

## JOURNAL OF THE SENATE

## Fifty-sixth Legislative Assembly

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Bismarck, March 17, 1999

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

The prayer was offered by Reverend Clyde Leimberer, The Baptist Home, Bismarck.

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

A quorum was declared by the President.

## CORRECTION AND REVISION OF THE JOURNAL

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

Page 712, line 19, replace "7" with "6", replace the first "0" with "1", and replace "NAYS" with "NAY"

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

## COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

This is to inform you that on March 15, 1999, I have signed the following: SB 2069, SB 2082, SB 2158, SB 2160, SB 2208, SB 2232, SB 2233, SB 2237, SB 2238, SB 2249, SB 2261, SB 2313, SB 2315, and SB 2318.

Also, on March 16, 1999, I have signed the following: SB 2184, SB 2198, SB 2334, SB 2343, SB 2345, SB 2389, and SB 2406.

## MOTION

**SEN. ST. AUBYN MOVED** that HB 1275, which is on the Fourteenth order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. St. Aubyn's motion, HB 1275 was rereferred.

## CONSIDERATION OF AMENDMENTS

**HB 1149, as engrossed: SEN. LYSON (Political Subdivisions Committee) MOVED** that the amendments on SJ page 729 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**HB 1175, as engrossed: SEN. SAND (Industry, Business and Labor Committee) MOVED** that the amendments on SJ pages 729-730 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

## SECOND READING OF HOUSE BILL

**HB 1079:** A BILL for an Act to create and enact a new subsection to section 39-03-09 of the North Dakota Century Code, relating to the powers of the highway patrol; and to declare an emergency.

## MOTION

**SEN. SAND MOVED** that HB 1079, as amended, be further amended as follows, which motion failed on a verification vote.

Page 1, line 8, after "officer" insert "; however, the appropriate county or city law enforcement agency must be notified and informed of the response"

Renumber accordingly

## 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 1079, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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### SECOND READING OF HOUSE BILL

**HB 1257:** A BILL for an Act to create and enact chapter 54-52.6 of the North Dakota Century Code, relating to a defined contribution retirement plan for nonclassified state employees; to amend and reenact subsection 3 of section 54-52-01, sections 54-52-02.5, 54-52-26, and subsection 1 of section 54-52.1-03.2 of the North Dakota Century Code, relating to definitions, participation by newly appointed officials in a defined contribution retirement plan, confidentiality of records, and retiree health benefit fund contributions under the public employees retirement system; to provide a penalty; to provide an appropriation and a continuing appropriation; and to declare an emergency.

### 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 28 YEAS, 19 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Kilzer; Kinnoin; Klein; Krebsbach; Lee; Lyson; Mutch; Naaden; Nelson, G.; Nething; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Thane; Traynor; Urlacher; Wanzek; Wardner; Watne

**NAYS:** DeMers; Heitkamp; Holmberg; Kelsh; Krauter; Kringstad; Kroepflin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Sand; Stenehjem, B.; Thompson; Tomac

**ABSENT AND NOT VOTING:** Bercier; Tallackson

Engrossed HB 1257, as amended, passed, the title was agreed to, but the emergency clause lost.

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### SECOND READING OF HOUSE BILL

**HB 1446:** A BILL for an Act to amend and reenact sections 11-11-17, 24-06-14, and 57-15-22 of the North Dakota Century Code, relating to the appointment of district overseer of highways for unorganized territory and the levy for roads and bridges in unorganized territory; and to provide an effective date.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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; 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.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Tallackson

HB 1446, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1136:** A BILL for an Act to create and enact a new section to chapter 65-02 of the North Dakota Century Code, relating to managed care for workers' compensation; to amend and reenact subsection 4 of section 26.1-26.4-02 and subsection 8 of section 26.1-26.4-04 of the North Dakota Century Code, relating to the definition of utilization review and to minimum standards of utilization review agents; and to provide an effective date.

