

## JOURNAL OF THE SENATE

## Fifty-sixth Legislative Assembly

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Bismarck, March 24, 1999

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

The prayer was offered by Pastor Stephen Wisthoff, First Baptist Church, Bismarck.

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

A quorum was declared by the President.

## REPORT OF DELAYED BILLS COMMITTEE

**MADAM PRESIDENT:** Your **Delayed Bills Committee (Sen. Solberg, Chairman)** has approved the introduction of a concurrent resolution congratulating the University of North Dakota Fighting Sioux women's basketball team for winning its third consecutive NCAA Division II national championship.

The resolution will be SCR 4058.

## MOTION

**SEN. ST. AUBYN MOVED** that the Senate be on the Ninth order of business for the first reading on SCR 4058, which motion prevailed.

## FIRST READING OF SENATE CONCURRENT RESOLUTION

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

(Approved by the Delayed Bills Committee)

**SCR 4058:** A concurrent resolution congratulating the University of North Dakota Fighting Sioux women's basketball team for winning its third consecutive NCAA Division II national championship.

Was read the first time.

## MOTION

**SEN. ST. AUBYN MOVED** that the rules be suspended, that SCR 4058 not be printed, not be referred to committee, but be read in its entirety, be printed in the Journal, and be placed on the calendar for immediate second reading and final passage, which motion prevailed.

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

(Approved by the Delayed Bills Committee)

## SENATE CONCURRENT RESOLUTION NO. 4058

A concurrent resolution congratulating the University of North Dakota Fighting Sioux women's basketball team for winning its third consecutive NCAA Division II national championship.

**WHEREAS**, the University of North Dakota Fighting Sioux women's basketball team captured its third consecutive NCAA Division II championship and capped its postseason play with an 80-63 championship victory over Arkansas Tech at Pine Bluff, Arkansas; and

**WHEREAS**, the Fighting Sioux women's basketball team ran off 31 victories against only one loss and for the 10th consecutive season won more than 20 games under the leadership of Coach Gene Roebuck; and

**WHEREAS**, Jenny Crouse, named most outstanding player of the Division II Elite Eight tournament for the second consecutive year, Jaime Pudenz and Katie Richards, named to the all-tournament team, and the other talented individual athletes distinguished themselves under the guidance of Coach Roebuck by displaying explosive offense, tenacious defense, and exemplary teamwork in realizing their goal of a third consecutive national championship, a performance of which North Dakotans are extremely proud;

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

That the Fifty-sixth Legislative Assembly takes pride in extending to all members and coaches of the University of North Dakota Fighting Sioux women's basketball team its heartiest congratulations for winning the 1999 NCAA Division II women's national basketball championship; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward enrolled copies of this resolution to each member of the University of North Dakota Fighting Sioux women's basketball team, to each of their coaches, and to the president of the University of North Dakota, home of the Fighting Sioux.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4058:** A concurrent resolution congratulating the University of North Dakota Fighting Sioux women's basketball team for winning its third consecutive NCAA Division II national championship.

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

SCR 4058 was declared adopted on a voice vote and the title was agreed to.

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**MOTION**

**SEN. ST. AUBYN MOVED** that the rules be suspended and SCR 4058 be messaged to the House immediately, which motion prevailed.

**MOTION**

**SEN. ST. AUBYN MOVED** that after action taken on the Sixth order, HB 1294, HB 1382, HB 1462, and HCR 3043 be placed on the Fourteenth order, as amended, for immediate second reading and final passage, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1294, as engrossed: SEN. D. MATHERN (Agriculture 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 1294:** A BILL for an Act to amend and reenact section 43-29-13 of the North Dakota Century Code, relating to the practice of veterinary medicine.

**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; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nothing; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

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

Engrossed HB 1294, as amended, passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**HCR 3043: SEN. DEMERS (Human Services Committee) MOVED** that the amendments on SJ pages 827-828 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3043:** A concurrent resolution directing the Legislative Council to study the clarity and continuity of end-of-life decisionmaking issues and related laws.

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

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

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#### MOTION

**SEN. ST. AUBYN MOVED** that a committee of two be appointed to escort Sonja Gedde, Miss North Dakota, to the rostrum, which motion prevailed.

**PRESIDENT MYRDAL APPOINTED** Sens. Christmann and Heitkamp to the escort committee.

#### REMARKS OF MISS NORTH DAKOTA, SONJA GEDDE

Good afternoon. My name is Sonja Gedde, and I am honored to stand before you today as Miss North Dakota 1998. I received this title last June at the Miss North Dakota Scholarship Pageant and went on to represent our state at the national Miss America pageant in September.

