

## JOURNAL OF THE SENATE

## Fifty-fifth Legislative Assembly

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Bismarck, March 24, 1997

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

The prayer was offered by Captain Dale Sherod, Corps Officer, The Salvation Army, Bismarck.

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

A quorum was declared by the President.

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

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

**HB 1098:** Sens. Krebsbach; Sand; Thompson

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2009 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2009:** Sens. Solberg; Nalewaja; Tallackson

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1183, HB 1213, HB 1227, HB 1248, HB 1261, HB 1263, HB 1264, HB 1266, HB 1268, HB 1269, HB 1270, HB 1311, HB 1314, HB 1350, HB 1360, HB 1410, HCR 3031, HCR 3040, HCR 3042, HCR 3043, HCR 3047.

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1339.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1112, HB 1142, HB 1162, HB 1453, HCR 3019.

**REQUEST**

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

**REMARKS OF SENATOR LINDAAS**

Madam President and ladies and gentlemen of the Senate. The Mayville, Portland, Clifford, and Galesburg communities are glowing with pride after their boys basketball team rose to the State Class B championship. Today our communities have some heroes, not just for winning the state title, but for being the kind of young men they are. Being winners of such a title is more than physical size and athletic ability. It's also about desire, hard work, discipline, and teamwork -- above all teamwork. The fans who have watched and cheered for this team will vouch for their character and integrity, and they know all those attributes have made real champions out of them. The fact this has happened two years in a row is a credit to the team, their parents, the coaches, the fans, and all who have had an influence on them and provided the support and encouragement needed for this accomplishment. All of the teams in the tournament have done their communities proud and deserve praise, but today I offer especially to the May-Port-C-G team our very best wishes and congratulations on a job well done. You serve as great role models for those who are younger and look up to you with admiration. Come to think of it, we all look up to you. My hope is that this experience is just one more step toward a very successful future for all of you. The North Dakota Senate joins me in this greeting.

**CONSIDERATION OF AMENDMENTS**

**HB 1074, as engrossed: SEN. B. STENEHJEM (Transportation Committee) MOVED** that the amendments on SJ page 845 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**MOTION**

**SEN. GOETZ MOVED** that Engrossed HB 1116, which is on the Sixth order, be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed. Pursuant to Sen. Goetz's motion, Engrossed HB 1116 was rereferred.

**CONSIDERATION OF AMENDMENTS**

**HB 1007: SEN. SOLBERG (Appropriations Committee) MOVED** that the amendments on SJ page 842 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1027, as engrossed: SEN. KRAUTER (Appropriations Committee) MOVED** that the amendments on SJ pages 842-845 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1075: SEN. MUTCH (Transportation Committee) MOVED** that the amendments on SJ pages 845-846 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1111, as engrossed: SEN. B. STENEHJEM (Transportation Committee) MOVED** that the amendments on SJ page 846 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1187, as engrossed: SEN. C. NELSON (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ page 846 be adopted and then be placed on the Fourteenth order with **DO NOT PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1199: SEN. KINNOIN (Appropriations Committee) MOVED** that the amendments on SJ pages 846-847 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1373: SEN. SCHOBINGER (Transportation Committee) MOVED** that the amendments on SJ page 847 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1385, as engrossed: SEN. C. NELSON (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ page 847 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1396, as engrossed: SEN. FREBORG (Natural Resources Committee) MOVED** that the amendments on SJ page 848 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1403, as engrossed: SEN. WOGSLAND (Education Committee) MOVED** that the amendments on SJ page 848 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**MOTION**

**SEN. GOETZ MOVED** the rules be suspended and that after action taken on the Sixth order, Engrossed HB 1418, as amended, be placed on the Fourteenth order for immediate second reading and final passage, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1418, as engrossed: SEN. DEMERS (Human Services Committee) MOVED** that the amendments on SJ pages 848-850 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1418:** A BILL 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.

**ROLL CALL**

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

**ABSENT AND NOT VOTING:** Nething; Redlin

Engrossed HB 1418, as amended, passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**HCR 3011: SEN. THANE (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ page 850 be laid on the table, which motion prevailed. HCR 3011 was laid on the table.

