

JOURNAL OF THE SENATE

Fifty-eighth Legislative Assembly

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Bismarck, March 27, 2003

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

The prayer was offered by Sister Anna Rose Ruhland, St. Vincent's Care Center, Bismarck.

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

A quorum was declared by the President.

MOTION

SEN. CHRISTMANN MOVED that Engrossed HB 1372, as amended, which is on the Fourteenth order, be rereferred to the **Transportation Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, Engrossed HB 1372, as amended, was rereferred.

MOTION

SEN. CHRISTMANN MOVED that that the rules be suspended and after action taken on the Sixth order, Engrossed HB 1351, Engrossed HB 1434, and HCR 3037 be placed on the Fourteenth order, as amended, for immediate second reading and final passage, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1471, as engrossed: SEN. WARDNER (Finance and Taxation Committee) MOVED that the amendments on SJ pages 939-940 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1058: SEN. G. LEE (Political Subdivisions Committee) MOVED that the amendments on SJ pages 935-936 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1190, as engrossed: SEN. EVERY (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 936 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1207, as engrossed: SEN. KREBSBACH (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 936-937 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1278, as engrossed: SEN. COOK (Political Subdivisions Committee) MOVED that the amendments on SJ page 937 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1425, as engrossed: SEN. FISCHER (Human Services Committee) MOVED that the amendments on SJ page 938 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1461: SEN. NELSON (Judiciary Committee) MOVED that the amendments on SJ page 939 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1492, as engrossed: SEN. G. LEE (Political Subdivisions Committee) MOVED that the amendments on SJ page 940 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HCR 3037: SEN. BROWN (Human Services Committee) MOVED that the amendments on SJ pages 941-942 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3037: A concurrent resolution directing the Legislative Council to study the needs of individuals with mental illness, drug and alcohol addictions, and physical or developmental disabilities, including individuals with multiple needs, and how the state responds to those needs; the long-term plans for the State Hospital, the Developmental Center at Westwood Park, Grafton, state and county correctional facilities, and other state facilities and the relationships among those facilities; and the impact and availability of community services.

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

HCR 3037, as amended, was declared adopted, and the title was agreed to on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1434, as engrossed: SEN. WARDNER (Finance and Taxation Committee) MOVED that the amendments on SJ page 938 be adopted and then be placed on the Fourteenth order with **DO NOT PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1434: A BILL for an Act to regulate the sale and delivery of tobacco products by certain methods; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 24 YEAS, 22 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christenson; Dever; Espegard; Fairfield; Flakoll; Grindberg; Heitkamp; Kilzer; Krauter; Kringstad; Lee, G.; Lee, J.; Mathern; Nelson; Nething; O'Connell; Polovitz; Schobinger; Tallackson; Thane

NAYS: Christmann; Cook; Erbele; Every; Fischer; Freborg; Holmberg; Klein; Krebsbach; Lindaas; Mutch; Nichols; Robinson; Seymour; Stenehjem; Syverson; Taylor; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Lyson

Engrossed HB 1434, as amended, passed and the title was agreed to.

REQUEST

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

REMARKS OF SENATOR COOK

Mr. President, on more than one occasion this session, members of this body have stood, and as a point of personal privilege, made complimentary remarks recognizing and congratulating home town high school sports teams. I, myself, have had that opportunity. Recognizing outstanding accomplishments of schools in our home district is a long standing tradition of the Senate.

Today, Mr. President, I would like to take that opportunity again. Only today, the students and educators that I would like to recognize come from throughout this great state. They come from all 47 legislative districts. They should be the pride of each and every one of us.

These individuals, some of whom are with us today, are our state's finest musicians.

Mr. President, by our Governor's proclamation, March is declared "Music in Our Schools Month". The focus on music is an integral part of the education process and development of the total child.

Starting today, the North Dakota All State Band, Choir, Orchestra, Jazz Band, and Women's Choir are rehearsing and performing here in Bismarck. Over 400 students are participating.

