

JOURNAL OF THE SENATE

Fifty-fifth Legislative Assembly

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Bismarck, March 21, 1997

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

The prayer was offered by Rev. Philip Petrasek, Lutheran Church of the Living Water, Mandan.

The roll was called and all members were present except Senators Nething and Redlin.

A quorum was declared by the President.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 9:30 a.m., March 21, 1997: SB 2006, SB 2008, SB 2031, SB 2051, SB 2062, SB 2094, SB 2108, SB 2124, SB 2131, SB 2141, SB 2181, SB 2182, SB 2184, SB 2187, SB 2230, SB 2265, SB 2336, SB 2365.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2001, SB 2114, SB 2138, SB 2150, SB 2217, SB 2225, SB 2248, SB 2250, SB 2261, SB 2262, SB 2264, SB 2266, SB 2295, SB 2302, SB 2327, SB 2352, SB 2357, SB 2394, SCR 4019, SCR 4020, SCR 4024, SCR 4027, SCR 4032, SCR 4033, SCR 4034, SCR 4035, SCR 4044, SCR 4050, SCR 4055.

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

MR. SPEAKER: The President has signed: HB 1079, HB 1093, HB 1186, HB 1195, HB 1223, HB 1234, HB 1302, HB 1323, HB 1332, HB 1371, HB 1384, HB 1442.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1039, HB 1092, HB 1117.

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1333.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1063, HB 1135, HB 1163, HB 1210, HB 1267, HB 1351, HB 1364, HB 1468.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1156, HB 1256, HCR 3046.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

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

SB 2037: Reps. Belter; Weisz; Sandvig

SB 2159: Reps. Monson; Weisz; Mahoney

SB 2351: Reps. Brown; Drovdal; Callahan

SCR 4010: Reps. DeKrey; Kretschmar; Callahan

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1098 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1098: Reps. Carlson; Keiser; Coats

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1032, HB 1081, HB 1086, HB 1139, HB 1140, HB 1176, HB 1194, HB 1287, HB 1320, HB 1381, HB 1389.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1040, HB 1098, HB 1109.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has passed unchanged: SB 2209, SB 2364, SCR 4040, SCR 4046, SCR 4047, SCR 4051.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has amended and failed to pass: SB 2380.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2149, SB 2198, SB 2221, SB 2234, SB 2344.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2149

Page 1, line 2, replace "an administrator for" with "the superintendent of"

Page 1, line 7, remove "**and**"

Page 1, line 8, remove "**administrator of state hospital**"

Page 1, line 10, remove the overstrike over "~~a superintendent~~" and remove "an administrator"

Page 1, line 12, remove "and administrator" and remove the overstrike over "~~superintendent's~~"

Page 1, line 13, remove the overstrike over the first "~~superintendent~~", remove "appointee", and remove the overstrike over "~~Any superintendent~~"

Page 1, line 14, remove "An appointee"

Page 1, line 15, remove the overstrike over "~~superintendent's~~" and remove "appointee's"

Page 1, line 17, remove the overstrike over "~~superintendent's~~" and remove "appointee's"

Page 1, line 21, remove the overstrike over "~~superintendent~~" and remove "appointee"

Page 2, line 1, remove the overstrike over "**Superintendent**" and remove "**Administrator**"

Page 2, line 2, remove the overstrike over "~~superintendent~~" and remove "administrator"

Page 2, line 7, overstrike "be"

Page 2, line 8, overstrike "responsible" and insert immediately thereafter "have final authority", after "of" insert "all", and after "services" insert "delivered to patients"

Page 2, line 10, after "The" insert "superintendent shall appoint the" and remove "must be appointed by the"

Page 2, line 11, remove "administrator"

Page 2, line 12, remove the overstrike over "~~superintendent~~" and remove "administrator"

Page 2, line 14, remove the overstrike over the first "~~superintendent's~~", remove "administrator's", and remove the overstrike over the second "~~superintendent's~~"

Page 2, line 15, remove "administrator's"

Re-number accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2198

Page 1, line 12, after "home" insert "and secured parties of record"

Re-number accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2221

Page 2, line 7, replace "attractive nuisance" with "conditions upon the premises which the crime victim knows or has reason to know may create an unreasonable risk of harm or which may cause a foreseeable trespass by minors"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2234

Page 1, line 2, replace "administer" with "administration"

Page 1, line 6, overstrike "'Administer'" and insert immediately thereafter "'Administration'"

Page 1, line 7, remove "intravenous administration" and overstrike "of a drug for the"

Page 1, line 8, overstrike "purpose of teaching utilization", overstrike "and", after the first "the" insert "emergency", and replace "the intravenous" with "a drug delivery device used in home infusion therapy by a qualified home pharmacist"

Page 1, line 9, remove "therapy of a patient only in an emergency"

Page 1, line 10, after "delivery" insert "of a drug"

Renumber accordingly

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2344

Page 2, line 8, after the third comma insert "45-20-01,"

Page 2, line 13, after the second comma insert "events causing dissolution and winding up of partnership business,"

Page 54, line 5, replace the first "of" with "or"

Page 269, after line 14, insert:

"SECTION 221. AMENDMENT. Section 45-20-01 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

45-20-01. (801) (Effective January 1, 1996) Events causing dissolution and winding up of partnership business. A partnership is dissolved, and its business must be wound up, only upon the occurrence of any of the following events:

1. In a partnership at will, the partnership's having notice from a partner, other than a partner who is dissociated under subsections 2 through 10 of section 45-18-01, of that partner's express will to withdraw as a partner, or on a later date specified by the partner.
2. In a partnership for a definite term or particular undertaking:
 - a. ~~The expiration of~~ Within ninety days after a partner's dissociation by death or otherwise under subsections 6 through 10 of section 45-18-01 or wrongful dissociation under subsection 2 of section 45-18-02, ~~unless before that time a majority in interest of the remaining partners, including partners who have rightfully dissociated pursuant to subdivision a of subsection 2 of section 45-18-02, agree to continue the partnership~~ the express will of at least half of the remaining partners to wind up the partnership business, for which purpose a partner's rightful dissociation under paragraph 1 of subdivision b of subsection 2 of section 45-18-02 constitutes the expression of that partner's will to wind up the partnership business;
 - b. The express will of all of the partners to wind up the partnership business; or
 - c. The expiration of the term or the completion of the undertaking.
3. An event agreed to in the partnership agreement resulting in the winding up of the partnership business.
4. An event that makes it unlawful for all or substantially all of the business of the partnership to be continued, but a cure of illegality within ninety days after notice to the partnership of the event is effective retroactively to the date of the event for purposes of this section.
5. On application by a partner, a judicial determination that:

- a. The economic purpose of the partnership is likely to be unreasonably frustrated;
 - b. Another partner has engaged in conduct relating to the partnership business which makes it not reasonably practicable to carry on the business in partnership with that partner; or
 - c. It is not otherwise reasonably practicable to carry on the partnership business in conformity with the partnership agreement.
6. On application by a transferee of a partner's transferable interest, a judicial determination that it is equitable to wind up the partnership business:
- a. After the expiration of the term or completion of the undertaking, if the partnership was for a definite term or particular undertaking at the time of the transfer or entry of the charging order that gave rise to the transfer; or
 - b. At any time, if the partnership was a partnership at will at the time of the transfer or entry of the charging order that gave rise to the transfer."

Renumber accordingly

MOTION

SEN. GOETZ MOVED that HB 1213 and Engrossed HB 1410 be placed at the top of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1213: A BILL for an Act to create and enact two new sections to chapter 51-07 of the North Dakota Century Code, relating to succession to ownership of an automobile, truck, or farm equipment dealership.

MOTION

SEN. LEE MOVED that HB 1213 be amended as follows:

Page 1, line 10, after the period insert "A successor must be a spouse, son-in-law, daughter-in-law, or lineal descendant of the owner."

Renumber accordingly

REQUEST

SEN. KREBSBACH REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to HB 1213, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to HB 1213, the roll was called and there were 3 YEAS, 44 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Lee; Stenehjem, W.; Thompson

NAYS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Nething; Redlin

The proposed amendments to HB 1213 failed.

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 44 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.;

O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Grindberg; LaFountain; Lee

ABSENT AND NOT VOTING: Nething; Redlin

HB 1213 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1410: A BILL for an Act to create and enact a new section to chapter 23-25 of the North Dakota Century Code, relating to when air quality rules that are more strict than federal standards may be adopted and the procedure for adoption of such rules and standards; and to amend and reenact section 23-01-02 of the North Dakota Century Code, relating to the composition of the health council.

MOTION

SEN. YOCKIM MOVED that Engrossed HB 1410 be amended as follows:

Page 1, line 3, remove "; and to amend and"

Page 1, remove line 4

Page 1, line 5, remove "health council"

Page 1, remove lines 7 through 24

Page 2, remove lines 1 through 6

Page 2, remove the underscore under lines 9 through 30

Page 3, remove the underscore under lines 1 through 30

Page 4, remove the underscore under lines 1 through 31

Page 5, remove the underscore under lines 1 through 14

Renumber accordingly

REQUEST

SEN. HEITKAMP REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed HB 1410, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed HB 1410, the roll was called and there were 9 YEAS, 38 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Berg; DeMers; Heitkamp; Kelsh; Krauter; LaFountain; Mathern; Mutzenberger; Yockim

NAYS: Andrist; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Klein; Krebsbach; Kringstad; Lee; Lindaas; Lips; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

ABSENT AND NOT VOTING: Nething; Redlin

The proposed amendments to Engrossed HB 1410 failed.

MOTION

SEN. YOCKIM MOVED that Engrossed HB 1410 be amended as follows:

Page 2, line 17, remove "substantial", replace "to" with "on", and after "health" insert ", safety,"

Page 2, line 18, after the underscored comma insert "including significant impacts on sensitive or susceptible segments of the population;"

Page 2, line 20, replace the underscored comma with an underscored semicolon

Page 2, line 29, replace "give a new" with "prepare an amendment to the" and remove "hearing not less than ninety"

Page 2, line 30, remove "days prior to the"

Page 3, line 2, after the underscored period insert "No new hearing will be required as a result of new information or studies submitted as part of the public hearing process."

Page 3, line 3, after the underscored period insert "If the department finds emergency rulemaking is necessary because of imminent peril to the public health, safety, or welfare, the department may use the emergency rulemaking procedures under section 28-32-02. Any interim final rule becomes ineffective as provided by section 28-32-02 unless the time periods required for a final rule by subsection 2 do not allow completion of the rulemaking process within one hundred eighty days."