**CONSIDERATION OF AMENDMENTS**

**HCR 3045: SEN. GOETZ (Appropriations Committee) MOVED** that the amendments on SJ pages 850-851 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**THE SENATE RECOGNIZED THE PRESENCE OF:**

Former Senator Allen Richard.

**SECOND READING OF HOUSE BILL**

**HB 1085:** A BILL for an Act to amend and reenact subsection 5 of section 19-03.1-37 of the North Dakota Century Code, relating to subpoenas by the defendant in a controlled substance proceeding.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; 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

**ABSENT AND NOT VOTING:** Nething; Redlin

HB 1085, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1215:** A BILL for an Act to create and enact four new sections to chapter 19-20.2 of the North Dakota Century Code, relating to the use and testing of anhydrous ammonia storage containers and the bulk delivery of anhydrous ammonia; and to amend and reenact sections 19-20.2-01 and 19-20.2-08.2 of the North Dakota Century Code, relating to safety requirements for the handling and storage of anhydrous ammonia.

**MOTION**

**SEN. G. NELSON MOVED** that the question be put at 1:57 p.m., which motion prevailed.

**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 25 YEAS, 22 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Fischer; Goetz; Grindberg; Kinnoin; Klein; Krauter; Kringstad; Lee; Lips; Naaden; Nalewaja; Nelson, G.; Schobinger; Solberg; Stenehjem, B.; Stenehjem, W.; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne

**NAYS:** Berg; Cook; DeMers; Freborg; Heitkamp; Holmberg; Kelsh; Krebsbach; LaFountain; Lindaas; Mathern; Mutch; Mutzenberger; Nelson, C.; O'Connell; Robinson; Sand; St. Aubyn; Tallackson; Thane; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Nething; Redlin

Engrossed HB 1215, as amended, passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1259:** A BILL for an Act to create and enact chapters 26.1-12.1 and 26.1-12.2 of the North Dakota Century Code, relating to the reorganization of mutual insurance companies and formation by mutual insurance companies of mutual insurance holding companies and demutualization of insurers.

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

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Lee; 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:** Heitkamp; LaFountain; Lindaas

**ABSENT AND NOT VOTING:** Nething; Redlin

Engrossed HB 1259, as amended, passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1346:** A BILL for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to issuance of distinctive motor vehicle license plates to individuals eligible for interment in the North Dakota veterans' cemetery; and to amend and reenact section 21-10-06 of the North Dakota Century Code, relating to the state investment board.

#### ROLL CALL

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

**ABSENT AND NOT VOTING:** Nething; Redlin

Engrossed HB 1346, as amended, passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1368:** A BILL for an Act to amend and reenact subsection 1 of section 15-34.1-00.1, subsection 5 of section 15-34.1-03, sections 15-34.1-06, 15-34.1-07, 15-34.1-08, 15-34.1-09, 15-34.1-10, and 15-34.1-11 of the North Dakota Century Code, relating to home education.

**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 40 YEAS, 7 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Berg; Fischer; LaFountain; Lee; Nelson, C.; Sand; Wogsland

**ABSENT AND NOT VOTING:** Nething; Redlin

Engrossed HB 1368, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1399:** A BILL for an Act to amend and reenact section 32-21-03 of the North Dakota Century Code, relating to persons who may bring a wrongful death action.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; 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

**ABSENT AND NOT VOTING:** Nething; Redlin

Engrossed HB 1399, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1456:** A BILL for an Act to create and enact a new section to chapter 15-34.1 of the North Dakota Century Code, relating to the issuance of high school diplomas to home education students; and to repeal section 15-34.1-11 of the North Dakota Century Code, relating to the issuance of high school diplomas by the superintendent of public instruction.