These students have been selected from over 2000 auditions. These 400 your musicians are truly champions. They set the standard high.

Let us all be proud of their outstanding accomplishments and let us thank them for a job well done.

CONSIDERATION OF AMENDMENTS

HB 1351, as engrossed: SEN. NELSON (Judiciary Committee) MOVED that the amendments on SJ page 937 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1351: A BILL for an Act to create and enact section 19-03.1-22.2 of the North Dakota Century Code, relating to exposure of children or vulnerable adults to controlled substances; to provide a penalty; and to declare an emergency.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Lyson

Engrossed HB 1351, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1350: A BILL for an Act to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to creation of a special operations team reimbursement fund; and to provide a continuing appropriation.

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

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

ABSENT AND NOT VOTING: Lyson

Engrossed HB 1350 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1352: A BILL for an Act to create and enact a new section to chapter 19-20.2 and a new section to chapter 32-03 of the North Dakota Century Code, relating to adoption of rules regarding the security of anhydrous ammonia nurse tanks and immunity for theft of anhydrous ammonia.

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

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

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

ABSENT AND NOT VOTING: Lyson

Engrossed HB 1352 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1353: A BILL for an Act to create and enact three new subsections to section 19-03.1-01 and two new sections to chapter 19-03.4 of the North Dakota Century Code, relating to the definitions, prima facie proof of intent, and the retail or over-the-counter sale of methamphetamine precursor drugs; to amend and reenact section 19-03.1-01 and subsection 13 of section 19-03.4-01 of the North Dakota Century Code, relating to definitions used in the Uniform Controlled Substance Act and the definition of drug paraphernalia; to provide a penalty; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Lyson

Engrossed HB 1353 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1431: A BILL for an Act to create and enact a new subsection to section 57-36-01 and sections 57-36-08.1, 57-36-10.1, 57-36-11.2, 57-36-12.1, 57-36-13.1, and 57-36-13.2 of the North Dakota Century Code, relating to tobacco tax indicia and unfair and deceptive business practices; to amend and reenact sections 57-36-02, 57-36-07, 57-36-09, 57-36-18, and 57-36-33 of the North Dakota Century Code, relating to tobacco tax indicia; to repeal section 57-36-25.1 of the North Dakota Century Code, relating to tobacco tax deductions for distributors; to provide a penalty; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 28 YEAS, 18 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Brown; Christenson; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Krauter; Krebsbach; Lee, J.; Lindaas; Mathern; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Tallackson; Taylor; Thane; Traynor; Wardner

NAYS: Bowman; Christmann; Cook; Dever; Erbele; Espegard; Every; Klein; Kringstad; Lee, G.; Mutch; Schobinger; Seymour; Stenehjem; Syverson; Tollefson; Trenbeath; Urlacher

ABSENT AND NOT VOTING: Lyson

Reengrossed HB 1431 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1255: A BILL for an Act to amend and reenact section 39-21-39 of the North Dakota Century Code, relating to windshield tinting.

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 39 YEAS, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Cook; Fairfield; Flakoll; Nelson; Seymour; Tollefson; Urlacher

ABSENT AND NOT VOTING: Lyson

Engrossed HB 1255, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1394: A BILL for an Act to create and enact a new subsection to section 39-06.1-05 and a new paragraph to subdivision b of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to offenses exempted from administrative proceedings and demerit points; to amend and reenact sections 39-06.1-09 and 39-10-26 of the North Dakota Century Code, relating to yielding to an emergency vehicle; 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Erbele; Lyson

