

## JOURNAL OF THE SENATE

## Fifty-second Legislative Assembly

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Bismarck, February 20, 1991

The Senate convened at 11:00 a.m., with President Omdahl presiding.

The prayer was offered by Deacon Steven M. Harmon, St. Joseph Catholic Church, Mandan.

The roll was called and all members were present.

A quorum was declared by the President.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1127.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2007, SB 2065, SB 2188, SB 2221, SB 2275, SB 2284, SB 2354, SB 2361, SB 2459, SB 2504, SB 2528, SB 2539, SB 2542, SB 2559, SB 2566.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1001, HB 1010, HB 1048, HB 1185, HB 1186, HB 1187, HB 1188, HB 1189, HB 1190, HB 1249, HB 1252, HB 1391, HB 1394, HB 1402, HB 1441, HB 1499, HB 1519, HB 1581.

## MOTIONS

SEN. WOGSLAND MOVED that SB 2362, SB 2279, and SB 2305 be placed at the top of the Sixth order, which motion prevailed.

SEN. WOGSLAND MOVED that the rules be suspended and that SB 2362, SB 2279, SB 2305, SB 2009, SB 2376, SB 2001, SB 2015, SB 2017, SB 2359, SB 2420, SB 2442, SB 2455, SB 2492, SB 2523, and SB 2531 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

SB 2362: SEN. DOTZENROD (Committee on Finance and Taxation) MOVED that the amendments on SJ pages 502-503 be adopted with DO PASS, which motion prevailed.

## MOTION

SEN. WOGSLAND MOVED that Engrossed SB 2362 be amended as follows:

Page 1, line 21, overstrike "However, if the average price of a barrel"

Page 1, overstrike line 22

Page 2, overstrike lines 1 and 2

Page 2, line 3, overstrike "the well of the oil extracted." and insert immediately thereafter "If the average price of a barrel of crude oil for any consecutive five-month period in any year is forty dollars or more, then the rate of tax for the following months on all taxable wells is six and one-half percent of the gross value at the well of the oil extracted. However, if after the aforementioned trigger provision becomes effective, the average price of a barrel of crude oil is less than thirty-three dollars for any consecutive five-month period of time in any year, the rate of tax must revert to four percent of the gross value at the well of the oil extracted for any well not otherwise exempt under section 57-51.1-03 and for a qualifying secondary recovery project or for a qualifying tertiary recovery project."

Page 2, line 16, after the period insert "The exemption under this subsection becomes ineffective if the average price of a barrel of crude oil for any consecutive five-month period in any year is forty dollars or more. However, the exemption must be reinstated if, after the aforementioned trigger provision becomes effective, the average price of a barrel of crude oil is less than thirty-three dollars for any consecutive five-month period in any year."

Page 2, line 17, overstrike "The exemption"

Page 2, line 18, remove "also" and overstrike "becomes ineffective if the average price of a barrel of crude"

Page 2, overstrike lines 19 and 20

Page 3, line 23, after the underscored period insert "The exemption under this subsection becomes ineffective if the average price of a barrel of crude oil for any consecutive five-month period in any year is forty dollars or more. However, the exemption must be reinstated if, after the aforementioned trigger provision becomes effective, the average price of a barrel of crude oil is less than thirty-three dollars for any consecutive five-month period in any year."

Page 3, line 24, overstrike "The exemption"

Page 3, line 25, remove "also" and overstrike "becomes ineffective if the average"

Page 3, overstrike lines 26 and 27

Renumber accordingly

#### MOTION

SEN. MOORE MOVED that the following amendments be substituted in lieu of Senator Wogsland's amendments to Engrossed SB 2362:

In addition to the amendments to Senate Bill No. 2362 as printed on pages 502-503 of the Senate Journal, Senate Bill No. 2362 be further amended as follows:

Page 1, line 21, overstrike "However, if the average price of a barrel"

Page 1, overstrike line 22

Page 2, overstrike lines 1 through 3, and insert "If the average price of a barrel of crude oil for any consecutive five-month period of time in any year is forty dollars or more, then the rate of tax for the following months on all taxable wells is six and one-half percent of the gross value at the well of the oil extracted. However, if after the aforementioned trigger provision becomes effective, the average price of a barrel of crude oil is less than thirty-three dollars for any consecutive five-month period of time in any year, the rate of tax shall revert to four percent of the gross value at the well of the oil extracted for any well not otherwise exempt under section 57-51.1-03 and for a qualifying secondary recovery project or for a qualifying tertiary recovery project."

Page 2, line 16, after the period insert "The exemption under this subsection becomes ineffective if the average price of a barrel of crude oil for any consecutive five-month period of time in any year is forty dollars or more. However, the exemption will be reinstated if, after the aforementioned trigger provision becomes effective, the average price of a barrel of crude oil is less than thirty-three dollars for any consecutive five-month period of time in any year."

Page 2, line 16, remove "The exemption provided by this subsection becomes"

Page 2, line 17, remove "ineffective on July 1, 1993." and overstrike "The exemption"

Page 2, line 18, remove "also" and overstrike "becomes ineffective if the average price of a barrel of crude"

Page 2, overstrike lines 19 and 20

Page 3, line 10, after the period insert "The exemption under this subsection becomes ineffective if the average price of a barrel of crude oil for any consecutive five-month period of time in any year is forty dollars or more. However, the exemption will be reinstated if, after the aforementioned trigger provision becomes effective, the average price of a barrel of crude oil is less than thirty-three dollars for any consecutive five-month period of time in any year."

