 1, replace "g" with "e"

Page 4, line 27, replace "shall" with "may"

Page 4, line 29, replace "g" with "e"

Page 5, line 9, after "reside" insert ", attend school."

Page 5, line 16, after "reside" insert ", attend school."

Page 5, line 28, after "reside" insert ", attend school."

Page 6, line 2, after "reside" insert ", attend school."

Page 6, line 8, after "name" insert ", school."

Page 6, line 10, after "name" insert ", school."

Page 6, line 15, after "residence" insert ", school."

Page 6, line 18, after "residence" insert ", school."

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2319

Page 1, line 8, after "damages" insert "against the driver under the motion procedures provided in subsection 1" and replace the second "the" with "clear and convincing"

Page 1, line 9, remove "preponderance of the"

Page 1, line 10, replace ", for a second time in" with "within the" and replace the second comma with "immediately preceding the accident has been convicted twice for violation of section 39-08-01 and who"

Page 1, line 14, after the semicolon insert "or"

Page 1, line 16, replace "; or" with a period

Page 1, remove lines 17 through 20

Page 1, line 21, remove "damages under this section."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2349

Page 1, line 2, replace "punitive" with "exemplary"

Page 1, line 6, replace "**punitive**" with "**exemplary**"

Page 1, line 7, replace "Punitive" with "Exemplary"

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 2030, SB 2288.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2030

Page 1, line 9, after "by" insert "or a loan from"

Page 1, line 10, remove "alumni"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 230 - UNIVERSITY OF NORTH DAKOTA

HOUSE - In addition to other available sources of funding for construction of the university bookstore building, this amendment authorizes the University of North Dakota to spend funds resulting from obtaining a loan from the University of North Dakota foundation for the project.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2288

Page 1, line 15, remove the underscored comma

Page 1, line 16, remove ", may"

Page 1, line 17, remove "not discharged in bankruptcy and"

Renumber accordingly

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 2187, SB 2234, SB 2282, SB 2335, SB 2353, SB 2366, SB 2436, SCR 4019, SCR 4028, SCR 4031, SCR 4038, SCR 4039, SCR 4042, SCR 4048.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: 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 Speaker has signed: SB 2187, SB 2234, SB 2282, SB 2335, SB 2353, SB 2366, SB 2436, SCR 4018, SCR 4019, SCR 4020, SCR 4025, SCR 4026, SCR 4028, SCR 4031, SCR 4034, SCR 4038, SCR 4039, SCR 4040, SCR 4042, SCR 4048.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval on March 19, 1999: SB 2187, SB 2234, SB 2282, SB 2335, SB 2353, SB 2366, SB 2436.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for his filing on March 19, 1999: SCR 4018, SCR 4019, SCR 4020, SCR 4025, SCR 4026, SCR 4028, SCR 4031, SCR 4034, SCR 4038, SCR 4039, SCR 4040, SCR 4042, SCR 4048.

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

MADAM PRESIDENT: The House has failed to pass: SB 2375, SCR 4002.

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

MADAM PRESIDENT: The House has passed unchanged: SCR 4044, SCR 4045.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2011, SB 2356, SB 2393, SCR 4017.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2088, SB 2127, SB 2154, SB 2166, SB 2181, SB 2396.

HOUSE AMENDMENTS TO SENATE BILL NO. 2088

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 15-04 of the North Dakota Century Code, relating to payments for county services benefiting school trust lands; and" and remove "15-04-09,"

Page 1, remove lines 4 through 16

Page 1, line 21, remove the overstrike over the overstruck comma

Page 1, line 22, remove the overstrike over "~~and must be held at the county seat~~"

Page 2, after line 3, insert:

"SECTION 2. A new section to chapter 15-04 of the North Dakota Century Code is created and enacted as follows:

County services benefiting school trust lands - Payment. On or before March first of each year, the board of university and school lands shall pay a fee to the board of county commissioners of each county in which the state retains original grant lands. The board of county commissioners shall forward a prorated portion of any fee received under this section to the organized townships in which the original grant lands are located for use in the repair, maintenance, and construction of roads and bridges and shall use the remainder of the fee for the repair, maintenance, and construction of roads and bridges in unorganized townships in which original grant lands are located. The total fees paid under this section may not exceed five percent of the net revenue generated during that period from the original grant lands in that county. For purposes of this section, net revenue means the gross revenue from surface management, less any administrative and operating expenses, but does not include any moneys that must be deposited in a permanent trust fund."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2127

Page 1, line 7, overstrike "three" and insert immediately thereafter "five"

Page 1, line 13, overstrike "three" and insert immediately thereafter "five"

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2154

Page 1, line 3, after "state" insert "special education"

Page 3, line 19, after "state" insert "special education" and after "funds" insert "due a school district that is found to be in violation of providing a free appropriate public education in an amount equal to the cost of meeting the affected individual students' needs"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2166

Page 1, after line 14, insert:

- "3. "Institutional review board" means any board, committee, or other group formally designated by an institution or public health authority or authorized under federal or state law to review, approve the initiation of, or conduct a periodic review of research programs to assure the protection of the rights and welfare of human research subjects."

Page 1, line 15, replace "3" with "4"

Page 1, line 18, replace "4" with "5"

Page 1, line 23, replace "5" with "6"

Page 2, line 3, replace "6" with "7"

Page 2, line 19, replace "7" with "8"

Page 2, line 26, replace "8" with "9"

Page 2, line 30, replace "9" with "10"

Page 3, line 1, replace "10" with "11"

Page 3, line 7, after the period insert "Subject to section 23-01-15, subsection 1 of section 23-07-02.2, and any other requirements of this title, this chapter does not prohibit a public health authority from disclosing protected health information for use in a biomedical research project approved by an institutional review board or public health information that has been transformed to protect the identity of the patient through coding or encryption if the information is disclosed for use in an epidemiological or statistical study."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2181

Page 1, line 2, remove "26.1-26-01," and remove "26.1-26-06,"

Page 1, line 3, remove "26.1-26-09,"

Page 1, line 4, remove "26.1-26-32,"

Page 1, line 5, remove "26.1-26-42,"

Page 3, line 5, remove the overstrike over "~~a license for~~", after "resident" insert "an", and remove the overstrike over "~~agent or limited insurance representative~~"

Page 3, line 6, remove "an insurance agent's license"

Page 3, line 22, remove the overstrike over "~~or limited insurance representative~~"

Page 5, line 11, remove the overstrike over "~~However, if the laws or rules of another state require a~~"

Page 5, remove the overstrike over lines 12 through 24

Page 5, remove lines 25 through 30

Page 6, remove lines 1 and 2

Page 6, line 21, remove the overstrike over "~~Limited insurance representative~~" means an individual, partnership," and insert immediately thereafter "limited liability partnership," and remove the overstrike over "~~corporation,~~"

Page 6, remove the overstrike over lines 22 through 26

Page 6, line 27, remove the overstrike over "6."

Page 7, line 3, remove "or" and remove the overstrike over "~~, or limited representative~~"

Page 7, line 5, remove the overstrike over "~~limited insurance representative,~~"

Page 7, line 7, remove the overstrike over "~~limited insurance representative,~~"

Page 7, line 17, remove the overstrike over "~~limited insurance representative,~~"

Page 7, line 19, remove the overstrike over "~~limited~~"

Page 7, line 20, remove the overstrike over "~~insurance representative,~~"

Page 7, line 23, remove the overstrike over "~~limited insurance representative,~~"

Page 8, line 6, remove the overstrike over "~~limited insurance representative,~~"

Page 8, remove lines 17 through 23

Page 8, line 29, remove the overstrike over "~~limited insurance representative,~~"

Page 9, remove lines 20 through 31

Page 10, remove lines 1 through 12

Page 10, line 29, remove the overstrike over "~~Agent or limited representative~~" and remove "Insurance agent"

Page 10, line 30, remove the overstrike over "~~or limited~~"