**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 44 YEAS, 3 NAYS, 0 EXCUSED, 2 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; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Wanzek; Watne; Wogsland; Yockim

**NAYS:** Sand; Traynor; Urlacher

**ABSENT AND NOT VOTING:** Nething; Redlin

Engrossed HB 1456, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1030:** A BILL for an Act to amend and reenact section 28-32-03.3 of the North Dakota Century Code, relating to consideration of administrative rules by the administrative rules committee; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 2 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; 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

**ABSENT AND NOT VOTING:** Nething; Redlin

Engrossed HB 1030 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1043:** A BILL for an Act to amend and reenact section 39-06-35, subsections 3.1, 4, 5, 6, and 7 of section 39-06.1-10, and section 39-06.1-11 of the North Dakota Century Code, relating to alcohol addiction evaluation for driving while under the influence.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 13 YEAS, 34 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Berg; DeMers; Freborg; Grindberg; Lips; Mathern; Nalewaja; Nelson, C.; Stenehjem, W.; Tallackson; Thompson; Watne; Yockim

**NAYS:** Andrist; Bowman; Christmann; Cook; Fischer; Goetz; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Mutch; Mutzenberger; Naaden; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Thane; Tomac; Traynor; Urlacher; Wanzek; Wogsland

**ABSENT AND NOT VOTING:** Nething; Redlin

HB 1043 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1083:** A BILL for an Act to amend and reenact subsection 8 of section 39-20-07 of the North Dakota Century Code, relating to the testing for driving while intoxicated.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; 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

**ABSENT AND NOT VOTING:** Nething; Redlin

HB 1083 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1170:** A BILL for an Act to amend and reenact sections 61-02-64.1, 61-02-64.2, 61-24.3-01, and 61-24.3-18 of the North Dakota Century Code, relating to repayment of obligations with respect to bond issues and to issuing and repaying bonds for the southwest pipeline project; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 2 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; 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

**ABSENT AND NOT VOTING:** Nothing; Redlin

Engrossed HB 1170 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1185:** A BILL for an Act to amend and reenact sections 4-10.4-03, 4-10.4-08, and 4-10.4-12 of the North Dakota Century Code, relating to the state barley council and the tax assessment on barley production.

**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, 1 NAY, 0 EXCUSED, 2 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; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**NAYS:** O'Connell

**ABSENT AND NOT VOTING:** Nothing; Redlin

Engrossed HB 1185 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. KREBSBACH MOVED** that the Senate do concur in the House amendments to Engrossed SB 2057 as printed on SJ page 732, which motion prevailed on a voice vote.

Engrossed SB 2057, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2057:** A BILL for an Act to create and enact a new section to chapter 54-06 of the North Dakota Century Code, relating to the provision of paid leave for disaster services volunteers; and to declare an emergency.

**ROLL CALL**

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

**ABSENT AND NOT VOTING:** Nething; Redlin

Engrossed SB 2057, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NAADEN MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2013 as printed on SJ page 812 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 2013: Sens. Solberg, Naaden, Krauter.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. FREBORG MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2032 as printed on SJ pages 812-813 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 2032: Sens. Freborg, Cook, Wogsland.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NAADEN MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2088 as printed on SJ page 797 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 2088: Sens. St. Aubyn, Holmberg, Robinson.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. WANZEK MOVED** that the Senate do not concur in the House amendments to SB 2145 as printed on SJ page 809 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 SB 2145: Sens. Klein, Wanzek, Tomac.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. W. STENEHJEM MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2153 as printed on SJ page 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 2153: Sens. W. Stenehjem, Watne, C. Nelson.

**COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER**

This is to inform you that on March 23, 1997, I signed the following: SB 2265.

**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 2040, SCR 4014, SCR 4026, SCR 4042, SCR 4045, SCR 4048, SCR 4049, SCR 4053.

**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 2209, SB 2364, SCR 4040, SCR 4046, SCR 4047, SCR 4051.



**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The President has signed: HB 1032, HB 1040, HB 1081, HB 1086, HB 1109, HB 1139, HB 1140, HB 1176, HB 1194, HB 1224, HB 1287, HB 1320, HB 1381, HB 1389.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2057.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2013, SB 2032, SB 2088, SB 2145, and SB 2153 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2013:** Sens. Solberg; Naaden; Krauter  
**SB 2032:** Sens. Freborg; Cook; Wogsland  
**SB 2088:** Sens. St. Aubyn; Holmberg; Robinson  
**SB 2145:** Sens. Klein; Wanzek; Tomac  
**SB 2153:** Sens. W. Stenehjem; Watne; C. Nelson

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**  
**MADAM PRESIDENT:** The House has passed unchanged: SB 2045, SB 2122, SB 2139, SB 2237, SB 2285, SB 2385, SCR 4005, SCR 4041.