**MOTION**

**SEN. DEMERS MOVED** that Engrossed HB 1136 be amended as follows:

Page 2, line 3, remove "This requirement does not apply to"

Page 2, remove lines 4 and 5

Renumber accordingly

**REQUEST**

**SEN. THOMPSON REQUESTED** a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed HB 1136, which request was granted.

**ROLL CALL**

The question being on the motion to adopt the proposed amendments to Engrossed HB 1136, the roll was called and there were 18 YEAS, 29 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Cook; DeMers; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Thompson; Tomac

**NAYS:** Andrist; Bowman; Christmann; Fischer; Flakoll; Freborg; Grindberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Naaden; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Tallackson

The proposed amendments to Engrossed HB 1136 were defeated.

**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, 9 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bowman; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Kinnoin; Klein; Krebsbach; Kringstad; Kroeplin; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, G.; Nething; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Andrist; Christmann; Kelsh; Krauter; Lee; Lindaas; Nelson, C.; O'Connell; Redlin

**ABSENT AND NOT VOTING:** Bercier; Tallackson

Engrossed HB 1136 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1141:** A BILL for an Act to amend and reenact section 54-34.3-03 and subsection 8 of section 54-34.3-04 of the North Dakota Century Code, relating to the structure and duties of the department of economic development and finance; and to repeal section 54-34-06.1 of the North Dakota Century Code, relating to dissemination of in-state manufacturer product listings.

**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.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Tallackson

HB 1141 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1259:** A BILL for an Act to amend and reenact subsection 1 of section 21-10-01 and section 65-04-02 of the North Dakota Century Code, relating to the membership of the state investment board and to workers' compensation reserves.

### 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 41 YEAS, 6 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** DeMers; Kroeplin; Mathern, T.; Nelson, C.; O'Connell; Redlin

**ABSENT AND NOT VOTING:** Bercier; Tallackson

HB 1259 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1331:** A BILL for an Act to create and enact a new section to chapter 65-01 of the North Dakota Century Code, relating to civil liability for intentional work-related injuries; to amend and reenact sections 65-01-05, 65-02-23, 65-04-14, 65-09-01, and 65-09-02 of the North Dakota Century Code, relating to employer and provider fraud and to the liability of a noncomplying employer for work-related injuries; to provide a penalty; and to provide a continuing appropriation.

### MOTION

**SEN. THOMPSON MOVED** that HB 1331 be amended as follows:

Page 1, line 1, remove "create and enact a new section to chapter 65-01 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to civil liability for intentional work-related injuries; to"

Page 1, remove lines 7 through 12

ReNUMBER accordingly

### REQUEST

**SEN. GRINDBERG REQUESTED** a recorded roll call vote on the motion to adopt the proposed amendments to HB 1331, which request was granted.

### ROLL CALL

The question being on the motion to adopt the proposed amendments to HB 1331, the roll was called and there were 17 YEAS, 30 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Cook; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Thompson; Tomac

**NAYS:** Andrist; Bowman; Christmann; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Naaden; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Tallackson

The proposed amendments to HB 1331 were defeated.

#### 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 32 YEAS, 15 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Kinnoin; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Naaden; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Urlacher; Wanzek; Wardner; Watne

**NAYS:** DeMers; Heitkamp; Kelsh; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Thompson; Tomac

**ABSENT AND NOT VOTING:** Bercier; Tallackson

HB 1331 passed and the title was agreed to.

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#### MOTION

**SEN. LYSON MOVED** that the Senate reconsider its action whereby HB 1391 passed, which motion prevailed on a verification vote.

#### 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, the roll was called and there were 21 YEAS, 26 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; DeMers; Fischer; Kelsh; Kilzer; Kinnoin; Krebsbach; Kringstad; Lee; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Thane; Thompson

**NAYS:** Bowman; Christmann; Cook; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Klein; Krauter; Kroeplin; Lindaas; Naaden; Redlin; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Tallackson

HB 1391 lost.

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#### REPORT OF DELAYED BILLS COMMITTEE

**MADAM PRESIDENT:** Your **Delayed Bills Committee (Sen. Solberg, Chairman)** has approved the introduction of a bill for an Act to amend and reenact section 10-15-20 of the North Dakota Century Code, relating to the donation of membership stock to a nonprofit corporation.

The bill will be SB 2439.

#### REPORT OF DELAYED BILLS COMMITTEE

**MADAM PRESIDENT:** Your **Delayed Bills Committee (Sen. Solberg, Chairman)** has approved the introduction of a bill for an Act to create and enact a new section to chapter 39-22 of the North Dakota Century Code, relating to sales requirements for used motor vehicle dealers.