Page 10, line 31, remove the overstrike over "~~insurance representative,~~"

Page 11, line 2, remove the overstrike over "~~or limited insurance representative~~"

Page 11, line 4, remove the overstrike over "~~or limited insurance representative~~"

Page 11, line 5, remove the overstrike over "~~or limited insurance~~"

Page 11, line 6, remove the overstrike over "~~representative~~"

Page 12, line 25, remove the overstrike over "~~limited insurance representative,~~"

Page 12, line 30, after the first comma insert "limited liability partnership,"

Page 15, remove lines 7 through 12

Page 17, line 4, remove the overstrike over "~~limited insurance representative,~~"

Page 17, line 6, remove the overstrike over "~~limited insurance representative,~~"

Page 17, remove lines 8 through 31

Page 18, remove lines 1 through 21

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2396

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for nonprofit mutual insurance companies to evaluate hospital reimbursement rates; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Nonprofit mutual insurance companies - Evaluation of hospital reimbursement rates - Report. Before December 1, 1999, every nonprofit mutual insurance company domiciled in this state, in cooperation with every nonprofit hospital in this state, shall evaluate the company's reimbursement rates for health care services provided by the hospitals. The evaluation must include a review of the financial impact the reimbursement rates have on each nonprofit hospital. The evaluation must also include consideration of premium rates and the financial condition of the nonprofit mutual insurance company. Each nonprofit hospital shall provide audited financial statements to the nonprofit mutual insurance company directly or through a third party. Each nonprofit mutual insurance company subject to this section shall file a report of the findings of the evaluation with the legislative council before December 1, 1999.

SECTION 2. EXPIRATION DATE. This Act is effective through June 30, 2000, and after that date is ineffective."

Renumber accordingly

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

MADAM PRESIDENT: The House has amended and subsequently passed: SCR 4027, SCR 4029, SCR 4036.

**HOUSE AMENDMENTS TO ENGROSSED SENATE CONCURRENT
RESOLUTION NO. 4027**

Page 2, line 17, replace "BOMMM (Burleigh, Oliver, Morton, Mercer, and McLean) Joint Water Resource" with "the Missouri River Coordinated Resource Management Program and the Corps of Engineers"

Page 2, line 18, remove "Board"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE CONCURRENT
RESOLUTION NO. 4029**

Page 1, line 1, after "resolution" replace the remainder of the resolution with "urging the United States Fish and Wildlife Service and the United States Department of the Interior to budget for and make full entitlement payments under the refuge revenue sharing program.

WHEREAS, the United States Fish and Wildlife Service manages 62 national wildlife refuges in North Dakota; and

WHEREAS, North Dakota has more national wildlife refuges located within its borders than does any other state; and

WHEREAS, the United States Fish and Wildlife Service owns and manages approximately 210,000 acres of wildlife refuges in fee and 250,000 acres of waterfowl production areas in fee in North Dakota; and

WHEREAS, North Dakota recognizes the value of these publicly owned lands as wildlife habitat and for wildlife dependent recreation; and

WHEREAS, the United States Fish and Wildlife Service refuge revenue sharing program payments to counties have steadily decreased from 100 percent of entitlement in 1980 to approximately 66 percent of entitlement in 1998; and

WHEREAS, the United States Fish and Wildlife Service requested funding for a full entitlement in 1998, but the amount of the entitlement was reduced by the Department of the Interior; and

WHEREAS, the Congress of the United States has not budgeted for full entitlement of the refuge revenue sharing program since 1980; and

WHEREAS, the deficit in refuge revenue sharing program payments represents a real economic hardship to many counties and citizens in North Dakota; and

WHEREAS, the difference between full entitlement and actual payments made to counties in North Dakota for 1998 was approximately \$224,000; and

WHEREAS, local concerns over the deficit in refuge revenue sharing program payments creates opposition to United States Fish and Wildlife Service land acquisition, land management activities, and other Fish and Wildlife Service programs; and