Engrossed HB 1394, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1092: A BILL for an Act to create and enact a new section to chapter 11-18, a new subsection to section 23-02.1-28, and three new sections to chapter 44-04 of the North Dakota Century Code, relating to redaction of social security numbers by the county recorder, the confidentiality of social security numbers, the confidentiality of client files at the University of North Dakota school of law, and the confidentiality of records of fire department and rural fire protection districts; to amend and reenact section 20.1-03-35, subsection 8 of section 23-02.1-19, section 23-02.1-27, subsection 6 of section 41-09-73, section 43-50-04, subsection 2 of section 44-04-18.1, subsection 6 of section 44-04-20, and subsection 1 of section 44-04-21.1 of the North Dakota Century Code, relating to confidentiality of social security numbers, notice of emergency or special meetings, and release of certain information received by the attorney general when preparing open records and meetings opinions; to provide for application; to provide an effective date; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Lyson

Engrossed HB 1092, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1116: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 6-09-15 of the North Dakota Century Code, relating to trust preferred securities transactions; to amend and reenact subsection 1 of section 6-09-15 of the North Dakota Century Code, relating to authority of the Bank of North Dakota to guarantee loans; and to provide an expiration date.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Freborg; Lyson

Engrossed HB 1116, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1123: A BILL for an Act to amend and reenact section 23-01-08 of the North Dakota Century Code, relating to authority of the state health officer to appoint a deputy state health officer.

MOTION

SEN. ERBELE MOVED that Engrossed HB 1123, 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 911 of the Senate Journal, Engrossed House Bill No. 1123 is further amended as follows:

Page 1, line 2, after the second "officer" insert "; and to declare an emergency"

Page 1, after line 13, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

HB 1123: A BILL for an Act to amend and reenact section 23-01-08 of the North Dakota Century Code, relating to authority of the state health officer to appoint a deputy state health officer; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 28 YEAS, 18 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Klein; Krebsbach; Kringstad; Lee, J.; Mathern; Mutch; Nelson; Polovitz; Stenehjerm; Tallackson; Thane; Tollefson; Traynor; Trenbeath; Wardner

NAYS: Bercier; Christenson; Every; Fairfield; Heitkamp; Kilzer; Krauter; Lee, G.; Lindaas; Nething; Nichols; O'Connell; Robinson; Schobinger; Seymour; Syverson; Taylor; Urlacher

ABSENT AND NOT VOTING: Lyson

Engrossed HB 1123, as amended, passed, the title was agreed to, but the emergency clause lost for lack of two-thirds majority.

REQUEST

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

REMARKS OF SENATOR BERCIER

From my family, we want to thank every one in this Legislative Assembly. You helped to make a very difficult time a little easier for my family, for my dad, and my sisters and brothers. When they knew there were so many people wondering and sending cards, it certainly helped a great deal. On behalf of my family, I want to thank every one of you who touched our family in this time of loss of my mother. Thank you very much.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1161, HB 1352.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1350.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1353.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1116, HB 1255, HB 1394, HCR 3037.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1092, HB 1351.

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

MR. PRESIDENT: The House has passed unchanged: SB 2052, SB 2058, SB 2198, SB 2199, SB 2201, SB 2288, SB 2324.

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

MR. PRESIDENT: The House has passed, the emergency clause carried, unchanged: SB 2151, SB 2211, SB 2228, SB 2326.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2041, SB 2210, SB 2254, SB 2282, SB 2308, SB 2319, SB 2334, SB 2339.

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2041

In lieu of the amendments adopted by the House as printed on page 921 of the House Journal, Reengrossed Senate Bill No. 2041 is amended as follows:

Page 1, line 1, remove "to create and enact"

Page 1, remove line 2

Page 1, line 3, remove "history checks;"; replace "section" with "sections", and after "12-60-16.2" insert "and 12-60-16.9"

Page 1, line 4, after "information" insert "and fees for criminal history record checks"

Page 3, replace lines 11 through 17 with:

"SECTION 3. AMENDMENT. Section 12-60-16.9 of the North Dakota Century Code is amended and reenacted as follows:

12-60-16.9. Criminal history record information - Fee for record check.