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**  
**MADAM PRESIDENT:** The House has failed to pass: SB 2231.

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**  
**MADAM PRESIDENT:** The House has failed to pass: SB 2240, SB 2390.

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**  
**MADAM PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2015.

**HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2015**

Page 1, line 16, replace "1,616,481" with "1,592,389"  
Page 1, line 21, replace "37,067,425" with "37,043,333"  
Page 1, line 22, replace "16,350,337" with "16,348,169"  
Page 1, line 23, replace "20,717,088" with "20,695,164"  
Page 2, line 3, replace "10,327,383" with "10,259,629"  
Page 2, line 4, replace "554,000" with "1,454,000"  
Page 2, line 6, replace "1,385,339" with "485,339"  
Page 2, line 7, replace "25,998,403" with "25,930,649"  
Page 2, line 10, replace "4,800,000" with "4,500,000"  
Page 2, line 13, replace "6,118,600" with "5,818,600"  
Page 2, line 17, replace "7,187,880" with "7,134,539"  
Page 2, line 20, replace "19,495,543" with "19,442,202"  
Page 2, line 24, replace "1,368,269" with "1,351,816"  
Page 2, line 28, replace "25,964,210" with "25,947,757"  
Page 2, line 29, replace "26,835,688" with "26,513,764"  
Page 2, line 30, replace "87,808,493" with "87,668,777"  
Page 2, line 31, replace "114,644,181" with "114,182,541"  
Page 5, line 8, replace "\$32,000,000" with "\$22,000,000"

Page 5, line 19, replace "\$25,000,000" with "\$23,000,000"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 405 - INDUSTRIAL COMMISSION

HOUSE - This amendment removes the risk management premiums of \$24,092, of which \$21,924 is from the general fund and \$2,168 is from special funds.

DEPARTMENT 471 - BANK OF NORTH DAKOTA

HOUSE - This amendment removes the risk management premiums of \$67,754, all of which is from special funds, and transfers \$900,000 of other funds from the contingency line to the equipment line. The amendment also decreases the partnership in assisting community expansion (PACE) fund by \$300,000 from the general fund.

The amendment decreases the Bank transfers to the general fund by \$10 million, from \$32 million to \$22 million. The amendment also decreases the additional transfer from a maximum of \$25 million to a maximum of \$23 million. The additional transfer is now limited to the lesser of \$23 million or the actual revenue shortfall.

DEPARTMENT 473 - HOUSING FINANCE AGENCY

HOUSE - This amendment removes the risk management premiums of \$16,453, all of which is from special funds.

DEPARTMENT 475 - MILL AND ELEVATOR ASSOCIATION

HOUSE - This amendment removes the risk management premiums of \$53,341, all of which is from special funds.

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

**MADAM PRESIDENT:** The House has amended and subsequently passed: SB 2043, SB 2093, SB 2113, SB 2115, SB 2173, SB 2202, SB 2270.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2043**

Page 2, remove lines 10 through 24

Page 2, line 25, replace "4" with "3"

Page 2, line 28, replace "5" with "4"

Page 3, line 12, replace "6" with "5"

Page 3, line 14, replace "7" with "6"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2093**

Page 1, line 15, overstrike "Sample ballots with inverted"

Page 1, line 16, overstrike "columns must be printed" and overstrike "in such manner"

Page 1, line 17, overstrike "as to assure that the column of each political party is displayed once"

Page 1, line 18, overstrike "in an upright position", remove "in one of the two required publications preceding the election", and overstrike the period

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2113**

Page 9, line 30, remove the overstrike over "~~Any person in the employ of any federal, state, county or municipal agency, or~~"

Page 9, remove the overstrike over line 31

Page 10, remove the overstrike over lines 1 through 3

Page 10, line 4, remove the overstrike over "~~after July 1,~~", after "1970" insert "1999", and remove the overstrike over "~~. However, the exemption period may be extended by the board~~"

Page 10, remove the overstrike over lines 5 through 8

Page 10, line 9, remove the overstrike over "~~institution are performed under the supervision of a licensed psychologist.~~" and insert immediately thereafter "After reviewing the exemption under this subsection, the board and the department of human services shall review their definitions and rules for a master's degree in psychology as used in their own credential requirements."

