

## JOURNAL OF THE HOUSE

## Fifty-ninth Legislative Assembly

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Bismarck, April 18, 2005

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

The prayer was offered by David Johnson, Support Chaplain with the North Dakota National Guard, Bismarck.

The roll was called and all members were present except Representative Rennerfeldt.

A quorum was declared by the Speaker.

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN**

This is to inform you that on April 14, 2005, I have signed the following: HB 1028, HB 1092, HB 1188, HB 1190, HB 1200, HB 1205, HB 1258, HB 1286, HB 1290, HB 1347, HB 1402, HB 1408, HB 1464, HB 1507, HB 1518, and HB 1523.

Also, on April 15, 2005, I have signed the following: HB 1148, HB 1191, HB 1248, and HB 1421.

**CORRECTION AND REVISION OF THE JOURNAL**

**MR. SPEAKER:** Your **Committee on Correction and Revision of the Journal (Rep. Kretschmar, Chairman)** has carefully examined the Journal of the Fifty Fourth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1277, line 13, remove "22" and replace it with "23"

**REP. MONSON MOVED** that the report be adopted, which motion prevailed.

**MOTION**

**REP. MONSON MOVED** that the Speaker appoint Rep. Kempenich to replace Rep. Carlisle on HB 1008, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2190, as reengrossed:** Your conference committee (Sens. Espegard, Nething, Heitkamp and Reps. Nottestad, Clark, Amerman) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 927, adopt amendments as follows, and place SB 2190 on the Seventh order:

That the House recede from its amendments as printed on page 927 of the Senate Journal and page 1167 of the House Journal and that Reengrossed Senate Bill No. 2190 be amended as follows:

Page 1, line 19, replace the first underscored comma with "or an annuity in which a settlement option has been selected, is"

Page 2, line 5, remove the overstrike over "~~the~~" and replace "a standard" with "life expectancy tables published by the centers for medicare and medicaid services"

Page 2, line 6, remove "actuarial life expectancy table on the date of issuance of the annuity"

Page 2, line 9, overstrike "by the"

Page 2, line 10, overstrike "department pursuant to" and insert immediately thereafter "under"

Page 2, remove lines 11 through 17

Renumber accordingly

Reengrossed SB 2190 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. NOTTESTAD MOVED** that the conference committee report on Reengrossed SB 2190 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2190, as amended, was placed on the Fourteenth order.

**SECOND READING OF SENATE BILL**

**SB 2190:** A BILL for an Act to amend and reenact section 50-24.1-02.8 of the North Dakota Century Code, relating to transfers involving annuities.

**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 90 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gullerson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**NAYS:** DeKrey; Price; Weisz

**ABSENT AND NOT VOTING:** Rennerfeldt

Reengrossed SB 2190 passed and the title was agreed to.

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**MOTION**

**REP. MONSON MOVED** that SB 2204 be laid over one legislative day, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2300, as engrossed:** Your conference committee (Sens. Krebsbach, Klein, Heitkamp and Reps. Kreidt, Pietsch, Kaldor) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1034-1035, adopt amendments as follows, and place SB 2300 on the Seventh order:

That the House recede from its amendments as printed on pages 1034 and 1035 of the Senate Journal and page 1268 of the House Journal and that Engrossed Senate Bill No. 2300 be amended as follows:

Page 1, line 1, after "to" insert "create and enact a new section to chapter 23-12 and a new section to chapter 34-06 of the North Dakota Century Code, relating to smoke-free exceptions and the authority of the labor commissioner; to"

Page 2, line 11, after the underscored period insert "The term includes a bar located within a hotel, bowling center, or restaurant that is not licensed primarily or exclusively to sell alcoholic beverages if the bar is in a separately enclosed area."

Page 2, line 26, replace "Health care services" with:

"7. Health care services"

Page 2, line 27, after the fifth underscored comma insert "and" and replace ", and" with an underscored period

Page 2, remove lines 28 and 29

Page 2, line 30, replace "7." with "8."

Page 3, line 3, after the first underscored comma insert "and" and remove ", and employer-owned vehicles"

Page 3, line 4, replace "8." with "9."

Page 3, line 22, replace "9." with "10."

Page 3, line 25, replace "10." with "11."

Page 4, line 1, replace "11." with "12."

Page 4, line 4, replace "12." with "13."

Page 4, line 6, replace "13." with "14."

Page 4, line 9, replace "14." with "15."