The bureau shall impose a fee of ~~twenty~~^{thirty} dollars for each record check. The bureau shall waive the fee for any criminal justice agency or court, and shall impose a fee of three dollars for each record check for a nonprofit organization that is organized and operated in this state exclusively for charitable purposes for the exclusive benefit of minors."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2210

Page 1, line 1, after "to" insert "create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to alternative group health policy and health service contract substance abuse coverage; and to"

Page 1, line 2, replace "; and to" with a period

Page 1, remove line 3

Page 1, line 11, overstrike the second "or" and insert immediately thereafter an underscored comma, overstrike the third "or" and insert immediately thereafter an underscored comma, and after "franchise" insert an underscored comma

Page 1, line 14, overstrike "person" and insert immediately thereafter "individual"

Page 1, line 17, overstrike "and" and insert immediately thereafter an underscored comma

Page 1, line 18, remove "residential treatment."

Page 1, line 20, remove the overstrike over "~~sixty~~" and remove "forty-five"

Page 1, line 21, overstrike "if provided by a hospital"

Page 1, overstrike line 22

Page 1, line 23, overstrike "department of health" and overstrike ", or as licensed under section"

Page 2, line 1, overstrike "23-17.1-01 offering treatment" and overstrike "of alcoholism, drug"

Page 2, line 2, overstrike "addiction, or other related illness" and after the period insert "Services provided under this subdivision must be provided by an addiction treatment program licensed under chapter 50-31."

Page 2, line 5, overstrike "if" and insert immediately thereafter ". Services provided under this subdivision must be"

Page 2, overstrike line 6

Page 2, line 7, overstrike "state department of health", remove the underscored comma, and overstrike "or as licensed under section"

Page 2, line 8, overstrike "23-17.1-01, or by"

Page 2, line 9, overstrike "section 50-06-05.2, offering treatment"

Page 2, line 10, overstrike "of alcoholism, drug addiction, or other related illness" and insert immediately thereafter "chapter 50-31"

Page 2, line 18, remove the overstrike over "~~forty-six~~" and remove "twenty-three"

Page 2, line 20, remove "In case of benefits provided for residential treatment, the benefits must be"

Page 2, remove lines 21 through 31

Page 3, remove lines 1 and 2

Page 3, line 3, remove "f."

Page 3, line 14, remove the overstrike over "e-" and remove "g."

Page 3, after line 18, insert:

"f."

Page 3, line 19, overstrike ""Partial hospitalization"" and insert immediately thereafter "As used in this section and section 2 of this Act, partial hospitalization"

Page 3, replace lines 28 through 31 with:

"SECTION 2. A new section to chapter 26.1-36 of the North Dakota Century Code is created and enacted as follows:

Alternative group health policy and health service contract substance abuse coverage.

1. As an alternative to the substance abuse coverage required under subsection 2 of section 26.1-36-08, an insurance company, a nonprofit health service corporation, or a health maintenance organization may provide substance abuse coverage under this section.
2. The provisions of section 26.1-36-08 apply to this alternative, except:
 - a. In addition to the inpatient treatment, treatment by partial hospitalization, and outpatient treatment coverage required under section 26.1-36-08, the coverage must include residential treatment.
 - b. In the case of coverage for inpatient treatment, the benefits must be provided for a minimum of forty-five days of services covered under this section and section 26.1-36-09 in any calendar year.
 - c. For the purpose of computing the period for which benefits are payable for a combination of inpatient and partial hospitalization, no more than twenty-three days of inpatient treatment benefits required under subdivision a may be traded for treatment by partial hospitalization.
 - d. In the case of coverage for residential treatment, the benefits must be provided for a minimum of sixty days of services covered under this section in any calendar year. This residential treatment must be provided by an addiction treatment program licensed under chapter 50-31. If an individual receiving residential treatment services requires more than sixty days of residential treatment services, unused inpatient treatment benefits provided for under subdivision b may be traded for residential treatment benefits. For the purpose of computing the period for which benefits are payable, each day of inpatient treatment is equivalent to two days of treatment by a residential treatment program, provided that no more than twenty-three days of inpatient treatment benefits required by this section may be traded for residential treatment benefits required under this section."