4."

Page 3, line 13, after the first underscored comma insert "health,"

Page 4, line 28, replace "by" with "after consultation with"

Page 4, line 30, replace "4" with "5"

Renumber accordingly

REQUEST

SEN. YOCKIM REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed HB 1410, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed HB 1410, the roll was called and there were 8 YEAS, 39 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Berg; DeMers; Kelsh; LaFountain; Mathern; Mutzenberger; Nelson, C.; Yockim

NAYS: Andrist; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Lee; Lindaas; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

ABSENT AND NOT VOTING: Nething; Redlin

The proposed amendments to Engrossed HB 1410 failed.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 40 YEAS, 7 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Lee; Lindaas; Lips; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

NAYS: Berg; DeMers; LaFountain; Mathern; Mutzenberger; Stenehjem, B.; Yockim

ABSENT AND NOT VOTING: Nething; Redlin

Engrossed HB 1410 passed and the title was agreed to.

MOTION

SEN. GOETZ MOVED that Engrossed HB 1116, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1085: SEN. W. STENEHJEM (Judiciary Committee) MOVED that the amendments on SJ page 819 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1215, as engrossed: SEN. WANZEK (Agriculture Committee) MOVED that the amendments on SJ page 819 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1259, as engrossed: SEN. THOMPSON (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 819-820 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

MOTION

SEN. GOETZ MOVED that HB 1297, which is on the Sixth order, be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Sen. Goetz's motion, HB 1297 was rereferred.

CONSIDERATION OF AMENDMENTS

HB 1346, as engrossed: SEN. LINDAAS (Transportation Committee) MOVED that the amendments on SJ pages 820-821 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1368, as engrossed: SEN. WANZEK (Education Committee) MOVED that the amendments on SJ pages 821-822 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1399, as engrossed: SEN. BERG (Judiciary Committee) MOVED that the amendments on SJ page 822 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

MOTION

SEN. GOETZ MOVED that the rules be suspended and, after action taken on the Sixth order, that HB 1453 be placed on the Fourteenth order, as amended, for immediate second reading and final passage, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1453: SEN. ANDRIST (Judiciary Committee) MOVED that the amendments on SJ page 822 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1453: A BILL for an Act to amend and reenact section 27-08.1-01 of the North Dakota Century Code, relating to the location of small claims actions.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 1 NAY, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wogsland; Yockim

NAYS: Watne

ABSENT AND NOT VOTING: Lips; Nelson, C.; Nothing; Redlin

HB 1453, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1456, as engrossed: SEN. WOGSLAND (Education Committee) MOVED that the amendments on SJ pages 822-823 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1112: A BILL for an Act to create and enact two new sections to chapter 12.1-31 of the North Dakota Century Code, relating to the exploitation of a disabled or vulnerable elderly adult; to amend and reenact section 12.1-31-07 of the North Dakota Century Code, relating to the definition of disabled or vulnerable elderly adult; 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 34 YEAS, 12 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Christmann; Fischer; Goetz; Grindberg; Kelsh; Kinnoin; Klein; Krauter; Kringstad; LaFountain; Lee; Lindaas; Mathern; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Robinson; Sand; Schobinger; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Tomac; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Cook; DeMers; Freborg; Heitkamp; Holmberg; Krebsbach; Mutch; O'Connell; Solberg; Stenehjem, B.; Thompson; Traynor

ABSENT AND NOT VOTING: Lips; Nething; Redlin

Engrossed HB 1112, as amended, was declared adopted and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1142: A BILL for an Act to create and enact two new sections to chapter 15-39.1 of the North Dakota Century Code, relating to the composition and administrative authority of the teachers' fund for retirement board; to amend and reenact subsection 1 of section 54-07-01.2 of the North Dakota Century Code, relating to appointments to the teachers' fund for retirement board; and to repeal section 15-39.1-05 of the North Dakota Century Code, relating to management of the teachers' fund for retirement.

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, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Lips; Nething; Redlin

Engrossed HB 1142, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1162: A BILL for an Act to create and enact three new subsections to section 54-23.4-10 of the North Dakota Century Code, relating to closure of crime victims compensation claims; to amend and reenact sections 54-23.4-01, 54-23.4-03, 54-23.4-06, 54-23.4-11, and 54-23.4-12 of the North Dakota Century Code, relating to definitions, award of benefits, attorney's fees, and subrogation for purposes of crime victims compensation; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Lips; Nething; Redlin

Engrossed HB 1162, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1183: A BILL for an Act to amend and reenact subdivision a of subsection 1 of section 28-32-01 and section 54-21-18 of the North Dakota Century Code, relating to adoption of administrative rules concerning conduct on the state capitol grounds; and to provide a penalty.

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 45 YEAS, 1 NAY, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Holmberg

ABSENT AND NOT VOTING: Lips; Nething; Redlin

HB 1183 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1227: A BILL for an Act to amend and reenact section 65-01-09 of the North Dakota Century Code, relating to subrogation interests of the workers compensation bureau.