I am currently a sophomore at Concordia College, double majored in English education and communications, and my family resides in Fargo.

As Miss North Dakota, one of my main jobs is to spend my year of service traveling throughout our state presenting information on my platform issue to students in our schools. To date, I have spoken in over 60 school districts, and addressed over 15,000 students from around the state.

The platform issue I have chosen to address is that of teenage sexual postponement. It is my belief that this is an issue which saturates the lives of youth, and misinformation and misguidance have led many young people to gain information in the wrong way: through experience. We do not want our young people to let curiosity guide them through such life-altering decisions as whether or not to become sexually active. The price is too high - the consequences too many.

I encourage youth to look for friendship within their relationships, to consider the future in the moment, to develop a sense of integrity, a set of personal values, and a respect for themselves which allows them to say, "I am worth a good decision."

Today, I come to share the stories of these young people with you. I come to give you an inside look at our schools and our young people - a view that few will get the chance to see, but many should know about. Let me introduce you to some of the children I have met.

The story can start right here in our state capital city. Picture a local middle school - 5th, 6th, 7th graders roaming the halls with normal junior high activities in mind. When I think of this age, I see laughter, the excitement of going to a first school dance, or the fun in spending an afternoon at the mall.

But, on the day I visited this school, I saw more than this. I saw a young 5th grade girl that I would like you to meet.

She was young and pretty. But, she waddled up to me after my presentation, told me she was 7 months pregnant, and as an 11 year old girl, looked me square in the eye, and said, "You were right. I wish someone had told me sooner."

As clear as day I still remember that I could find no words for a moment or two - all I could do was to think, "This could be my little sister - she is still a child, but soon she will be a mother."

Another young man crossed my path in late November. After spending a few hours in the Bottineau school, I was gathering my materials to go home, when I felt a tap on my shoulder. Let me introduce you to him.

He was a 7th grader - a small-framed boy who was notorious for being the "lady's man of the class" - well, however much one can be a lady's man in 7th grade! When I greeted him, he looked at the floor - refusing to make eye contact, embarrassed and struggling to say whatever it was that was clearly occupying his mind. He started to cry.

Then he looked up and said, "Last year I did something with a girl, and I feel so bad about it. I don't know what to do." He proceeded to tell me that things had gotten out of hand in a hotel room at a church youth gathering. He was frightened to realize that what he had done was to have sex with her - he as a 6th grader at the time, and she as 5th grader. Now he was scared and embarrassed, and he had never had the ability to tell anyone about the incident until one year later when I met him.

Finally, meet a young girl from Williston. As a confused teenager in high school she had a hard time dealing with peer pressure and influence. She was successful, talented, and pretty though, and even became Miss Teen North Dakota 1997. However, by the time her reign came to an end, she gave up the crown from her head with a baby in her womb.

These are some of the young people I have met. Of course scattered throughout these terrible situations lie many bright and successful students making informed and responsible choices. However, it has never failed that in every town I visit, I am encountered with a situation just like any one of these. I am encountered with confused adolescents who want to make the right choice, but don't know what the right choice is, or how to execute it.

The problems surrounding premature sexual activity are not problems that only affect older teenagers in larger cities. From Fargo to Hebron and Grand Forks to Golden Valley, I have seen the same questions, concerns, and issues arise. The young people need education - not education which teaches them how to use a condom correctly, but rather, education which teaches them how to say no to a bad choice and yes to a future.

In the city of Williston, I was quoted a statistic this past summer that claimed almost 12 percent of the graduating class contained young women with babies. In Fargo, new programs for unwed teenage mothers have developed in the past year to cater to the ever-growing population. In Grand Forks, a freshman attending UND has struggled to gain the right to enter a sorority despite the fact that she had a school-age son.

But, pregnancy is not the only problem we face. I often tell young people that pregnancy should not be the biggest fear of a consequence regarding sexual activity. Why? Well, a person does not die from pregnancy, but a person does die from a sexually transmitted disease.

We may think that this is not an issue affecting life in North Dakota. However, when I met with our very own Department of Public Instruction, I was provided with the latest curriculum our state is producing in a campaign toward sexually transmitted disease education. If this was not a problem, then why is this the curriculum we have to set forth into our schools?