Re-number accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2254

Page 1, line 12, remove the overstrike over the overstruck comma and replace "as determined by the commission by rule" with "not to exceed two hundred dollars,"

Re-number accordingly

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2282

Page 1, replace lines 9 through 24 with:

"15-52-03. Medical center advisory council - Members, terms, meetings. ~~In order to~~

1. To assure the proper coordination and integration of the North Dakota state medical center with all other health and welfare activities of the state, a permanent medical center advisory council is hereby established to advise,

consult, and make recommendations to the university administration, and to the several agencies represented on the council concerning the program of the North Dakota state medical center, the adaptation ~~thereof~~ of the medical center to the needs of the state and to the requirements and facilities of the several agencies involved, and the use of the North Dakota state medical center and its facilities by the various institutions and agencies of the state and its political subdivisions.

2. The council ~~shall consist~~ consists of fourteen members: ~~two~~
- a. ~~Two members of the senate and two members of the house of representatives to be named by the governor; one to be named by and from the membership of~~ selected by the chairman of the legislative council;
 - b. ~~One member selected by each of the following:~~
 - (1) ~~The department of human services; the~~
 - (2) ~~The state board of higher education, or such boards or departments as shall succeed them or any of them; the~~
 - (3) ~~The state health officer of the state department of health; the~~
 - (4) ~~The North Dakota medical association; the~~
 - (5) ~~The North Dakota hospital healthcare association; the and~~
 - (6) ~~The veterans administration hospital in Fargo; the house of representatives, appointed by the speaker; and the senate, appointed by the president of the senate; with the remaining four~~
 - c. ~~Four members to be selected by the dean of the university of North Dakota medical school from the four campus areas of the medical school with headquarters in Bismarck, Fargo, Grand Forks, and Minot. One member from each quadrant will be selected by the board to serve a three-year term with a two-term limit. The initial appointments must be staggered.~~
3. The representatives named by the state agencies and boards ~~above referred to~~ must be selected to serve as members of the medical center advisory council for periods of at least one year, but ~~in no instance~~ may ~~they~~ not serve longer than their term of office on the public agency. The representatives from the North Dakota state medical association and the North Dakota ~~hospital healthcare~~ associations ~~shall~~ serve a term of three years or until their successors are named and qualified. ~~The two members appointed by the governor shall serve for three-year terms as representatives of the public at large.~~
4. The council shall name its own chairman and the dean of the university of North Dakota medical school shall serve as executive secretary ~~thereof~~ of the council. The council shall meet not less than twice each year, and, from time to time, on its own motion or upon request of the university administration, to consider plans and programs of action for the North Dakota state medical center and make its recommendations ~~thereon~~ to the several agencies of the state and ~~its~~ political subdivisions involved and to the legislative assembly."

Page 2, remove lines 1 through 18

Re-number accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2308

Page 1, line 16, after "transmitting" insert "or manually submitting" and after "dollar" insert "and fifty cents"

Re-number accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2319

Page 3, line 20, replace "Every person that receives money from the" with "The"

Page 3, line 21, remove "under this Act" and remove "senate agriculture committee of the"

Page 3, line 22, replace "regarding" with "the persons receiving funds under this Act,"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

HOUSE - This amendment provides for the Agriculture Commissioner to report to the Fifty-ninth Legislative Assembly on the persons receiving funds for control and eradication of saltcedar.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2334

Page 1, line 4, replace "shall" with "may"

Page 1, line 6, replace "shall" with "may"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2339

Page 1, line 1, remove "to provide for a"

Page 1, line 2, remove "continuing appropriation;"

Page 1, line 4, remove "- Continuing"

Page 1, line 5, remove "appropriation"

Page 1, line 17, replace "in accordance with fee" with "of ten dollars"

Page 1, line 18, remove "schedules established by the department"

Page 1, line 22, replace "are appropriated to the department on a continuing" with "may be spent pursuant to legislative appropriation"

Page 1, line 23, remove "basis"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

HOUSE - Specifies the amount of the travel permit fee at \$10, removes the continuing appropriation, and provides that the funds be spent pursuant to legislative appropriation.