Page 4, after line 13, insert:

"16. "Truckstop" means a roadside service station and restaurant that caters to truckdrivers."

Page 5, line 5, replace "for" with "of"

Page 5, remove lines 17 and 18

Page 5, line 19, replace "g." with "f." and remove ", until August 1, 2007"

Page 5, replace lines 20 through 22 with:

"g. Any place of public access rented or leased for private functions from which the general public and children are excluded and arrangements for the function are under the control of the function sponsor.

h. Separately enclosed areas in truckstops which are accessible only to adults."

Page 6, after line 24, insert:

**"SECTION 4.** A new section to chapter 23-12 of the North Dakota Century Code is created and enacted as follows:

**Exceptions - Medical necessity.**

1. Notwithstanding the provisions of any other state or local law, a patient may smoke in a hospital licensed by the state or on the grounds of a hospital licensed by the state if the patient's attending physician authorizes the activity based on medical policies adopted by the hospital organized medical staff.

2. Notwithstanding the provisions of any other state or local law, a resident of a licensed basic care facility or a licensed nursing facility may smoke in the facility or on the grounds of the facility if approved by the board of the facility."

Page 6, line 27, after "~~proprietor~~" insert:

"1. An individual who smokes in an area in which smoking is prohibited under section 23-12-10 is guilty of an infraction.

2."

Page 6, line 30, after "who" insert "willfully"

Page 7, after line 2, insert:

**"SECTION 6.** A new section to chapter 34-06 of the North Dakota Century Code is created and enacted as follows:

**Authority of labor commissioner - Exception.** Notwithstanding section 34-06-03, the labor commissioner may not adopt rules relating to sections 23-12-09 through 23-12-11. If the labor commissioner is made aware of a possible violation of chapter 23-12, the commissioner may refer the violation to an appropriate law enforcement agency for enforcement pursuant to section 23-12-11."

Renumber accordingly

Engrossed SB 2300 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. KREIDT MOVED** that the conference committee report on Engrossed SB 2300 be adopted, which motion prevailed on a verification vote.

Engrossed SB 2300, as amended, was placed on the Fourteenth order.

**SECOND READING OF SENATE BILL**

**SB 2300:** A BILL for an Act to create and enact a new section to chapter 23-12 of the North Dakota Century Code, relating to smoke-free exceptions; to amend and reenact sections 23-12-09, 23-12-10, 23-12-10.2, and 23-12-11 of the North Dakota Century Code, relating to smoke-free environments; to repeal section 23-12-10.1 of the North Dakota Century Code, relating to smoking area signage; 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 61 YEAS, 32 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bernstein; Boucher; Brandenburg; Carlisle; Clark; Conrad; Damschen; Delmore; Devlin; Dietrich; Ekstrom; Galvin; Glassheim; Gulleeson; Haas; Hanson; Hawken; Herbel; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kelsh, S.; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Monson; Mueller; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Porter; Potter; Price; Sandvig; Schmidt; Sitte; Svedjan; Thorpe; Uglem; Vigesaa; Wald; Wall; Wieland; Williams; Zaiser; Speaker Klein

**NAYS:** Bellew; Belter; Berg; Boe; Boehning; Brusegaard; Carlson; Charging; DeKrey; Delzer; Dosch; Drovdal; Froelich; Froseth; Grande; Headland; Horter; Iverson; Kasper; Kempenich; Kerzman; Meyer, S.; Nelson; Pollert; Ruby; Skarphol; Solberg; Thoreson; Timm; Weiler; Weisz; Wrangham

**ABSENT AND NOT VOTING:** Rennerfeldt

Engrossed SB 2300 passed and the title was agreed to.

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**MOTION**

**REP. MONSON MOVED** that the Speaker appoint Rep. Carlson to replace Rep. Berg on SB 2018 and SB 2032, which motion prevailed.