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

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Klein; Krebsbach; Kringstad; Lee; Mutch; Naaden; Nalewaja; Nelson, G.; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Traynor; Urlacher; Wanzek; Watne

NAYS: Berg; Heitkamp; Kelsh; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; O'Connell; Thompson; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Lips; Nething; Redlin

HB 1227 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1248: A BILL for an Act to amend and reenact sections 50-22-02 and 50-22-04 of the North Dakota Century Code, relating to licensing of charitable organizations and filing of annual reports by charitable organizations.

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, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Lips; Nething; Redlin

HB 1248 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1261: A BILL for an Act to amend and reenact section 65-05-15 of the North Dakota Century Code, relating to payment of work-related injuries on an aggravation basis.

MOTION

SEN. THOMPSON MOVED that HB 1261 be amended as follows, which motion failed on a verification vote.

Page 1, line 15, remove the third underscored comma

Page 1, line 20, remove the overstrike over "~~injury~~" and remove "care"

Page 2, line 5, remove "The period of acute care is presumed to be sixty days immediately"

Page 2, remove lines 6 through 8

Page 2, line 11, after "by" insert an underscored comma

Page 2, line 29, replace "clear and convincing" with "a preponderance of the"

Renumber accordingly

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 31 YEAS, 15 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Klein; Krebsbach; Kringstad; Lee; Mutch; Naaden; Nalewaja; Nelson, G.; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Traynor; Urlacher; Wanzek; Watne

NAYS: Berg; DeMers; Heitkamp; Kelsh; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; O'Connell; Thompson; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Lips; Nething; Redlin

HB 1261 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1263: A BILL for an Act to amend and reenact sections 65-02-23, 65-02-25, 65-02-26, and 65-05-33 of the North Dakota Century Code, relating to amnesty periods, disclosure of claim and investigative information in workers' compensation fraud cases, and definition of fraudulent activity; and to provide a penalty.

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 31 YEAS, 15 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Klein; Krebsbach; Kringstad; Lee; Mutch; Naaden; Nalewaja; Nelson, G.; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Traynor; Urlacher; Wanzek; Watne

NAYS: Berg; DeMers; Heitkamp; Kelsh; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; O'Connell; Thompson; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Lips; Nething; Redlin

Engrossed HB 1263 passed and the title was agreed to.

SECOND READING OF SENATE BILL

HB 1264: A BILL for an Act to create and enact a new section to chapter 65-05 of the North Dakota Century Code, relating to payment of preacceptance disability benefits to an employee who allegedly suffers a work-related injury; to amend and reenact sections 65-05-08, 65-05-08.1, 65-05-09, 65-05-10, and 65-06.2-02 of the North Dakota Century Code, relating to payment of workers' compensation disability benefits and payments to confined workers; to provide an effective date; and to provide an expiration date.

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 29 YEAS, 17 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Klein; Krebsbach; Kringstad; Lee; Mutch; Naaden; Nalewaja; Nelson, G.; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Traynor; Urlacher; Wanzek; Watne

NAYS: Berg; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; O'Connell; Robinson; Thompson; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Lips; Nething; Redlin

Engrossed HB 1264 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1266: A BILL for an Act to amend and reenact section 65-05-01 of the North Dakota Century Code, relating to the filing of workers' compensation claims; 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 PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Christmann; Lips; Nelson, C.; Nething; Redlin

Engrossed HB 1266 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1268: A BILL for an Act to amend and reenact sections 54-12-08, 65-02-08, and 65-10-03 of the North Dakota Century Code, relating to revocation of an appointment of a special assistant attorney general and to payment of attorney's fees paid for representing workers' compensation claimants.

MOTION

SEN. THOMPSON MOVED that Engrossed HB 1268 be amended as follows:

Page 1, line 24, remove "The attorney general may revoke the appointment only for"

Page 2, line 1, remove "good cause or upon the request of the entity."

Page 3, line 13, remove ", but"

Page 3, line 14, remove "a hearing officer or arbitrator may not order that the maximum fee be exceeded"

Page 4, line 1, remove ", but a court may not order that the maximum fee be exceeded"

Renumber accordingly

REQUEST

SEN. HEITKAMP REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed HB 1268, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed HB 1268, the roll was called and there were 18 YEAS, 28 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Berg; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; O'Connell; Robinson; Tallackson; Thompson; Tomac; Wogsland; Yockim

NAYS: Andrist; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Klein; Krebsbach; Kringstad; Lee; Mutch; Naaden; Nalewaja; Nelson, G.; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Urlacher; Wanzek; Watne

ABSENT AND NOT VOTING: Lips; Nothing; Redlin

The proposed amendments to Engrossed HB 1268 failed.

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 30 YEAS, 16 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Klein; Krebsbach; Kringstad; Lee; Mutch; Naaden; Nalewaja; Nelson, G.; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Urlacher; Wanzek; Watne

NAYS: Berg; DeMers; Heitkamp; Kelsh; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; O'Connell; Tallackson; Thompson; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Lips; Nothing; Redlin

Engrossed HB 1268 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1269: A BILL for an Act to create and enact a new section to chapter 65-01 of the North Dakota Century Code, relating to the presumption that certain conditions of paid firefighters and law enforcement officers are work-related; to amend and reenact sections 65-01-02, 65-01-03, 65-01-11, 65-01-15, and 65-07-03 of the North Dakota Century Code, relating to definitions, the presumption of being an employee for

purposes of workers' compensation, and the burden of proof in workers' compensation matters; and to provide for a study of wage-loss benefits structure.