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

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2323.

HOUSE AMENDMENTS TO SENATE BILL NO. 2323

Page 1, line 17, remove ", domestic animals, or nontraditional livestock"

Page 1, line 19, remove the comma

Page 1, line 20, after "governor" insert ", after consultation with the state veterinarian or board of animal health," and remove ", domestic animal, and"

Page 1, line 21, remove "nontraditional livestock"

Renumber accordingly

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

MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2048.

MOTION

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

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, Fifth, Seventh, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Friday, March 28, 2003, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2420: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2420 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 sections 37-01-01, 37-02-01, 37-02-02, and 37-08-01 of the North Dakota Century Code, relating to the militia.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 37-01-01 of the North Dakota Century Code is amended and reenacted as follows:

37-01-01. Definitions. In this title, unless the context ~~subject matter~~ otherwise requires:

1. "Active militia" ~~consists of~~ means the organized and uniformed military forces of this state, ~~which must be known as the "North Dakota national guard" and the reserve militia when called to active service.~~
2. "Active service" means ~~service on behalf of the state~~ active duty in case of public disaster, riot, tumult, breach of the peace, resistance of process, or the threat thereof, whenever called in aid of civil authorities, or under martial law, or at encampments, whether ordered by state or federal authorities, and includes the performance of any other duty requiring the entire time of the organization or person, except when called or drafted into the federal service by the president of the United States. ~~Such~~ The term includes service in case of, or to prevent, insurrection, riot, or invasion under the order of the commander in chief communicated through proper military channels.
3. "Battalion" ~~includes a "squadron" of cavalry, and of the air service as well as a battalion of infantry, artillery, engineers, and signal corps.~~
4. "Company" ~~includes a company of infantry, engineers, and signal corps, an air unit, a battery of field artillery, a troop of cavalry, or any similar organization in any branch of the military service authorized by federal law for this state, including a permanent detachment.~~
5. "Defense department" ~~includes the department of army and the department of air force.~~
6. "In service of the United States" and "not in the service of the United States" ~~have the same meaning as such terms have as used in the National Defense Act [Pub. L. 64-85; 39 Stat. 166], approved June 3, 1916, and in amendments thereto.~~
7. "Militia" ~~means the forces provided for in the Constitution of North Dakota, and is divided into two classes designated as the active militia and the reserve militia.~~
8. "Military forces of this state" ~~consists of~~ means those persons ~~subject to military duty~~ individuals in the active militia as defined in the Constitution of North Dakota and those persons subject to duty in the national guard as defined in the National Defense Act of the United States of America.
4. "Militia" means a group of individuals defined in the Constitution of North Dakota.
9. 5. "National guard" means that part of the military ~~force~~ forces of this state which is organized, equipped, and federally recognized under the

provisions of the National Defense Act, as amended, of the United States as the "national guard, air national guard, of the United States and the state of North Dakota". ~~† The term~~ includes also the term "national guard of the state of North Dakota".

- ~~40.~~ 6. "On duty" includes periods of drill and of such other training and service as may be required under state or federal law, regulation, or order.
- ~~44.~~ 7. "Reserve militia" consists of all those ~~persons~~ individuals who are subject to service in the active militia, ~~but~~ and who are not serving in the national guard of this state.
8. "State active duty" means active service on behalf of the state under authority of the governor at the expense of the state.
9. "State defense force" means the group of individuals in the reserve militia in state active duty under chapter 37-12.1.