The bill will be SB 2440.

**REPORT OF DELAYED BILLS COMMITTEE**

**MADAM PRESIDENT:** Your **Delayed Bills Committee (Sen. Solberg, Chairman)** has approved the introduction of a concurrent resolution urging the President to award Theodore Roosevelt the congressional Medal of Honor.

The resolution will be SCR 4054.

**REPORT OF DELAYED BILLS COMMITTEE**

**MADAM PRESIDENT:** Your **Delayed Bills Committee (Sen. Solberg, Chairman)** has approved the introduction of a concurrent resolution urging Congress to provide for this state's concealed weapons permit to create an exemption from the national instant criminal background check system.

The resolution will be SCR 4055.

**REPORT OF DELAYED BILLS COMMITTEE**

**MADAM PRESIDENT:** Your **Delayed Bills Committee (Sen. Solberg, Chairman)** has approved the introduction of a concurrent resolution of appreciation to Ralph and Betty Engelstad for their gift of \$100 million to the University of North Dakota.

The resolution will be SCR 4056.

**REPORT OF DELAYED BILLS COMMITTEE**

**MADAM PRESIDENT:** Your **Delayed Bills Committee (Sen. Solberg, Chairman)** has approved the introduction of a concurrent resolution urging the Governor to declare October 9, 1999, through October 8, 2000, "Leif Ericson Year".

The resolution will be SCR 4057.

**MOTION**

**SEN. SOLBERG MOVED** that the reports of the **Delayed Bills Committee** be adopted, which motion prevailed.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. TRAYNOR MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1447, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed HB 1447: Sens. Christmann, Traynor, Heitkamp.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. LEE MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1272, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed HB 1272: Sens. Lee, Flakoll, C. Nelson.

**POINT OF PERSONAL PRIVILEGE**

**SEN. NETHING REQUESTED** that his remarks be printed in the Journal, which request was granted.

**REMARKS OF SENATOR DAVID E. NETHING**

Madam President and ladies and gentlemen of the Senate. Two years ago today, I underwent surgery at the local hospital. As you might have guessed, it was very successful and I am very happy about that.

I wanted to talk briefly about the medical process that began one week earlier, on the tenth day of March. Earlier that weekend, symptoms occurred which I felt an obligation to share with the Senate Majority Leader, who, after an interesting lecture, arranged for me to see the Doctor of the Day here in the Capitol building.

When I visited the Doctor of the Day office, I was quite surprised at the equipment that was available. Primarily, it consisted of a blood pressure cuff and a stethoscope, and yet, it was enough for that skilled well-trained doctor to suggest that I needed to see a specialist downtown, which I did.

It's that Doctor of the Day program that I want to talk about for a couple of minutes. The North Dakota Medical Association has arranged the Doctor of the Day program for each session since the 1970s. Volunteer physicians from around the state offer basic medical services to

legislators, to staff, and sometimes to visitors to the Capitol building. This is done in the medical exam room located on the ground floor in the legislative lounge. So far this session 36 different physicians from around the state have served as volunteer doctors of the day. Physicians are now assigned to cover each day until April ninth.

On Friday, March 26, the Doctor of the Day program will again provide blood pressure and cholesterol health screening to legislators in the Great Hall. This is a followup to an initial screening that was offered back in January. At the same time, the North Dakota Psychiatric Society and the Mental Health Association of North Dakota will have information regarding mental health and depression available as well. I mention this, Madam President and fellow Senators, to emphasize the importance, not only of the programs that will be coming up, but also the importance of the service that is offered by the Medical Association.

I do want to thank all of you for the kind prayers and the other acts of kindness you offered to me and my family during that time. There is an old Chinese proverb that indicates when one is involved in saving another person's life, that person who offered those services will look after the person whose life he saved for the rest of his years. So I look forward to my guardianship by the Senate Majority Leader.

Thank you Madam President.

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

**MADAM PRESIDENT:** The Speaker has signed: SB 2054, SB 2119, SB 2132, SB 2136, SB 2177, SB 2213, SB 2240, SB 2255, SB 2326.

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

**MADAM PRESIDENT:** The Speaker has signed: 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 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 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 amended and subsequently passed: HB 1075, HB 1377.