Page 10, line 10, remove the overstrike over "2."

Page 10, remove lines 15 and 16

Page 11, after line 11, insert:

"9. A psychologist resident performing services supervised as provided under section 14 of this Act."

Re-number accordingly

#### **HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2115**

Page 1, line 11, remove "medically recognized diagnostic examination that includes a"

Re-number accordingly

#### **HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2173**

Page 4, line 2, after the underscored semicolon insert "and"

Page 4, line 3, replace "; and" with an underscored period

Page 4, remove line 4

Re-number accordingly

#### **HOUSE AMENDMENTS TO SENATE BILL NO. 2202**

Page 1, line 13, replace "may" with "shall"

Re-number accordingly

#### **HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2270**

Page 2, line 11, replace "subsection" with "subsections" and after "4" insert "and 5"

Page 2, line 14, replace "A" with "Except as provided in subsection 5, a"

Page 2, after line 18, insert:

"5. A nonprofit mutual insurance company may form a stock insurance company for the purpose of administering medicare claims."

Page 2, line 19, replace "5" with "6" and after "demutualize" insert "or be converted to a for-profit mutual or stock company"

Page 2, line 20, replace "6" with "7" and remove "form an insurance holding"

Page 2, line 21, remove "company or otherwise"

Page 2, line 23, replace "7" with "8"

Page 2, line 27, replace "the" with "disapproval of either"

Page 2, line 28, remove "commissioner to disapprove, or condition approval of,"

Page 2, line 29, after "company" insert "or the articles of incorporation of the company under section 26.1-12-04"

Page 2, line 30, remove ", if any,"

Page 3, line 1, replace "8" with "9"

Page 3, after line 3, insert:

- "10. Every nonprofit mutual insurance company is a charitable and benevolent organization and the laws of this state relating to and affecting nonprofit charitable and benevolent corporations are applicable to all nonprofit mutual insurance companies."

Page 3, line 6, remove "health"

Renumber accordingly

**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 1084, HB 1089, HB 1146.

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

**MADAM PRESIDENT:** The Speaker has signed: SB 2040, SCR 4014, SCR 4026, SCR 4042, SCR 4045, SCR 4048, SCR 4049, SCR 4053.

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

**MADAM PRESIDENT:** The Speaker has signed: 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.

**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 12:30 p.m., Tuesday, March 25, 1997, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1115: Appropriations Committee (Sen. Naaden, Chairman)** recommends **DO PASS** (9 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HB 1115 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1153, 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 1153 was placed on the Sixth order on the calendar.

Page 3, line 4, overstrike "seven hundred fifty thousand" and insert immediately thereafter "one million"

Page 3, line 7, remove the overstrike over "~~Any amount of a judgment against the state in excess of the~~"

Page 3, line 8, after "~~thousand~~" insert "one million" and remove the overstrike over "~~dollar limit imposed under this subsection may be~~"

Page 3, remove the overstrike over lines 9 through 14

Page 3, line 24, remove ", including the"

Page 3, line 25, remove "placement, erection, or installation of any traffic control device"

Page 10, line 26, replace "The" with "Those"

Page 11, line 8, replace "any" with "a" and replace "shifts one entity's risk of" with "requires one party to assume the liability of the other or the liability of a third party or to bear the costs of defense of actions against the other or against a third party, unless the agreement is entered into in good faith and is set forth in a separate writing signed by both parties and supported by adequate consideration which must be stated in the agreement"

Page 11, line 9, remove "liability and associated costs to the other"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1168, as engrossed: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1168 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "and a new section to chapter"

Page 1, line 2, remove "26.1-36.4" and remove "and"

Page 1, line 3, remove "rulemaking authority"

Page 1, line 5, remove "26.1-36.3-04,"

Page 1, line 9, after the first semicolon insert "to provide for application;"

Page 2, line 12, replace "prior" with "the most recent qualifying previous" and after "coverage" insert "described in paragraph 2"

Page 3, line 15, replace "implementing only the minimum" with "a qualified comprehensive plan"

Page 3, remove line 16

Page 3, line 17, remove "104-191; 110 Stat. 1936; 29 U.S.C. 1181 et seq.]"