WHEREAS, state agencies such as the North Dakota Game and Fish Department and organizations such as the North Dakota Wetlands Trust and the Nature Conservancy, which pay actual taxes on the lands they own or manage, suffer criticism of and opposition to their programs as the result of concerns over the refuge revenue sharing program deficit; and

WHEREAS, it would be in the best interests of wildlife conservation, county government, local entities, landowners, and outdoor recreationists if the United States Fish and Wildlife Service made full refuge revenue sharing program payments;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the Fifty-sixth Legislative Assembly urges the United States Fish and Wildlife Service and the United States Department of the Interior to budget for and make full entitlement payments under the refuge revenue sharing program; and

BE IT FURTHER RESOLVED, that the North Dakota Legislative Assembly urges the North Dakota Congressional Delegation to seek and support appropriations providing full entitlement payments for the refuge revenue sharing program; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the director of the United States Fish and Wildlife Service, the Secretary of the Interior, and to each member of the North Dakota Congressional Delegation."

ReNUMBER accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE CONCURRENT
RESOLUTION NO. 4036**

Page 1, after line 20, insert:

"**WHEREAS**, while federal law requires states to disregard the months of assistance received by an adult while living on an Indian reservation with at least fifty percent unemployment, a conflict has arisen as to the method to be used to determine unemployment rate statistics; and"

Page 2, after line 6, insert:

"**BE IT FURTHER RESOLVED**, that the Legislative Council, in conducting its study, evaluate the use of the Bureau of Indian Affairs unemployment rate statistics to determine if adults within an Indian reservation are exempt from the state's lifetime limit under the temporary assistance for needy families program and evaluate and consider other methods of determining the unemployment rate specifically as it applies to those areas; and"

ReNUMBER accordingly

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1075, HB 1310, and HB 1325 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1075: Reps. Devlin; Porter; Niemeier

HB 1310: Reps. Severson; Disrud; Ekstrom

HB 1325: Reps. Keiser; Klein; Stefonowicz

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

MADAM PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2212: Reps. DeKrey; Disrud; S. Kelsh

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 1095, HB 1154, HB 1155, HB 1161, HB 1169, HB 1185, HB 1260, HB 1315, HB 1356, HB 1372, HB 1388, HB 1417, HB 1439, HB 1450, HCR 3027.

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

MR. SPEAKER: The Senate has failed to pass: HB 1433, HB 1468.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1128, HB 1157, HB 1237, HB 1242, HB 1370, HB 1452, HB 1454, HCR 3004, HCR 3007, HCR 3016, HCR 3019, HCR 3038, HCR 3045, HCR 3047, HCR 3049, HCR 3050, HCR 3053, HCR 3054, HCR 3061, HCR 3064, HCR 3068, HCR 3072, HCR 3073, HCR 3077, HCR 3078.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1175, HCR 3013, HCR 3080.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2068 and SB 2075 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2068: Sens. Freborg; Wanzek; O'Connell

SB 2075: Sens. Cook; Wanzek; O'Connell

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

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

HB 1431: Sens. Traynor; Lyson; C. Nelson

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., Monday, March 22, 1999, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1039, as engrossed: Human Services Committee (Sen. Thane, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1039 was placed on the Sixth order on the calendar.

Page 1, line 9, replace the second comma with a colon

Page 1, line 10, replace ""emergency" with:

"a. "Emergency"

Page 1, line 15, after the period insert:

"b. "Prehospital emergency medical services" means a service or its personnel either licensed under chapter 23-27 or certified by the state health department.

2."

Page 1, line 22, replace "2" with "3"

Page 1, line 23, after "limits" insert "or internal policy limits dealing specifically with prehospital emergency medical services"

Page 2, line 1, replace "3" with "4"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1081, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1081 was placed on the Sixth order on the calendar.