SECTION 2. AMENDMENT. Section 37-02-01 of the North Dakota Century Code is amended and reenacted as follows:

37-02-01. Militia - How constituted - Exceptions. All able-bodied ~~male~~ citizens; and all able-bodied ~~persons~~ males of foreign birth who have declared ~~their an~~ an intention to become citizens, who are ~~more than~~ between the ages of eighteen; and ~~less than~~ less than forty-five; years ~~of age~~; and who are residents of this state, and other volunteers allowed by law constitute the militia; unless exempted by the laws of the United States; or by the laws of this state.

SECTION 3. AMENDMENT. Section 37-02-02 of the North Dakota Century Code is amended and reenacted as follows:

37-02-02. North Dakota national guard - Composition. The North Dakota national guard consists of ~~the~~ regularly enlisted and enrolled ~~male citizens~~; members within the age limits prescribed by ~~the National Defense Act of 1920, as it may be amended~~ federal law; organized, armed, and equipped as provided in this title, and of commissioned officers within the ages conforming to the rules and regulations promulgated by the department of the army and department of the air force as conditions precedent to federal recognition. ~~The governor may authorize the appointment or enlistment of female citizens of the state in the medical corps, nurses corps, and other noncombatant branches and service of the national guard, and while so serving, they have the same status as male members of the national guard. Such national guard must be composed of such units as the defense department of the United States may allocate and designate, with the approval of the governor of this state.~~

SECTION 4. AMENDMENT. Section 37-08-01 of the North Dakota Century Code is amended and reenacted as follows:

37-08-01. National guard reserve - Organization. The national guard reserve is all individuals who are subject to service in the national guard and are not serving in the national guard of this state. Subject to ~~such the~~ such the rules and regulations ~~as~~ of the president ~~may prescribe~~, a national guard reserve must be maintained in this state which ~~shall consist~~ consists of ~~such~~ such organizations, officers, and enlisted ~~men~~ members as the president may prescribe, ~~or~~ and ~~members thereof of the reserve~~ members thereof of the reserve may be assigned as reserves to an active organization of the national guard."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1079: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1079 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15.1-02 of the North Dakota Century Code, relating to teacher and administrator credentials.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

Superintendent of public instruction - Issuance of credentials to teachers and administrators. The superintendent of public instruction shall adopt rules governing the issuance of:

1. Credentials for teachers of drivers' education;
2. Credentials for teachers of early childhood special education;
3. Credentials for elementary school principals;
4. Credentials for teachers of students who are emotionally disturbed;
5. Credentials for teachers of students who are gifted and talented;
6. Credentials for secondary school principals;
7. Credentials for library media;
8. Credentials for teachers of title I mathematics;
9. Credentials for teachers of students who are mentally retarded;
10. Credentials for teachers of students who are physically disabled;
11. Credentials for teachers of title I reading;
12. Credentials for school counselors;
13. Credentials for special education strategists;
14. Credentials for teachers of students who have specific learning disabilities;
15. Credentials for superintendents;
16. Credentials for teachers of students who have vision impairments;
17. Credentials for teachers of students who are deaf or hard of hearing;
18. School psychology intern approvals; and
19. Certificate of completion for para educators."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1222: Judiciary Committee (Sen. Traynor, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1222 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1223, as engrossed: Natural Resources Committee (Sen. Fischer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1223 was placed on the Sixth order on the calendar.

Page 1, line 7, after the boldfaced period insert "The open or lawful season on pheasant and the open or lawful season on duck may not commence on the same weekend."

Page 1, line 8, replace "on" with "and the season may not commence earlier than"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1296, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1296 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1320, as engrossed: Judiciary Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1320 was placed on the Sixth order on the calendar.

In lieu of the amendments printed on page 892 of the Senate Journal, Engrossed House Bill No. 1320 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to the privacy of autopsy photographs, images, and recordings.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 44-04 of the North Dakota Century Code is created and enacted as follows:

Autopsy images - Confidential - Exceptions.