**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 1272:** Sens. Lee; Flakoll; C. Nelson

**HB 1447:** Sens. Christmann; Traynor; Heitkamp

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

**MADAM PRESIDENT:** The House has passed unchanged: 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 SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has failed to pass: SB 2341, SB 2391.

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

**MADAM PRESIDENT:** The House has amended and subsequently failed to pass: SB 2273, SB 2333.

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

**MADAM PRESIDENT:** The House has amended and subsequently passed: SCR 4033.

**HOUSE AMENDMENTS TO SENATE CONCURRENT RESOLUTION NO. 4033**

Page 1, remove lines 13 through 16

Renumber accordingly

**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 2159:** Reps. Mickelson; R. Kelsch; Mahoney

**SB 2161:** Reps. Weisz; Belter; Meyer

**SB 2185:** Reps. Sveen; Klemin; Mahoney

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

**MADAM PRESIDENT:** The House does not concur in the Senate amendments to HB 1151, HB 1166, and HB 1431 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1151:** Reps. Drovdal; Brandenburg; Grumbo

**HB 1166:** Reps. Drovdal; DeKrey; Sandvig

**HB 1431:** Reps. Sveen; Gunter; Meyer

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

**MR. SPEAKER:** The President has signed: HB 1349.

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

**MR. SPEAKER:** The President has signed: HCR 3002, HCR 3003, HCR 3021, HCR 3039, HCR 3040, HCR 3055, HCR 3062, HCR 3079.

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

**MR. SPEAKER:** The President has signed: 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 1367, HB 1374, HB 1379, HB 1384, HB 1393, HB 1416, HB 1418, HB 1423, HB 1456.

**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, Ninth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Thursday, March 18, 1999, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1043, as reengrossed: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1043 was placed on the Sixth order on the calendar.

Page 3, line 15, after "marriage" insert "or public assistance"

Page 3, line 19, after "marriage" insert "or public assistance"

Page 3, line 27, after "marriage" insert "or public assistance"

Page 3, line 30, after "marriage" insert "or public assistance"

Page 4, line 4, after "marriage" insert "or public assistance"

Page 5, line 24, after "marriage" insert "or public assistance"

Page 6, line 2, after "marriage" insert "or public assistance"

Page 7, line 9, after "marriage" insert "or public assistance"

Page 16, line 12, after "marriage" insert "or public assistance"

Page 16, line 21, after "marriage" insert "or public assistance"

Page 16, line 25, after "marriage" insert "or public assistance"

ReNUMBER accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1128, as engrossed: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1128 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1157, as engrossed: Human Services Committee (Sen. Thane, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1157 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1158, as engrossed: Human Services Committee (Sen. Thane, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1158 was placed on the Sixth order on the calendar.

Page 1, after line 11, insert:

"2. "Interactive telecommunications" means any audio, video, or data communication involving a real-time or store and forward two-way transfer of data or information."

Page 1, line 12, replace "2" with "3"

Page 1, line 14, replace "3" with "4"

Page 2, line 6, replace "4" with "5" and replace "audio," with "telecommunications, with the intention of receiving, directly or indirectly, any compensation, but does not include a consultation consisting of only an oral conversation by telephone or a textual message by electronic mail or facsimile."

Page 2, remove line 7

Page 7, line 1, after "telemedicine" insert "from a place outside this state" and replace "under the supervision of" with "in consultation with"

Page 7, line 2, after "state" insert "and who is primarily responsible for the care of the patient"

ReNUMBER accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1242, as engrossed: Human Services Committee (Sen. Thane, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1242 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1286, as engrossed: Political Subdivisions Committee (Sen. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed HB 1286 was placed on the Sixth order on the calendar.