Page 18, remove lines 3 through 31

Page 19, remove lines 1 through 31

Page 20, remove lines 1 through 31

Page 21, remove lines 1 through 30

Page 22, remove lines 1 through 16

Page 26, line 8, remove the overstrike over "~~chapter and section 26.1-36-37.2~~" and remove "Act"

Page 28, line 21, remove "These rules may not provide for coverage"

Page 28, remove lines 22 through 24

Page 32, line 17, after "26.1-36.3-01" insert ", whether offered on a group or individual basis. The term does not include short-term major medical policies offered in the individual market.

3. "Short-term", except as required by the Health Insurance Portability and Accountability Act of 1996, means a policy or plan providing coverage for one hundred eighty-five days or less"

Page 33, remove lines 1 through 5

Page 36, line 25, after "offering" insert "coverage"

Page 37, after line 8, insert:

**"SECTION 18. APPLICATION.** Except as required by the Health Insurance Portability and Accountability Act of 1996 [Pub. L. 104-191; 110 Stat. 1936; 29 U.S.C. 1181 et seq.], this Act applies to:

1. Any health insurance coverage that is offered, sold, issued, or renewed in the individual market after June 30, 1997; and

2. Any group health benefit plan, and health insurance coverage offered in connection with a group health benefit plan, for any plan year beginning after June 30, 1997."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1388, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1388 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1435: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1435 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "If" with "As provided in chapter 54-40.3 or chapter 11-35, if"

Page 2, remove lines 4 through 6

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

Page 2, line 12, replace "4" with "3", replace "The" with "A record of the", and replace "recorded electronically" with "kept as required by law"

Page 2, line 13, replace "5" with "4"

Page 2, line 30, replace "input" with "testimony or evidence"

Page 3, line 1, replace "6" with "5"

Page 3, line 12, after "The" insert "composition of the" and overstrike "membership shall consist of five members"

Page 3, line 13, replace the underscored period with "board, unless otherwise agreed to under chapter 54-40.3, may be in any of the following forms:"

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

Page 3, line 18, after the period insert:

"b."

Page 3, line 23, after the underscored period insert:

"c."

Page 3, line 28, replace "3" with "2"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1440, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1440 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "five" with "four"

Page 2, line 1, replace "The" with "Beginning September 1, 1997, the"

Page 2, line 2, replace "appoint" with "submit to the governor a list of three names of potential candidates for each of the employer member positions and the medical association position. From each list the governor shall select an individual to fill the member position of"

Page 2, line 3, replace "to be" with ". An organization that is statewide in scope and which through its affiliates embraces a cross section and a majority of organized labor in this state shall submit to the governor a list of three names of potential candidates for one of"

the three employee positions. The governor shall select an individual to fill this organized labor employee member position, and the governor shall appoint two individuals to fill the remaining two employee positions. The subsequent board is" and replace "September 1, 1997" with "January 1, 1998"

Page 2, line 4, replace "On and after September 1, 1997" with "After December 31, 1997", replace "must consist" with "consists", and replace "seven" with "ten"

Page 2, line 6, replace "Five" with "Six"

Page 2, line 13, replace "One member is an employee representative" with "Three members represent employees; at least one member must have received workers' compensation benefits; and at least one member must represent organized labor"

Page 2, line 14, after "One" insert "nonvoting"

Page 2, line 15, replace "four-year" with "six-year", remove "five", after "the" insert "initial board", after the second "members" insert ", an employee representative and two employer representatives shall serve only through December 31, 1998; an employee representative and two employer representatives shall serve only through December 31, 2000; and an employee representative, two employer representatives, and the medical association representative shall serve only through December 31, 2002."