I am here today simply for one reason: to help you realize the power you have in determining the future of each child in this state. Not only are many of you parents who strongly believe in health-related education from the home, but as legislators you will set the standards for curriculum regarding issues like sexuality, you will bring the programs into our state which can teach values and choices, and you will go back to your districts and hometowns and be examples of what we need to teach our children.

What is more important than the future of every child in this state? As cliché as it may be, the youth are the leaders of tomorrow, and it will be myself and my peers who sit in these seats someday and consider the same issues you now consider.

I am 20 years old, and I have seen more pain and suffering in the past 8 months than I care to see for the rest of my life. I have seen kids half my age taking on roles that most adults could barely fathom, and it is all because of a lack of proper education and guidance in relation to sexual activity. This must become a priority.

It is my hope that as these issues arise within our communities, our schools, and our government, we can all work toward the common goal of keeping our children abstinent. I truly believe if we expect the best, we will receive the best, and I know this is what we all want for our sons, daughters, and our friends. Please continue to work in this area. The children of our state need you.

Thank you for your time, and best wishes for continued success in your work.

#### **REQUEST**

**SEN. ST. AUBYN REQUESTED** that the remarks of Miss North Dakota, Sonja Gedde, be printed in the Journal, which request was granted.

#### **POINT OF PERSONAL PRIVILEGE**

**SEN. TOMAC REQUESTED** a point of personal privilege, which request was granted.

#### **REMARKS OF SENATOR TOMAC**

Madam President and members of the Senate. It is with great pride I rise to congratulate the Senior Class of Flasher High School for winning the state competition of the "We the People".

The "We the People" program is a six-week study of the Constitution and the Bill of Rights. The students are then tested on their knowledge. The Senior Class of Flasher was the

first-place winner and will represent North Dakota at the national competition in Washington, D.C., in early May. Century High School of Bismarck placed second, and LaMoure High School followed.

While I have marveled and applauded those of you who have stood and noted your basketball teams' wins, I believe that it is equally important to recognize the scholastic achievements of our students and schools. We can all be proud of the good job we do in North Dakota in education. The commitment of our teachers, administrators, and parents is very apparent.

On a side note, the Senate can take pride in a very small part of this. Of the 31 students who will go to Washington, D.C., seven have been pages of the day so far this session. It is through programs like this that we help our people learn the process and excel.

#### REQUEST

**SEN. T. MATHERN REQUESTED** that the remarks of Sen. Tomac be printed in the Journal, which request was granted.

#### CONSIDERATION OF AMENDMENTS

**HB 1018, as engrossed: SEN. TOMAC (Appropriations 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 1026: SEN. W. STENEHJEM (Judiciary 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.

#### CONSIDERATION OF AMENDMENTS

**HB 1052: SEN. TOMAC (Appropriations Committee) MOVED** that the amendments on SJ page 820 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

**HB 1067, as engrossed: SEN. TRAYNOR (Judiciary Committee) MOVED** that the amendments on SJ page 820 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

**HB 1167: SEN. FISCHER (Natural Resources 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 1174, as engrossed: SEN. TALLACKSON (Appropriations 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 1274, as engrossed: SEN. COOK (Education 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.

#### CONSIDERATION OF AMENDMENTS

**HB 1462, as engrossed: SEN. WARDNER (Finance and Taxation Committee) MOVED** that the amendments on SJ pages 823-826 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1462:** A BILL for an Act to create and enact section 57-43.2-38 of the North Dakota Century Code, relating to use of dyed special fuel in a licensed motor vehicle and penalties; to amend and reenact sections 57-43.2-01 and 57-43.2-03 of the North Dakota Century Code, relating to definitions for special fuels tax purposes; to repeal section 57-43.2-02.2 of the North Dakota Century Code, relating to refunds of special fuels taxes; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Heitkamp; Kilzer; O'Connell; Tomac

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

Engrossed HB 1462, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**HB 1487: SEN. CHRISTMANN (Finance and Taxation Committee) MOVED** that the amendments on SJ pages 826-827 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

**HB 1382, as engrossed: SEN. W. STENEHJEM (Judiciary Committee) MOVED** that the amendments on SJ pages 756-757 be adopted and then be placed on the Fourteenth order with **DO PASS**.

#### REQUEST

**SEN. BOWMAN REQUESTED** a ruling by the President on whether the amendment is germane to the bill, which request was granted.

#### RULING BY THE PRESIDENT

**THE PRESIDENT RULED** that Parts 3 and 4 of Section 1 relate to clerk of court duties. Therefore, Section 1, Parts 3 and 4, would be considered first. After that action, the remainder of the amendments would be considered.