MOTION

SEN. LINDAAS MOVED that Engrossed HB 1269 be amended as follows:

Page 5, line 9, overstrike "Injuries due to heart attack or other heart-related disease, stroke, and"

Page 5, line 10, overstrike "physical injury", remove "caused", and overstrike "by mental stimulus,"

Page 5, line 11, remove "but only when caused by" and overstrike "the employee's"

Page 5, line 12, overstrike "employment" and overstrike "with reasonable medical certainty, and"

Page 5, line 13, remove "only when it is determined with reasonable"

Page 5, line 14, remove "medical certainty that", overstrike "unusual stress", and remove "is at least fifty percent of the"

Page 5, remove lines 15 through 17

Page 5, line 18, remove "position or line of work" and overstrike the period

Page 5, line 19, overstrike "(4)"

Page 5, line 22, overstrike "(5)" and insert immediately thereafter "(4)"

Page 5, remove lines 24 through 28

Re-number accordingly

REQUEST

SEN. HEITKAMP REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed HB 1269, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed HB 1269, the roll was called and there were 18 YEAS, 27 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Berg; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; O'Connell; Robinson; Tallackson; Thompson; Tomac; Wogsland; Yockim

NAYS: Andrist; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Klein; Krebsbach; Lee; Mutch; Naaden; Nalewaja; Nelson, G.; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Urlacher; Wanzek; Watne

ABSENT AND NOT VOTING: Kringstad; Lips; Nothing; Redlin

The proposed amendments to Engrossed HB 1269 failed.

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 28 YEAS, 18 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Klein; Krebsbach; Kringstad; Lee; Mutch; Naaden; Nalewaja; Nelson, G.; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Urlacher; Wanzek; Watne

NAYS: Berg; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; O'Connell; Robinson; Tallackson; Thompson; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Lips; Nething; Redlin

Engrossed HB 1269 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1270: A BILL for an Act to create and enact a new section to chapter 65-01 of the North Dakota Century Code, relating to decisions made by the workers compensation bureau; to amend and reenact sections 65-02-11, 65-02-20, 65-02-27, and subsection 4 of section 65-08-01 of the North Dakota Century Code, relating to process and procedure used by the bureau, dispute resolution under the bureau's managed care program, the workers' adviser program, and procedures for filing a claim under an extraterritorial coverage agreement; and to repeal section 65-01-14 of the North Dakota Century Code, relating to initial decisions made by the workers compensation bureau; and to provide an effective date.

MOTION

SEN. LAFOUNTAIN MOVED that Engrossed HB 1270 be amended as follows:

Page 1, line 17, replace "fourteen" with "twenty-one"

Page 2, line 10, replace "sixty" with "thirty"

Page 3, line 1, replace "sixty" with "thirty"

Renumber accordingly

REQUEST

SEN. HEITKAMP REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed HB 1270, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed HB 1270, the roll was called and there were 16 YEAS, 30 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Berg; DeMers; Heitkamp; Kelsh; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; O'Connell; Tallackson; Thompson; Tomac; Wogsland; Yockim

NAYS: Andrist; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Klein; Krebsbach; Kringstad; Lee; Mutch; Naaden; Nalewaja; Nelson, G.; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Urlacher; Wanzek; Watne

ABSENT AND NOT VOTING: Lips; Nething; Redlin

The proposed amendments to Engrossed HB 1270 failed.

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 30 YEAS, 16 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Klein; Krebsbach; Kringstad; Lee; Mutch; Naaden; Nalewaja; Nelson, G.; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Urlacher; Wanzek; Watne

NAYS: Berg; DeMers; Heitkamp; Kelsh; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; O'Connell; Tallackson; Thompson; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Lips; Nething; Redlin

Engrossed HB 1270 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1311: A BILL for an Act to create and enact sections 57-43.2-02.2 and 57-43.2-02.3 of the North Dakota Century Code, relating to special fuels tax refunds and exemptions; to amend and reenact sections 57-43.1-01, 57-43.1-03, 57-43.1-03.1, 57-43.1-04, 57-43.1-05, 57-43.1-06, 57-43.1-07, 57-43.1-11, 57-43.1-17, 57-43.1-20, 57-43.2-01, 57-43.2-02, 57-43.2-03, 57-43.2-04, and 57-43.2-14 of the North Dakota Century Code, relating to motor vehicle fuels and special fuels taxes and administration; to repeal sections 57-43.1-09, 57-43.1-10, and 57-43.1-19 of the North Dakota Century Code, relating to motor vehicle fuels tax refunds and invoices; to provide an effective date; 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 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wogsland; Yockim

ABSENT AND NOT VOTING: Lips; Nothing; Redlin; Watne

HB 1311 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1314: A BILL for an Act to designate the training facility located at Camp Grafton (South) as the Major General C. Emerson Murry regional live fire and maneuver training center.

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, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Lips; Nothing; Redlin

Engrossed HB 1314 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1350: A BILL for an Act to amend and reenact section 12.1-21-05 of the North Dakota Century Code, relating to classification of criminal mischief offenses; and to provide a penalty.