Page 2, line 6, remove "by the board"

Page 2, line 8, after the underscored period insert "A nationwide criminal history check is not required under this section if an applicant for licensure or registration provides to the board the results of a nationwide criminal history check performed by the federal bureau of investigation at the request of another state and if the nationwide criminal history check was performed within the sixty days immediately preceding the date of the application. A state criminal history check is not required under this section if an applicant for registration provides to the board the results of a state background check performed by the state in which the applicant currently resides and if the state background check was performed within the sixty days immediately preceding the date of the application."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

SENATE - This amendment adds language providing that a criminal history check is not needed if a nationwide criminal history check was performed within 60 days prior to the date of application.

REPORT OF STANDING COMMITTEE

HB 1121, as engrossed and amended: Appropriations Committee (Sen. Nething, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1121, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1146, as engrossed: Political Subdivisions Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1146 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 amend and reenact subsection 22 of section 11-11-14 of the North Dakota Century Code, relating to powers of boards of county commissioners.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 22 of section 11-11-14 of the North Dakota Century Code is amended and reenacted as follows:

22. To regulate ~~or prohibit the running at large of animals~~ the confinement and control of dogs, cats, and other household pets, provided the regulations do not conflict with rules adopted by the state board of animal health."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1300, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1300 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1359, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1359 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1399, as amended: Appropriations Committee (Sen. Nething, Chairman) recommends **FURTHER AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1399, as amended, was placed on the Sixth order on the calendar.

In addition to the amendments adopted by the Senate as printed on page 643 of the Senate Journal, House Bill No. 1399 is amended as follows:

Page 1, line 2, after "use" insert "; and to provide an expiration date"

Page 2, after line 13, insert:

"SECTION 2. EXPIRATION DATE. This Act is effective through June 30, 2001, and after that date is ineffective."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3014: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3014 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3029: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3029 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3030: Agriculture Committee (Sen. Wanzek, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3030 was placed on the Sixth order on the calendar.

Page 1, line 2, after "possible" insert ", including post-harvest crop protectants"

Page 2, line 12, after "possible" insert ", including post-harvest crop protectants"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3031: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3031 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3033: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3033 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3035: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3035 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3044: Natural Resources Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HCR 3044 was placed on the Sixth order on the calendar.

Page 1, after line 18, insert:

"BE IT FURTHER RESOLVED, that the study include an analysis of environmental concerns associated with the development of wind energy, including noise, bird kills, land intensiveness, and the aesthetics of large wind farms, and an analysis of the reliability of wind energy compared to other forms of energy; and

BE IT FURTHER RESOLVED, that the study include an examination of the economics of wind energy development, federal subsidies required, the impact of wind

energy on existing electrical generation facilities and electricity consumers, and whether the state should encourage wind energy development in view of impending electrical industry restructuring; and"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3046: Human Services Committee (Sen. Thane, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3046 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "financial"

Page 1, line 2, replace "rural hospitals" with "the delivery of health care"

Page 1, line 3, after "services" insert ", technological innovation, and possible regionalization of services"

Page 1, line 4, replace "rural hospitals are" with "the delivery of health care is"

Page 1, after line 9, insert:

"WHEREAS, shifting populations may cause regionalization of provisions of hospital services; and

WHEREAS, technological innovations such as telemedicine will affect the delivery of rural health care; and"

Page 1, line 20, remove "financial" and replace "rural hospitals" with "the delivery of health care"

Page 1, line 21, after "services" insert ", technological innovations, and possible regionalization of services"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3052: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3052 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3071: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3071 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3074: Political Subdivisions Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HCR 3074 was placed on the Sixth order on the calendar.

Page 1, line 2, after "organizations" insert "and other tax-exempt entities, including ownership in trust for Indian tribes,"

Page 1, line 5, after "property" insert "and other exempt property"

Page 1, line 7, remove "nonprofit corporation"

Page 1, line 8, after "property" insert "by tax-exempt entities"

Page 1, line 10, replace "nonprofit organizations" with "tax-exempt entities"

Page 1, line 14, after "organizations" insert "and other tax-exempt entities, including ownership in trust for Indian tribes,"

Renumber accordingly

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

WILLIAM C. PARKER, Secretary