The question being on the adoption of Parts 3 and 4 of Section 1 of the proposed amendments to Engrossed HB 1382, the amendments were adopted on a voice vote.

**PRESIDENT MYRDAL STATED** that because Parts 3 and 4 of Section 1 of the amendments were adopted, the complete amendments would be considered.

The question being on the adoption of the proposed amendments to Engrossed HB 1382, the proposed amendments were adopted on a voice vote.

Engrossed HB 1382, as amended, was placed on the Fourteenth order for immediate second reading and final passage.

#### SECOND READING OF HOUSE BILL

**HB 1382:** A BILL for an Act to create and enact a new section to chapter 29-08 of the North Dakota Century Code, relating to bail as the defendant's property; to amend and reenact subsections 3 and 4 of section 27-05.2-02 of the North Dakota Century Code as created by section 50 of House Bill No. 1275, as approved by the fifty-sixth legislative assembly, relating to options for state funding of clerk of district court services; and to amend and reenact section 29-22-31 of the North Dakota Century Code, relating to refund of bail money.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 37 YEAS, 10 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Kinnoin; Klein; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Wanzek; Wardner; Watne

**NAYS:** Bowman; Krauter; Mutch; Naaden; O'Connell; Sand; Schobinger; Stenehjem, B.; Tomac; Urlacher

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

Engrossed HB 1382, as amended, passed and the title was agreed to.

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**THE SENATE RECOGNIZED THE PRESENCE OF:**

Former Senator Mark Adams.

**MOTION**

**SEN. ST. AUBYN MOVED** that HB 1275 be placed at the top of the Fourteenth order, followed by HCR 3067, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1275:** A BILL for an Act to create and enact chapter 27-05.2 of the North Dakota Century Code, relating to state funding of clerk of district court services; to amend and reenact sections 6-02-05, 11-08-06, 11-08-11, 11-08-14, 11-09.1-04, 11-10-02, 11-10-06, 11-10-10, 11-10-11, 11-19-03, 11-19-16, 11-19-17, 11-19.1-08, 11-20-02, 11-22-01, 11-22-02, 11-22-05, 11-26-01, 11-26-03, 11-26-04, 14-03-09, 14-03-10, 14-03-11, 14-03-17, 14-03-19, 14-03-20, 14-03-21, 14-03-22, and 14-03-24, subsection 3 of section 14-15-09, subsection 4 of section 20.1-13.1-08, subsections 4 and 5 of section 20.1-13.1-10, subsection 4 of section 20.1-15-08, subsections 6 and 7 of section 20.1-15-11, sections 23-02.1-06, 23-21.1-02.1, 23-21.1-02.2, and 26.1-02-19, subsection 1 of section 26.1-06.1-12, subsection 1 of section 26.1-06.1-17, subsection 1 of section 26.1-06.1-24, subsection 3 of section 26.1-06.1-49, subsection 3 of section 26.1-06.1-50, sections 27-01-01.1, 27-08.1-03, 28-20.1-05, 30.1-11-01, 32-37-05, 35-18-04, 35-21-05, 37-01-34, and 37-01-35, subsection 4 of section 39-06.2-10.6, subsection 4 of section 39-20-05, subsections 6 and 7 of section 39-20-07, subsections 4 and 5 of section 39-24.1-08, subsection 1 of section 40-01.1-04, section 40-05.1-05, subsection 1 of section 40-33.1-14, subsection 1 of section 40-61-16, sections 43-01-19, 43-23-16, 43-25-09, 43-49-09, 44-11-01, 46-04-05, 47-18-08, and 51-05.1-06, subsection 4 of section 54-40.4-05, and sections 57-22-16 and 57-22-32 of the North Dakota Century Code, relating to filing fees, filing requirements, and various functions performed by clerks of district court; to repeal sections 11-17-01, 11-17-02, 11-17-03, 11-17-04, 11-17-05, 11-17-06, 11-17-07, 11-17-08, 11-17-09, 11-17-10, and 11-17-11 of the North Dakota Century Code, relating to duties, responsibilities, and funding of clerks of district court; and to provide an effective date.