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, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Lips; Nothing; Redlin

HB 1350 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1360: A BILL for an Act to amend and reenact subsection 2 of section 44-08-04 of the North Dakota Century Code, relating to state officer and employee expense reimbursement.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Lips; Nething; Redlin

HB 1360 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3019: A concurrent resolution recognizing North Dakota's commercial relationship with the people of the Republic of China on Taiwan and the record of the Republic of China concerning democratization at home and humanitarian service abroad.

MOTION

SEN. KREBSBACH MOVED that HCR 3019 be amended as follows, which motion prevailed on a voice vote.

Page 1, line 4, remove "sister state"

ReNUMBER accordingly

REQUEST

SEN. MUTCH REQUESTED a recorded roll call vote on the motion to adopt HCR 3019, as amended, which request was granted.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read, the roll was called and there were 26 YEAS, 20 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Klein; Krebsbach; Kringstad; Lee; Mutch; Naaden; Nalewaja; Nelson, G.; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Traynor; Urlacher; Wanzek

NAYS: Berg; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; O'Connell; Robinson; Sand; Stenehjem, B.; Thompson; Tomac; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Lips; Nething; Redlin

HCR 3019, as amended, was declared adopted and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1339: A BILL for an Act to amend and reenact sections 4-09-08, 4-09-10, 4-09-14.3, 4-10.3-01, 4-10.3-02, 4-10.3-03, 4-10.3-04, 4-10.3-05, 4-10.3-08, 4-10.3-09, 4-24-09, and 4-24-10 of the North Dakota Century Code, relating to the North Dakota dry bean council and the assessment on dry beans; 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 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Lips; Nething; Redlin; Stenehjem, W.

HB 1339, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3042: A concurrent resolution directing the Legislative Council to study the department of human services.

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

HCR 3042 was declared adopted on a voice vote, and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3043: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of implementing hail suppression programs for the reduction of property damage in urban and rural areas and funding the programs through property and casualty line insurance premium taxes.

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

Engrossed HCR 3043 was declared adopted on a voice vote, and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR

HCR 3031: A concurrent resolution directing the Legislative Council to study the issues of fairness and equity as they relate to child support guidelines and the issuance and enforcement of child custody and visitation orders.

HCR 3040: A concurrent resolution directing the Legislative Council to study the truancy laws of this state and whether there are sufficient options and alternatives available to schools and school districts that have high incidences of truancy.

HCR 3047: A concurrent resolution directing the Legislative Council to study the current standards for the accreditation of elementary and secondary schools in this state, the method by which accreditation standards are adopted, the fiscal impact of accreditation standards, and the feasibility and desirability of waiving standards if student performance levels exceed a designated score.

The question being on the final adoption of the resolutions, which have been read.

HCR 3031, HCR 3040, and HCR 3047 were declared adopted on a voice vote, and the titles were agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NAADEN MOVED that the Senate do not concur in the House amendments to Engrossed SB 2009 as printed on SJ pages 809-810 and that a conference committee be

appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2009: Sens. Solberg, Nalewaja, Tallackson.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. MUTCH MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1098, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1098: Sens. Krebsbach, Sand, Thompson.

MOTION

SEN. GOETZ MOVED that the absent members be excused, which motion prevailed.

MOTION

SEN. GOETZ MOVED that the Senate be on the Fifth and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Monday, March 24, 1997, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1007: Appropriations Committee (Sen. Naaden, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1007 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "103,781" with "101,200"

Page 1, line 12, replace "7,000" with "10,000"

Page 1, line 13, replace "703,542" with "703,961"

Page 1, line 15, replace "628,616" with "629,035"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 406 - LABOR COMMISSIONER

SENATE - This amendment reduces the operating expenses line item by \$2,581 from the general fund for the removal of risk management premiums. The amendment also increases the equipment line item by \$3,000 from the general fund for the purchase of a new printer. In total, this amendment increases the general fund appropriation to the Labor Commissioner by \$419.

REPORT OF STANDING COMMITTEE

HB 1027, as engrossed: Appropriations Committee (Sen. Naaden, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed HB 1027 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "949,926" with "943,797"

Page 1, line 15, replace "2,505,178" with "2,499,049"

Page 1, line 19, replace "1,130,334" with "1,124,527"

Page 1, line 22, replace "2,793,661" with "2,787,854"

Page 1, line 23, replace "5,298,839" with "5,286,903"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 190 - RETIREMENT AND INVESTMENT OFFICE

SENATE - This amendment removes \$6,129 special fund appropriation authority and reduces the operating expenses line item by the same amount to reflect the removal of risk management premiums.

Salaries and wages	1997-99 EXECUTIVE RECOMMENDATION	TOTAL HOUSE CHANGES	HOUSE VERSION	REMOVE RISK MANAGEMENT PREMIUMS	SENATE VERSION
Operating expenses	\$1,455,252		\$1,455,252		\$1,455,252
Equipment	949,926		949,926	\$(6,129)	943,797
Contingency	36,910	\$(18,910)	18,000		18,000
	<u>82,000</u>		<u>82,000</u>		<u>82,000</u>
Total special funds	\$2,524,088	\$(18,910)	\$2,505,178	\$(6,129)	\$2,499,049
FTE	18.0		18.0		18.0

DEPARTMENT 192 - PUBLIC EMPLOYEES RETIREMENT SYSTEM

SENATE - This amendment removes \$5,807 special fund appropriation authority and reduces the operating expenses line item by the same amount to reflect the removal of risk management premiums.