**MOTION**

**REP. MONSON MOVED** that the House stand in recess until 1:00 p.m., which motion prevailed.

**THE HOUSE RECONVENED** pursuant to recess taken, with Speaker Klein presiding.

**SECOND READING OF SENATE BILL**

**SB 2261:** A BILL for an Act to create and enact a new section to chapter 23-12 of the North Dakota Century Code, relating to breastfeeding.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 39 YEAS, 55 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Boe; Boucher; Carlson; Delmore; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleeson; Haas; Hanson; Hawken; Johnson, N.; Kaldor; Kelsh, S.; Kerzman; Kroeber; Maragos; Martinson; Meier, L.; Meyer, S.; Mueller; Nelson; Nottestad; Sandvig; Schmidt; Sitte; Solberg; Thorpe; Timm; Uglem; Wald; Wall; Williams; Zaiser

**NAYS:** Bellew; Belter; Berg; Bernstein; Boehning; Brandenburg; Brusegaard; Carlisle; Charging; Clark; Conrad; Damschen; DeKrey; Delzer; Devlin; Dietrich; Dosch; Drovdal; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Kasper; Keiser; Kelsch, R.;

Kempenich; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Metcalf; Monson; Nicholas; Norland; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Skarphol; Svedjan; Thoreson; Vigesaa; Weiler; Weisz; Wieland; Wrangham; Speaker Klein

Engrossed SB 2261 lost.

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#### FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Klein, Berg, Boucher and Sens. Stenehjem, O'Connell introduced:

(Approved by the Delayed Bills Committee)

**HCR 3060:** A concurrent resolution urging the Department of Defense to use North Dakota for the Department of Defense's air space and special forces ground training initiatives.

Was read the first time.

#### MOTION

**REP. MONSON MOVED** that the rules be suspended, that HCR 3060 not be printed, not be referred to committee, but be read in its entirety, be printed in the Journal and placed on the calendar for immediate second reading and final passage, which motion prevailed.

Reps. Klein, Berg, Boucher and Sens. Stenehjem, O'Connell introduced:

(Approved by the Delayed Bills Committee)

#### HOUSE CONCURRENT RESOLUTION NO. 3060

A concurrent resolution urging the Department of Defense to use North Dakota for the Department of Defense's air space and special forces ground training initiatives.

**WHEREAS**, future special operations forces will require space with existing infrastructure and industry, with varying terrain and climates to train new nonstandard operations forces, develop and test new doctrines and tactics, and rehearse real-world scenarios; and

**WHEREAS**, North Dakota has the available towns and cities to train military operations on urban terrain, open remote land, and the infrastructure and industry access for targeting and securing; and

**WHEREAS**, North Dakota has low ongoing infrastructure or rental costs and a diverse industry base with no encroachment issues now or in the foreseeable future; and

**WHEREAS**, North Dakota's geography allows for real combat zone dimensions to facilitate "train as we fight" in the air and on the ground; and

**WHEREAS**, North Dakota has diverse terrain and four distinct seasons that allow for the replication of similar terrain and weather conditions of unstable regions of the world; and

**WHEREAS**, North Dakota can provide the United States military with the nation's largest overland air and ground training space which will allow for synchronized joint operations training; and

**WHEREAS**, North Dakota has five major Native American reservations for potential training with diverse cultures and native language challenges; and

**WHEREAS**, North Dakota has supportive political subdivisions and supportive populace with the highest per capita membership of United States military in the United States; and

**WHEREAS**, the Legislative Assembly and Governor strongly support this initiative and, by this resolution, demonstrate to the Department of Defense their commitment and ongoing support;

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

That the Fifty-ninth Legislative Assembly urges the Department of Defense to use North Dakota for the Department of Defense's air space and special forces ground training initiatives; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the Secretary of Defense, the President of the United States, and to each member of the North Dakota Congressional Delegation.

#### SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 3060:** A concurrent resolution urging the Department of Defense to use North Dakota for the Department of Defense's air space and special forces ground training initiatives.

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

HCR 3060 was declared adopted on a voice vote.

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**REPORT OF CONFERENCE COMMITTEE**

**HB 1259, as reengrossed:** Your conference committee (Sens. Hacker, Trenbeath, Triplett and Reps. Carlson, Monson, Williams) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1192, adopt amendments as follows, and place HB 1259 on the Seventh order:

That the Senate recede from its amendments as printed on page 1192 of the House Journal and page 789 of the Senate Journal and that Reengrossed House Bill No. 1259 be amended as follows:

Page 1, line 9, after the semicolon insert "to provide an appropriation; to provide a contingent appropriation;"

Page 2, line 11, remove the overstrike over "~~Continuing~~"

Page 2, line 12, remove the overstrike over "~~appropriation~~"

Page 2, line 13, remove the overstrike over "~~are appropriated to the department on a continuing basis~~"

Page 2, line 14, remove "may be spent by the department pursuant to legislative appropriations"

Page 10, line 17, after "expense" insert ", game group dues, and retailer commissions"

Page 10, line 19, replace "Fifty" with "Starting July 1, 2005, fifty"

Page 15, after line 3, insert:

**"SECTION 10. APPROPRIATION - ATTORNEY GENERAL - LOTTERY.**

There is appropriated out of any moneys in the lottery operating fund in the state treasury, not otherwise appropriated, the sum of \$3,620,171, or so much of the sum as may be necessary, to the attorney general for the purpose of defraying the administrative and other operating costs of the North Dakota lottery, for the biennium beginning July 1, 2005, and ending June 30, 2007. The attorney general is authorized nine full-time equivalent positions for administering the lottery.