Page 1, line 9, after "license" insert ", except at events designated in an event permit issued pursuant to section 5-02-01.1"

ReNUMBER accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1295, as engrossed: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1295 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections 5-01-08," and after "12.1-36-06" insert a comma

Page 1, line 2, after the first "to" insert "consumption of alcohol," and after "chemicals" insert a comma

Page 1, line 3, after "warrant" insert "; and to provide a penalty"

Page 1, after line 4, insert:

"**SECTION 1. AMENDMENT.** Section 5-01-08 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**5-01-08. Persons under twenty-one years of age prohibited from manufacturing, purchasing, consuming, or possessing alcoholic beverages or entering licensed premises - Penalty - Exceptions - Referrals to addiction facilities - Jurisdiction.** Except as permitted in this section and section 5-02-06, any person under twenty-one years of age manufacturing or attempting to manufacture alcoholic beverages, purchasing or attempting to purchase alcoholic beverages, consuming or having recently consumed alcoholic beverages other than during a religious service, being under the influence of alcoholic beverages, or being in possession of alcoholic beverages, or furnishing money to any person for such purchase, or entering any licensed premises where alcoholic beverages are being sold or displayed, except a restaurant when accompanied by a parent or legal guardian, or in accordance with section 5-02-06, or if the person is a law enforcement officer entering the premises in the performance of official duty, is guilty of a class B misdemeanor. The court may, under this section, refer the person to an outpatient addiction facility licensed by the state department of human services for evaluation and appropriate counseling or treatment. The offense of consumption occurs in the county of consumption or the county where the offender is arrested."

Page 2, after line 2, insert:

"13. Fluorocarbon."

Page 2, line 3, replace "13" with "14"

Page 2, line 4, replace "14" with "15"

Page 2, line 5, replace "15" with "16"

Page 2, line 6, replace "16" with "17"

Page 2, line 7, replace "17" with "18"

Page 2, line 8, replace "18" with "19"

Page 2, line 9, replace "19" with "20"

Page 2, line 10, replace "20" with "21"

Page 2, line 11, replace "21" with "22"

Page 2, line 12, replace "22" with "23"

Page 2, line 13, replace "23" with "24"

Page 2, line 14, replace "24" with "25"

Page 2, line 15, replace "25" with "26"

Page 2, line 16, replace "26" with "27"

Page 3, line 8, replace "inhaling" with "being under the influence of"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1454, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1454 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1467, 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 1467 was placed on the Sixth order on the calendar.

Page 3, remove lines 19 through 21

Page 7, line 11, overstrike "equal" and insert immediately thereafter "equivalent"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HCR 3005: 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 3005 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "most" with "many"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HCR 3016: 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 3016 was placed on the Tenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HCR 3049: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3049 was placed on the Tenth order on the calendar.

#### FIRST READING OF SENATE BILLS

Sens. Lindaas, T. Mathern, G. Nelson and Rep. Belter introduced:

(Approved by the Delayed Bills Committee)

**SB 2439:** A BILL for an Act to amend and reenact section 10-15-20 of the North Dakota Century Code, relating to the donation of membership stock to a nonprofit corporation.

Was read the first time and referred to the **Finance and Taxation Committee**.

Sen. B. Stenehjem introduced:

(Approved by the Delayed Bills Committee)

**SB 2440:** A BILL for an Act to create and enact a new section to chapter 39-22 of the North Dakota Century Code, relating to sales requirements for used motor vehicle dealers.

Was read the first time and referred to the **Transportation Committee**.

#### FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Wardner, Bowman and Reps. Drovdal, N. Johnson, Kempenich, Wald introduced:

(Approved by the Delayed Bills Committee)

**SCR 4054:** A concurrent resolution urging the President to award Theodore Roosevelt the congressional Medal of Honor.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Sen. Christmann introduced:

(Approved by the Delayed Bills Committee)

**SCR 4055:** A concurrent resolution urging Congress to provide for this state's concealed weapons permit to create an exemption from the national instant criminal background check system.

Was read the first time and referred to the **Natural Resources Committee**.

Sens. Holmberg, DeMers, Mutch, St. Aubyn, W. Stenehjem and Reps. Brusegaard, Delmore, Glasheim, Jensen, Kliniske, Lloyd, Nottestad, Poolman, Svedjan, Winrich introduced:

(Approved by the Delayed Bills Committee)

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

Was read the first time and referred to the **Judiciary Committee**.

Sens. Lyson, W. Stenehjem and Reps. Drovdal, L. Thoreson introduced:

(Approved by the Delayed Bills Committee)

**SCR 4057:** A concurrent resolution urging the Governor to declare October 9, 1999, through October 8, 2000, "Leif Ericson Year".

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

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

**WILLIAM C. PARKER, Secretary**