	1997-99 EXECUTIVE RECOMMENDATION	REMOVE RISK MANAGEMENT PREMIUMS	SENATE VERSION
Salaries and wages	\$1,611,127		\$1,611,127
Operating expenses	1,130,334	\$(5,807)	1,124,527
Equipment	27,200		27,200
Contingency	<u>25,000</u>	<u> </u>	<u>25,000</u>
Total special funds	\$2,793,661	\$(5,807)	\$2,787,854
FTE	22.8		22.8

REPORT OF STANDING COMMITTEE

HB 1030, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1030 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1043: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends DO NOT PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1043 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1074, as engrossed: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1074 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "three" with "a" and replace "subdivisions" with "subdivision"

Page 2, line 23, after "highways" insert ", and on paved two-lane highways if there is no speed limit posted or if within the time period of one-half hour after sunset to one-half hour before sunrise"

Page 2, line 25, replace "Sixty" with "Sixty-five"

Page 2, line 27, remove "and paved and divided, multilane highways"

Page 2, line 28, replace "after sunset" with "before sunrise" and replace "before sunrise" with "after sunset and if posted for that speed, and on paved and divided multilane highways"

Page 3, line 1, replace "Three" with "A" and replace "subdivisions" with "subdivision"

Page 3, line 2, replace "are" with "is"

Page 3, remove lines 3 through 9

Page 3, line 10, after "112.65" insert "kilometers"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1075: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1075 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subsection 1 of section 39-01-01 and"

Page 1, line 2, after "to" insert "the definition of an appropriate licensed addiction treatment program and to"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Subsection 1 of section 39-01-01 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. "Appropriate licensed addiction treatment program" means an addiction treatment program conducted by an addiction facility licensed by the department of human services or conducted by a licensed individual specifically trained in addiction treatment."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1083: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1083 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1111, as engrossed: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1111 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to create and enact a new section to chapter 27-20 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to parental attendance at alcohol treatment for a child; and"

Page 1, remove lines 9 through 15

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1170, as engrossed: Appropriations Committee (Sen. Naaden, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1170 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1185, as engrossed: Appropriations Committee (Sen. Naaden, Chairman) recommends **DO PASS** (9 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Engrossed HB 1185 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1187, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1187 was placed on the Sixth order on the calendar.

Page 1, line 6, after "institution" insert ", except an institution under the control of the board of higher education,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1191, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1191 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1199: Appropriations Committee (Sen. Naaden, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1199 was placed on the Sixth order on the calendar.

Page 1, line 3, after "assessments" insert "; and to declare an emergency"

Page 4, after line 4, insert:

"**SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1206: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1206 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1216, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1216 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1373: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1373 was placed on the Sixth order on the calendar.

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

Page 1, remove lines 3 and 4

Page 1, remove the underscore under lines 8 through 19

Page 1, remove lines 20 through 24

Page 2, remove lines 1 through 8

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1385, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1385 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections" and after "54-35-02.5" insert "and 54-35-17"

Page 1, line 2, after "committee" insert "and the retention of legal counsel by the legislative branch"

Page 1, line 13, replace the underscored colon with "each"

Page 1, line 14, remove "1. Each", replace "both" with "either", and replace "and" with "or"

Page 1, line 15, replace "; and" with an underscored period

Page 1, remove lines 16 through 18

Page 1, after line 18, insert:

"SECTION 2. AMENDMENT. Section 54-35-17 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-35-17. Retention of legal counsel. When the legislative assembly is in session, either house by resolution may authorize, or both houses by concurrent resolution may direct, the legislative council to appoint or retain legal counsel to appear in, commence, prosecute, defend, or intervene in any action, suit, matter, cause, or proceeding in any court or agency when deemed necessary or advisable to protect the official interests of the legislative branch. When the legislative assembly is not in session, the legislative council, by a ~~two-thirds~~ majority vote, may appoint or retain legal counsel to appear in, commence ~~or~~ prosecute, ~~or by a majority vote, may appoint or retain legal counsel to defend,~~ or intervene in, any action, suit, matter, cause, or proceeding in any court or agency when deemed necessary or advisable to protect the official interests of the legislative branch. Section 54-12-08 does not apply to a person appointed or retained under this section."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1396, as engrossed: Natural Resources Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1396 was placed on the Sixth order on the calendar.

Page 1, line 1, after "20.1-03-11" insert "and a new section to chapter 20.1-08"

Page 1, line 2, after "nonresidents" insert "and the governor's proclamation concerning the resident youth deer hunting season"

Page 1, line 7, remove "to nonresidents"

Page 1, line 8, replace "allocated" with "made available" and replace "mule" with "any"

Page 1, replace lines 9 and 10 with:

"SECTION 2. A new section to chapter 20.1-08 of the North Dakota Century Code is created and enacted as follows:

Governor's proclamation concerning resident youth deer hunting season.

By proclamation, the governor may provide for a season for resident youth to hunt deer in the manner, number, places, and times as the governor prescribes. A person receiving a license under this section may take any deer except antlered mule deer. However, a person may use an antlered mule deer license issued pursuant to the regular deer license lottery in the unit or subunit for which the license is valid during the resident youth deer hunting season established under this section."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1403, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1403 was placed on the Sixth order on the calendar.