**MOTION**

**SEN. G. NELSON MOVED** that the question be put at 3:00 p.m., which motion prevailed.

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

**YEAS:** Cook; DeMers; Fischer; Flakoll; Grindberg; Holmberg; Kilzer; Krebsbach; Kringstad; Lee; Lyson; Mathern, D.; Mutzenberger; Nelson, C.; Nelson, G.; Nething; Redlin; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Traynor; Wanzek; Wardner; Watne

**NAYS:** Andrist; Bowman; Christmann; Freborg; Heitkamp; Kinnoin; Klein; Krauter; Kroepelin; Lindaas; Mathern, T.; Mutch; Naaden; O'Connell; Robinson; Sand; Schobinger; Solberg; Thane; Thompson; Tomac; Urlacher

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

HB 1275 passed and the title was agreed to.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3067:** A concurrent resolution directing the Legislative Council to review and monitor the implementation of legislation enacted by the Fifty-sixth Legislative Assembly which provides for the delivery of clerk of district court services through state funding and alternative methods.

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

HCR 3067 was declared adopted on a voice vote and the title was agreed to.

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**MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)**  
**MADAM PRESIDENT:** The House has amended and subsequently passed: SB 2365, SB 2411, SCR 4022.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2365**

Page 2, line 1, replace "[30.48 meters]" with "[.80 kilometer]"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2411**

Page 1, line 2, after "services" insert "; and to provide for a legislative council study"

Page 1, line 11, replace "determines" with "and the office of management and budget determine"

Page 1, line 15, replace the second "or" with an underscored comma

Page 1, line 16, after "54-46.1-07" insert ", or any other law that provides for any civil or criminal penalty for the release of certain records"

Page 1, line 17, replace "further" with "disclose any information from any record."

Page 1, line 18, replace "and may not" with ", or"

Page 1, line 19, after the underscored period insert "Any contractor hired by the administrator under this section or by an agency under section 54-46.1-05 is subject to the penalties provided by law for unauthorized release of public records, and the contractor must agree to fully comply with all applicable state or federal laws or rules prohibiting release of public records."

Page 2, after line 5, insert:

**"SECTION 2. LEGISLATIVE COUNCIL STUDY OF PRIVATIZATION OF SERVICES PROVIDED BY STATE AGENCIES.** During the 1999-2001 interim, the legislative council shall conduct a study of privatizing and contracting for services provided by state agencies. In conducting the study, the legislative council shall request information from representatives of the executive branch, the judicial branch, higher education, public employee organizations, entities that have contracted with state agencies for services, and businesses or other entities that are interested in providing services for or in place of state agencies. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-seventh legislative assembly."

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE CONCURRENT RESOLUTION NO. 4022**

Page 2, line 8, remove "and"

Page 2, line 9, after "state" insert an underscored comma, remove the overstrike over "~~and~~", and after "~~treasurer~~" insert "agriculture commissioner"

Renumber accordingly

**MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)**  
**MADAM PRESIDENT:** The Speaker has signed: SB 2011, SB 2356, SB 2393, SCR 4017, SCR 4028, SCR 4044, SCR 4045.

**MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)**  
**MADAM PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1006, HB 1008, HB 1010, HB 1066, HB 1070, HB 1144, HB 1170, HB 1255, HB 1341.

**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 2064, SB 2073, SB 2101, SB 2126, SB 2128, SB 2152, SB 2199, SB 2225, SB 2235, SB 2243, SB 2253, SB 2421, SCR 4051.

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

**MADAM PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1079, HB 1257, HB 1295, HB 1377, HB 1406, HB 1415, HB 1446, HB 1467, HCR 3001, HCR 3005, HCR 3013, HCR 3080.

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

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

**SB 2181:** Reps. Kempenich; Koppang; Lemieux

**SCR 4023:** Reps. L. Thoreson; Hawken; Kroeber

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

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

**SB 2127:** Reps. Jensen; Sveen; Grumbo

**SB 2170:** Reps. Devlin; Porter; Rose

**SB 2189:** Reps. Klemin; Gunter; Cleary

**SB 2319:** Reps. Koppang; Klemin; Mahoney

**SB 2320:** Reps. Jensen; Weisz; Metcalf

**SCR 4036:** Reps. Galvin; Porter; Metcalf

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

**MADAM PRESIDENT:** The House does not concur in the Senate amendments to HB 1093 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1093:** Reps. Froseth; N. Johnson; Niemeier

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SCR 4058.

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

**MR. SPEAKER:** The Senate has failed to pass: HB 1057, HB 1314, HB 1412, HB 1424.

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

**MR. SPEAKER:** The Senate has amended and failed to pass: HCR 3044.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1297, HB 1441.

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

**MR. SPEAKER:** The Senate has passed unchanged: HCR 3067.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1039, HB 1081, HB 1196, HB 1307, HB 1326, HB 1399, HCR 3046, HCR 3074.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1294, HB 1382, HB 1462, HCR 3043.