1. An autopsy photograph or other visual image or a video or audio recording of an autopsy is confidential. However, a criminal justice agency may use or disclose these materials for purposes of an investigation or prosecution.
2. a. After redacting all information identifying the decedent, including name, address, and social security number, and anonymizing facial recognition, a medical examiner, coroner, or physician may use an autopsy photograph, image, or recording for:
 - (1) Medical or scientific teaching or training purposes;
 - (2) Teaching or training of law enforcement personnel;
 - (3) Teaching or training of attorneys or others with a bona fide professional need to use or understand forensic science;
 - (4) Conferring with medical or scientific experts; or
 - (5) Publication in a scientific or medical journal or textbook.
- b. A medical examiner, coroner, or physician who has in good faith complied with this subsection is not subject to any penalty or liability for using an autopsy photograph, image, or recording.
3. The decedent's spouse, child, parent, or sibling, upon proof of the relationship, may view an autopsy photograph, image, or recording in the business office of a medical examiner, coroner, or physician who has possession of the materials, if there is not an active criminal investigation or prosecution.
4. Disclosure of an autopsy photograph, image, or recording may be obtained under section 44-04-18.11."

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1340, as engrossed: Natural Resources Committee (Sen. Fischer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1340 was placed on the Sixth order on the calendar.

Page 1, line 1, after "provide" insert "for the development and enforcement of wind turbine reclamation standards by the public service commission and"

Page 1, after line 2, insert:

"SECTION 1. Wind turbine reclamation standards - Public service commission duties. The public service commission shall define wind turbine land restoration standards and require that all lessees of land for the erection and operation of wind turbines provide security that the wind turbine site will be reclaimed. The public service commission may require insurance, bonds, escrow accounts, or any other mechanism the commission determines adequate, payable to the state, to compensate the state for reclaiming wind turbine sites should the lessee fail to do so within twelve months of cessation of operation of a wind turbine on the site. The public service commission shall define land reclamation standards for reclaiming all abandoned wind turbine sites in the state. The public service commission shall require that all contracts entered after the effective date of this Act for the lease of land for purposes of wind turbine siting require at a minimum that the lessee restore, at the lessee's expense, the wind turbine site according to standards developed by the commission for the restoration, within twelve months after the wind turbine ceases operation or the expiration of the lease for the site, whichever occurs first."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1364: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1364 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1403, as reengrossed: Transportation Committee (Sen. Trenbeath, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed HB 1403 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1415: Judiciary Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1415 was placed on the Sixth order on the calendar.

Page 1, line 8, remove "within six months of receiving notice of the failure to"

Page 1, line 9, remove "appear" and after "forfeiture" insert ". If the bondsman returns the defendant to the jurisdiction of the court within six months of receiving notice of the failure to appear, the court shall return the forfeiture upon petition by the bondsman, less five percent for court costs. If the bondsman returns the defendant to the jurisdiction of the court beyond six months of receiving notice of the failure to appear, the court may return the forfeiture upon receipt of a petition from the bondsman"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3024, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3024 was placed on the Sixth order on the calendar.

Page 1, line 2, after "a" insert "regional", replace "science" with "medicine and providing preference for North Dakota resident students who specialize in food animal clinical studies at the out-of-state veterinary schools participating in the professional student exchange program", and replace "and of" with "budget."

Page 1, remove line 3

Page 1, after line 6, insert:

"WHEREAS, there is a recognized shortage of food animal veterinarians to serve the livestock industry in rural North Dakota; and"

Page 1, line 19, after "in" insert "food animal veterinary practice in"

Page 1, line 22, after "a" insert "regional"

Page 1, line 23, after "medicine" insert "and providing preference for North Dakota resident students who specialize in food animal clinical studies at the out-of-state veterinary schools participating in the professional exchange grant program" and replace "and of establishing a joint" with "budget"

Page 1, line 24, remove "school of veterinary medicine with surrounding states"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3033: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3033 was placed on the Fourteenth order on the calendar.

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

WILLIAM R. HORTON, Secretary