Page 2, line 16, remove "appointed by the state advisory council shall serve shorter initial terms"

Page 2, line 17, remove "in order" and replace "at least one, but not" with "three members"

Page 2, line 18, remove "more than two member's", replace "July first" with "December thirty-first of", and after "each" insert "even-numbered year, and beginning January first of each odd-numbered"

Page 2, line 22, after the underscored period insert "The governor shall appoint the replacement member for a departing employer representative or medical association representative from a list of three candidates submitted by the board. The governor shall select the replacement member for the departing organized labor employee representative from a list of three names of potential candidates submitted by an organization that is statewide in scope and which through its affiliates embraces a cross section and a majority of organized labor in this state, and the governor shall select the replacement member for a departing nonorganized labor employee representative."

Page 2, line 26, remove "same" and replace "and manner as provided for legislative council committee" with "of sixty-two dollars and fifty cents per day for days spent in attendance at board meetings or other business as approved by the board"

Page 2, line 27, remove "members under section 54-35-10"

Page 2, line 28, remove ", but the mileage allowance must equal the federal"

Page 2, line 29, remove "internal revenue service mileage allowance"

Page 3, line 1, after "Board" insert "- Powers and" and after the underscored period insert "The board may authorize the bureau to transfer moneys between line items within the bureau's budget."

Page 3, line 5, replace "Provide" with "Present"

Page 3, line 6, replace "provided" with "presented"

Page 3, line 7, replace "the budget of the bureau as required under section 7 of this Act" with ", with the assistance of the bureau, a bureau budget, beginning with the July 1, 1999, through June 30, 2001, biennium. The bureau shall present the budget to the governor for inclusion in the governor's budget. If the governor makes adjustments to the budget, the board may concur in the adjustments or may present testimony to the appropriations committees of the legislative assembly, requesting amendments to the budget to remove adjustments made by the governor. The deadline for submission of the budget is the same as the deadline for all executive agencies"

Page 3, line 9, replace ", including adoption of rules, establishment of fees," with "while"

Page 3, remove line 10

Page 3, line 11, remove "workers' compensation fund, provision of rehabilitation services, and"

Page 3, line 13, replace "Make appropriate recommendations and proposals for consideration by the" with "Incorporate principles of continuous improvement goalsetting, a procedure for implementing a team-oriented continuous improvement program throughout all operations of the bureau. The program must include a number of challenging, measurable goals to ensure the bureau maintains focus on improving those areas most important to its primary mission."

Page 3, remove line 14

Page 3, line 15, after "rules" insert "creating bylaws for the board and"

Page 3, line 20, after "**audit**" insert "**- Bureau development of performance measurements**"

Page 3, line 22, replace "conduct" with "complete"

Page 3, line 23, replace "primary functions and operations" with "departments"

Page 3, line 25, replace "scope of the performance audit must be determined by the state auditor in" with "firm also shall conduct a performance audit of the board to determine whether the board is operating within section 5 of this Act and within the board's bylaws"

Page 3, line 26, remove "conjunction with the independent audit firm"

Page 3, line 28, remove "of directors", remove "if requested by", and replace "committee, the" with "auditor"

Page 3, line 29, remove "audit firm", remove ", and", replace "on" with "and", remove "as a result of the audit,", and remove the second "a"

Page 3, line 30, remove "special subcommittee of" and remove the underscored period

Page 3, remove line 31

Page 4, line 1, remove "management" and remove "budget and the state auditor's office. The director, the chairman of the board"

Page 4, remove line 2

Page 4, line 3, remove "report on any action taken as a result of the audit"

Page 4, line 5, replace "chairman of the board of directors" with "director"

Page 4, line 6, after the underscored period insert "The bureau shall develop and maintain comprehensive, objective performance measurements. These measurements must be evaluated as part of the independent audit performed under this section."

Page 4, remove lines 7 through 25

Page 4, line 28, replace "8" with "7"

Renumber accordingly

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

**William C. Parker, Secretary**