**SECTION 11. CONTINGENT APPROPRIATION - ADDITIONAL LOTTERY FUNDING - BUDGET SECTION REPORT.** There is appropriated out of any moneys in the lottery operating fund in the state treasury, not otherwise appropriated, the sum of \$279,020, or so much of the sum as may be necessary, to the attorney general for the purpose of defraying additional administrative and other operating costs of the North Dakota lottery if these costs exceed the funding appropriated in section 10 of this Act, for the biennium beginning July 1, 2005, and ending June 30, 2007. The attorney general is authorized to hire up to two additional full-time equivalent positions under this section. The attorney general shall report any expenditures made or employees hired pursuant to this section to the budget section. If the additional funding and full-time equivalent authorization provided by this section is not adequate, the attorney general may seek emergency commission approval for additional spending or full-time equivalent authority."

ReNUMBER accordingly

Reengrossed HB 1259 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. CARLSON MOVED** that the conference committee report on Reengrossed HB 1259 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1259, as amended, was placed on the Eleventh order.

**SECOND READING OF HOUSE BILL**

**HB 1259:** A BILL for an Act to create and enact chapter 53-12.1 of the North Dakota Century Code, relating to a lottery; to amend and reenact subsection 5 of section 28-32-08.1, section 50-06-22, subsection 2 of section 50-09-14, subsection 2 of section 54-10-01, subsection 7 of section 57-38-57, subsection 47 of section 57-39.2-04, and subsection 7 of section 57-39.2-23 of the North Dakota Century Code, relating to economic impact statements, the compulsive gambling prevention and treatment fund, child support setoff, annual audits, compliance with tax reporting requirements, and sales tax exemptions; to repeal chapter 53-12 of the North Dakota Century Code, relating to a

lottery; to provide a penalty; to provide 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 85 YEAS, 9 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klemin; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Svedjan; Thoreson; Thorpe; Timm; Uglem; Wald; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Klein

**NAYS:** Bellew; Damschen; Kasper; Kerzman; Koppelman; Solberg; Vigesaa; Weiler; Wrangham

Reengrossed HB 1259 passed, the title was agreed to, and the emergency clause was declared carried.

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### REPORT OF CONFERENCE COMMITTEE

**HB 1459, as reengrossed:** Your conference committee (Sens. Brown, J. Lee, Warner and Reps. Price, Devlin, Sandvig) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1563-1564, adopt amendments as follows, and place HB 1459 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1563 and 1564 of the House Journal and pages 879-881 of the Senate Journal and that Reengrossed House Bill No. 1459 be amended as follows:

Page 1, line 1, after "chapter" insert "50-06 and a new section to chapter"

Page 1, line 2, after the first "to" insert "creation of a prescription drug monitoring program and" and replace "a report" with "reports to the legislative council; to provide for a legislative council study; to provide legislative intent; to provide an expiration date"

Page 1, after line 4, insert:

**"SECTION 1.** A new section to chapter 50-06 of the North Dakota Century Code is created and enacted as follows:

**Prescription drug monitoring program.** The department of human services shall seek federal grant funds for the planning and implementing of a prescription drug monitoring program. Upon receipt of federal grant funds, the department of human services shall adopt rules necessary to implement the prescription drug monitoring program and shall implement the program. State agencies shall cooperate with the department to ensure the success of the program."

Page 1, line 9, replace "for neonates and the two" with "to include a concentrated, but not an exclusive, emphasis for the two thousand medical assistance recipients with the highest cost for treatment of chronic diseases and the families of neonates that can benefit from case management services"

Page 1, remove line 10

Page 1, line 11, remove "chronic diseases"

Page 1, replace lines 15 through 18 with:

"2. Require medical assistance providers to use the appropriate diagnosis or reason and procedure codes when submitting claims for medical assistance reimbursement; review and develop recommendations to identify instances in which a provider of services is not properly reporting

diagnosis or reason and procedure codes when submitting claims for medical assistance reimbursements; and review and recommend any specific providers from which a potential benefit might be obtained by requiring additional diagnosis or reason and procedure codes."