**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 1121.

**MOTION**

**SEN. ST. AUBYN MOVED** that the absent members be excused, which motion prevailed.

**MOTION**

**SEN. ST. AUBYN MOVED** that the Senate be on the Fifth, Seventh, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Thursday, March 25, 1999, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2439: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2439 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1035: 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). HB 1035 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "create and enact a new section to chapter 15-38.1 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to teacher negotiations; and to"

Page 3, remove lines 3 through 16

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1041, as engrossed: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1041 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "53-06.1-07.2," and remove "subsection 5 of"

Page 1, line 4, remove "section 53-06.1-11,"

Page 6, remove lines 22 through 31

Page 7, remove lines 1 through 15

Page 8, remove lines 27 through 31

Page 9, remove lines 1 through 4

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1091, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1091 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1135, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1135 was placed on the Sixth order on the calendar.

Page 3, line 1, replace "A future rate schedule that would" with "Within the table of rate schedules for each calendar year, a rate schedule may not be used if it would generate less income than any rate schedule preceding it on the table of rate schedules"

Page 3, line 2, remove "generate less income than any past rate schedule may not be used"

Page 6, line 18, replace "A future rate schedule that would" with "Within the table of rate schedules for each calendar year, a rate schedule may not be used if it would generate less income than any rate schedule preceding it on the table of rate schedules"

Page 6, line 19, remove "generate less income than any past rate schedule may not be used"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1156, as engrossed: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1156 was placed on the Sixth order on the calendar.

Page 1, line 3, after the fourth comma insert "subsection 1 of section 60-02-24, sections"

Page 2, line 5, after "dockage" insert ", vomitoxin"

Page 5, after line 3, insert:

"**SECTION 5. AMENDMENT.** Subsection 1 of section 60-02-24 of the North Dakota Century Code is amended and reenacted as follows:

1. Prepare for each month a report giving facts and information called for on the form of report prepared by the commission, ~~which~~. The report shall must contain or be verified by a written declaration that it is made under the penalties of perjury. Such The report may be called for more frequently if the commission deems it necessary. Information pertaining to the volume of grain handled is a confidential trade secret and is not a public record. The commission may make the information available for use by other governmental entities, but the commission may not release the information in a manner that jeopardizes the confidentiality of individual licensees."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1176, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1176 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1178, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1178 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HCR 3057, as engrossed: Human Services Committee (Sen. Thane, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3057 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "directing the Legislative Council to study the" with "urging Congress and the Secretary of Agriculture to reevaluate the feasibility, desirability, and" and replace the third "the" with "requiring states to collect certain outstanding claims of overissued food stamp benefits"

Page 1, remove lines 2 and 3

Page 1, line 4, remove "effectiveness of welfare reform"

Page 1, line 21, remove "and"

Page 1, remove lines 22 through 25

Page 2, line 3, replace "Legislative Council study the" with "Fifty-sixth Legislative Assembly urges the Congress of the United States and the Secretary of Agriculture to reevaluate the feasibility, desirability, and" and replace "the tax offset program of the" with "requiring states to collect certain outstanding claims of overissued food stamp benefits"

Page 2, remove line 4

Page 2, line 5, remove "North Dakota's welfare reform implementation efforts and the effectiveness of welfare reform"

Page 2, line 7, replace "Legislative Council report its findings and" with "Secretary of State forward copies of this resolution to the President of the United States, the Secretary of Agriculture, the chairmen of the Senate and House Agriculture Committees, and to each member of the North Dakota Congressional Delegation"

Page 2, remove line 8

Page 2, line 9, remove "the Fifty-seventh Legislative Assembly"

Renumber accordingly

#### REPORT OF CONFERENCE COMMITTEE

**SB 2107, as engrossed:** Your conference committee (Sens. Traynor, Fischer, Heitkamp and Reps. Grosz, Clark, Solberg) recommends that the **HOUSE RECEDE** from the House

amendments on SJ page 671, adopt amendments as follows, and place SB 2107 on the Seventh order:

That the House recede from its amendments as printed on page 671 of the Senate Journal and page 741 of the House Journal and that Engrossed Senate Bill No. 2107 be amended as follows:

Page 3, line 15, after "proceedings" insert "unless a request for a hearing is made."

Page 3, remove line 16

Page 3, line 17, remove "accorded due process."

Renumber accordingly

Engrossed SB 2107 was placed on the Seventh order of business on the calendar.

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

**WILLIAM C. PARKER, Secretary**