Page 1, line 20, after "dollars" insert "in the aggregate during the reporting period"

Page 2, line 16, after "~~dollars~~" insert "in the aggregate during the reporting period"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1413, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1413 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1418, 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 1418 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 three new subsections to section 26.1-04-03 of the North Dakota Century Code, relating to the restriction or interference with medical communications between health care providers and patients and unfair indemnification provisions in contracts with health care providers; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 26.1-04-03 of the North Dakota Century Code is created and enacted as follows:

As used in sections 2 and 3 of this Act, unless the context otherwise requires:

- a. "Entity" includes a third-party administrator or other person with responsibility for contracts with health care providers under a health plan.
- b. "Health care provider" means a person that delivers, administers, or supervises health care products or services, for profit or otherwise, in the ordinary course of business or professional practice.
- c. "Health plan" means any public or private plan or arrangement that provides or pays the cost of health benefits, including any organization of health care providers that furnishes health services under a contract or agreement with this type of plan.
- d. "Medical communication" means any communication, other than a knowing and willful misrepresentation, made by a health care provider to a patient regarding the health care needs or treatment options of the patient and the applicability of the health plan to the patient's needs or treatment. The term includes communications concerning:
 - (1) Tests, consultations, and treatment options;
 - (2) Risks or benefits associated with tests, consultations, and options;
 - (3) Variation in experience, quality, or outcome among any health care providers or health care facilities providing any medical service;
 - (4) The process, basis, or standard used by an entity to determine whether to authorize or deny health care services or benefits; and
 - (5) Financial incentives or disincentives based on service utilization provided by an entity to a health care provider.
- e. "Patient" includes a former, current, or prospective patient or the guardian or legal representative of any former, current, or prospective patient.

SECTION 2. A new subsection to section 26.1-04-03 of the North Dakota Century Code is created and enacted as follows:

- a. Interference with certain medical communications. An entity offering a health plan may not restrict or interfere with any medical communication and may not take any of the following actions against a health care provider solely on the basis of a medical communication:
 - (1) Refusal to contract with the health care provider;
 - (2) Termination of or refusal to renew a contract with the health care provider;
 - (3) Refusal to refer patients to or allow others to refer patients to the health care provider; or
 - (4) Refusal to compensate the health care provider for covered services that are medically necessary.
- b. This subsection does not prohibit an entity from enforcing, as part of a contract or agreement to which a health care provider is a party, any mutually agreed upon terms and conditions, including terms and conditions requiring a health care provider to participate in and cooperate with all programs, policies, and procedures developed or operated by a health plan to assure, review, or improve the quality and effective utilization of health care services, if the utilization is according to guidelines or protocols that are based on clinical or scientific evidence and only if the guidelines or protocols under the utilization do not prohibit or restrict medical communications between providers and their patients.

SECTION 3. A new subsection to section 26.1-04-03 of the North Dakota Century Code is created and enacted as follows:

Unfair indemnification. A contract between an entity and a health care provider may not require the health care provider to indemnify the entity for the entity's negligence, willful misconduct, or breach of contract, and may not require a health care provider as a condition of participation to waive any right to seek legal redress against the entity. In addition to the proceedings and penalties provided in this chapter, a contract provision violating this subsection is void."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3011: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HCR 3011 was placed on the Sixth order on the calendar.

Page 1, line 17, remove "and opposition by a small minority repeatedly has thwarted the"

Page 1, remove line 18

Page 1, line 19, remove "the states for ratification"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3012: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3012 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3015: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3015 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3025: Natural Resources Committee (Sen. Traynor, Chairman) recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HCR 3025 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3045: Appropriations Committee (Sen. Naaden, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HCR 3045 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "alternative budgeting methods" with "the current budget process, the results of the program performance-based budgeting pilot projects, and budget reforms in other states."

Page 1, remove line 2

Page 1, line 12, after "study" insert "the current budget process including its advantages and disadvantages; and

BE IT FURTHER RESOLVED, that the study review the results of the program performance-based budgeting pilot project and budgeting reforms in other states; and

BE IT FURTHER RESOLVED, that the study review how agency and institution appropriation balances at the end of a biennium should be handled; and

BE IT FURTHER RESOLVED, that the study determine the benefits that new information technology could provide in budget development and budget presentation; and

BE IT FURTHER RESOLVED, that the study include consideration of the effect of budget recommendations on future biennial budgets; and

BE IT FURTHER RESOLVED, that the study include a review of the detailed information supporting agency budget requests and the executive recommendation; and

BE IT FURTHER RESOLVED, that the study include a review of"

Page 1, remove lines 14 and 15

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3049: Government and Veterans Affairs Committee (Sen. Krebsbach, 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.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

This is to inform you that on March 21, 1997, I signed the following: SB 2127, SB 2167, SB 2121, SB 2196, SB 2310, SB 2105, SB 2109, SB 2134, SB 2137, SB 2151, SB 2158, SB 2165, SB 2171, SB 2220, SB 2269, SB 2287, SB 2312, SB 2317, SB 2383, SB 2006, SB 2008, SB 2031, SB 2051, SB 2062, SB 2108, SB 2124, SB 2131, SB 2141, SB 2181, SB 2182, SB 2184, SB 2336, and SB 2365.

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

William C. Parker, Secretary