Page 2, after line 19, insert:

**"SECTION 3. PRESCRIPTION DRUG MONITORING PROGRAM WORKING GROUP - REPORT TO LEGISLATIVE COUNCIL.**

1. The department of human services shall form a prescription drug monitoring program working group of interested individuals to:
  - a. Identify problems relating to the abuse and diversion of controlled substances and how a prescription drug monitoring program may address these problems.
  - b. Identify a strategy and propose a prescription drug monitoring program through which to address the identified problems, including consideration of how the program would fit into the overall strategy. Factors to be addressed in the program must include:
    - (1) Determination of what types of prescription drugs will be monitored.
    - (2) Determination of what types of drug dispensers will be required to participate in the program.
    - (3) Determination of what data will be required to be reported.
    - (4) Determination of what persons will be allowed to access data, what types of data will be accessible, and how to ensure appropriate protection of data.
    - (5) Determination of the entity that will implement and sustain the program.
  - c. Establish how the program will be implemented, the fiscal requirements for implementation, and the timelines for implementation. In establishing how the program will be implemented, the working group shall consider the feasibility and desirability of formal or informal educational outreach to North Dakota communities and interested persons.
  - d. Consider possible performance measures the state may use to assess the impact of the program and whether special data collection instruments would be required to effectively monitor the impact of the program.
  - e. Provide to the department of human services a draft of proposed administrative rules to implement the proposed program.
2. The membership of the working group may include representatives from the private and public sectors, including representatives from the North Dakota medical association; the North Dakota nurses association; the North Dakota pharmacists association; the North Dakota society of health-system pharmacists; the North Dakota board of pharmacy; the North Dakota dental association; the North Dakota veterinary medical association; the North Dakota healthcare association; the North Dakota long term care association; the university of North Dakota school of medicine and health sciences; law enforcement agencies, appointed by the attorney general; the department of human services; the state department of health; workforce safety and insurance; the information technology department; and the federally designated state peer review organization.
3. During the 2005-06 interim, the department of human services and the prescription drug monitoring program working group shall provide the legislative council with periodic status reports on the activities of the working group and the implementation of the program.



4. The department shall designate the chairman and vice chairman of the working group."

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

Page 2, after line 22, insert:

**"SECTION 5. LEGISLATIVE COUNCIL STUDY.** The legislative council shall consider studying, during the 2005-06 interim, the medicaid medical reimbursement system, including costs of providing services, fee schedules, parity among provider groups, and access. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixtieth legislative assembly.

**SECTION 6. LEGISLATIVE INTENT.** It is the intent of the fifty-ninth legislative assembly that the department promptly initiate and conduct the rulemaking activity under chapter 28-32 which is deemed necessary to implement this Act.

**SECTION 7. EXPIRATION DATE.** Section 3 of this Act is effective through December 31, 2006, and after that date is ineffective."

Renumber accordingly

Reengrossed HB 1459 was placed on the Seventh order of business on the calendar.

#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. PRICE MOVED** that the conference committee report on Reengrossed HB 1459 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1459, as amended, was placed on the Eleventh order.

#### **SECOND READING OF HOUSE BILL**

**HB 1459:** A BILL for an Act to create and enact a new section to chapter 50-06 and a new section to chapter 50-24.1 of the North Dakota Century Code, relating to creation of a prescription drug monitoring program and medical assistance program management; to provide for reports to the legislative council; to provide for a legislative council study; to provide an expiration 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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Boe

Reengrossed HB 1459 passed, the title was agreed to, and the emergency clause was declared carried.

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#### **MOTION**

**REP. MONSON MOVED** that the House stand in recess until 5:00 p.m., which motion prevailed.

**THE HOUSE RECONVENED** pursuant to recess taken, with Speaker Klein presiding.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2298, as engrossed:** Your conference committee (Sens. Brown, Lyson, Warner and Reps. Kreidt, Pietsch, Kaldor) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 804, adopt amendments as follows, and place SB 2298 on the Seventh order:

That the House recede from its amendments as printed on page 804 of the Senate Journal and page 976 of the House Journal and that Engrossed Senate Bill No. 2298 be amended as follows:

Page 1, line 5, remove "1."

Page 1, line 6, after "donation" insert "through the national marrow donor program. The department shall seek assistance from the national marrow donor program to establish a system to distribute materials, ensure that the materials are updated periodically, and address the education and recruitment of minority populations" and remove "The department shall implement a"

Page 1, remove lines 7 through 16

Page 1, line 18, remove "paid"

Page 1, line 19, after the period insert "Notwithstanding the limitations for the donation and use of donated leave under sections 54-06-14.1 and 54-06-14.2, an employee may request and use donated annual leave or sick leave for the purpose of donating an organ or bone marrow. If an employee requests donations of sick leave or annual leave, but does not receive the full amount needed for the donation of an organ or bone marrow, the executive officer of the state agency may grant a paid leave of absence for the remainder of the leave up to the maximum total of twenty workdays."

Page 1, line 22, remove "If there is a medical determination that the employee does not qualify as an"

Page 1, remove line 23

Page 1, line 24, remove "not be rescinded."

ReNUMBER accordingly

Engrossed SB 2298 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. KREIDT MOVED** that the conference committee report on Engrossed SB 2298 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2298, as amended, was placed on the Fourteenth order.

**SECOND READING OF SENATE BILL**

**SB 2298:** A BILL for an Act to provide for bone marrow donor education and leave of absence for state employees donating an organ or bone marrow.

**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 54 YEAS, 38 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Berg; Boe; Boucher; Brusegaard; Carlisle; Charging; Conrad; Delmore; Ekstrom; Froelich; Froseth; Gulleson; Haas; Hanson; Hawken; Headland; Horter; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Kelsch, R.; Kelsh, S.; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mueller; Nicholas; Nottestad; Onstad; Owens; Pietsch; Pollert; Potter; Price; Sandvig; Schmidt; Sitte; Solberg; Thoreson; Thorpe; Uglem; Wall; Williams; Zaiser; Speaker Klein

**NAYS:** Bellew; Belter; Bernstein; Boehning; Brandenburg; Carlson; Clark; Damschen; DeKrey; Delzer; Devlin; Dietrich; Dosch; Drovda; Galvin; Grande; Herbel; Iverson; Kasper; Keiser; Kempenich; Kingsbury; Klemin; Monson; Nelson; Norland; Porter; Rennerfeldt; Ruby; Skarphol; Svedjan; Timm; Vigesa; Wald; Weiler; Weisz; Wieland; Wrangham

**ABSENT AND NOT VOTING:** Glassheim; Kerzman

Engrossed SB 2298 passed and the title was agreed to.

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**MOTION**

**REP. MONSON MOVED** that HB 1359 be laid over one legislative day, which motion prevailed.

**MOTION**

**REP. MONSON MOVED** that HB 1004, HB 1397, SB 2002 and SB 2019 be laid over one legislative day, and SB 2157 be laid over one legislative day, which motion prevailed.

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

**MR. PRESIDENT:** The House has failed to pass: SB 2261.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2298.

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

**MR. PRESIDENT:** The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1259, HB 1459.

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

**MR. PRESIDENT:** The House has passed and your favorable consideration is requested on: HCR 3060.

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

**MR. PRESIDENT:** The Speaker has appointed Rep. Carlson to replace Rep. Berg on the Conference Committee on SB 2032.

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

**MR. PRESIDENT:** The Speaker has appointed Rep. Carlson to replace Rep. Berg on the Conference Committee on SB 2018.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2190, SB 2300.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1301, HCR 3036.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1074, HB 1172, HB 1181, HB 1324, HB 1332, HB 1522.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1291.

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

**MR. PRESIDENT:** The Speaker has signed: HCR 3059.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1203, HB 1222, HB 1231, HB 1275, HB 1417, HB 1434, HB 1437, HB 1453.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on April 18, 2005: HB 1203, HB 1222, HB 1231, HB 1275, HB 1417, HB 1434, HB 1437, HB 1453.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolution was delivered to the Secretary of State for filing on April 18, 2005: HCR 3059.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1301, HCR 3036.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2004, SB 2007.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2274.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has failed to pass: HB 1334.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has failed to pass: HB 1282, HB 1304, HB 1394, HB 1514.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2298.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2015.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1291.

**MOTION**

**REP. MONSON MOVED** that the absent member be excused, which motion prevailed.

**MOTION**

**REP. MONSON MOVED** that the House be on the Fifth, Thirteenth, Fourteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Tuesday, April 19, 2005, which motion prevailed.

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

**Bradley C. Fay, Chief Clerk**