Page 3, line 11, overstrike "The exemption"

Page 3, line 12, remove "also" and overstrike "becomes ineffective if the average price of a"

Page 3, overstrike lines 13 and 14

Renumber accordingly

#### REQUEST

SEN. MOORE REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed SB 2362, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the "in lieu of" proposed amendments to Engrossed SB 2362, the roll was called and there were 26 YEAS, 27 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Hanson, O.; Holmberg; Ingstad; Krebsbach; Lindgren; Lips; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Solberg; Stenehjelm; Streibel; Tennefos; Thane; Traynor; Vosper

NAYS: Dotzenrod; Graba; Hanson, E.; Heigaard; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Marks; Mathern; Maxson; Meyer; Mushik; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Tallackson; Tomac; Wogsland; Yockim

The proposed amendments to Engrossed SB 2362 lost.

PRESIDENT OMDAHL STATED that Senator Wogsland's amendments to Engrossed SB 2362 are now under consideration.

#### MOTION

SEN. WOGSLAND MOVED that the proposed amendments to Engrossed SB 2362 be adopted, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2362: A BILL for an Act to amend and reenact sections 57-51.1-02 and 57-51.1-03 of the North Dakota Century Code, relating to the rate of the oil extraction tax, the new well exemption to the oil extraction tax, and the work-over exemption to the oil extraction tax; 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 26 YEAS, 27 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Goetz; Graba; Hanson, E.; Heigaard; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Marks; Mathern; Maxson;

Meyer; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Tallackson; Tomac; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Evanson; Freborg; Hanson, O.; Heinrich; Holmberg; Ingstad; Krebsbach; Lindgren; Lips; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Solberg; Stenehjelm; Streibel; Tennefos; Thane; Traynor; Vosper

SB 2362 lost.

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CONSIDERATION OF AMENDMENTS

SB 2279: SEN. MEYER (Committee on Natural Resources) MOVED that the amendments on SJ pages 499-500 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2279: A BILL for an Act to amend and reenact subsections 4 and 5 of section 38-08-04, sections 57-51.1-01, 57-51.1-02, and 57-51.1-03 of the North Dakota Century Code, relating to definitions for purposes of the oil extraction tax, conditions affecting the rate of the oil extraction tax, and conditions affecting exemptions to the oil extraction tax.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 29 YEAS, 24 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Hanson, E.; Hanson, O.; Holmberg; Ingstad; Kinnoin; Krebsbach; Lindgren; Lips; Meyer; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Solberg; Stenehjelm; Streibel; Tennefos; Thane; Traynor; Vosper

NAYS: Dotzenrod; Graba; Heigaard; Heinrich; Jerome; Keller; Kelly; Kelsh; Krauter; Langley; Lindaas; Marks; Mathern; Maxson; Mushik; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Tallackson; Tomac; Wogsland; Yockim

SB 2279 passed and the title was agreed to.

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CONSIDERATION OF AMENDMENTS

SB 2305: SEN. DOTZENROD (Committee on Finance and Taxation) MOVED that the amendments on SJ pages 500-501 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2305: A BILL for an Act to create and enact a new section to chapter 57-51 of the North Dakota Century Code, relating to applications for resources trust fund funding of certain water-related projects; to amend and reenact subsections 4 and 5 of section 38-08-04, sections 57-51-01, 57-51-02, and 57-51-15 of the North Dakota Century Code, relating to definitions for purposes of the gross production tax, the rate of the gross production tax, and the apportionment of the gross production tax; to repeal chapter 57-51.1 of the North Dakota Century Code, relating to the oil extraction tax; 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 27 YEAS, 26 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Hanson, O.; Holmberg; Ingstad; Krebsbach; Lindgren; Lips; Meyer; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Solberg; Stenehjelm; Streibel; Tennefos; Thane; Traynor; Vosper

NAYS: Dotzenrod; Graba; Hanson, E.; Heigaard; Heinrich; Jerome, Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Marks; Mathern; Maxson; Mushik; O'Connell; Redlin, Robinson; Satrom; Schoenwald; Tallackson; Tomac; Wogsland; Yockim

SB 2305 passed and the title was agreed to.

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## MOTIONS

SEN. KELLER MOVED that SB 2054, which is on the Eleventh order, be rereferred to the Committee on State and Federal Government, which motion prevailed. Pursuant to Sen. Keller's motion, SB 2054 was rereferred.

SEN. WOGSLAND MOVED that the Senate stand in recess until 2:00 p.m., which motion prevailed

THE SENATE RECONVENED pursuant to recess taken, with President Omdahl presiding

SEN. WOGSLAND MOVED that SB 2489 and SB 2536 be moved to the top of the Eleventh order, which motion prevailed.

## REMARKS OF SENATOR INGSTAD

Thank you, Mr. President. I had not planned to speak on this bill until I read a column in today's Bismarck Tribune. The column asked the question, "with so few blacks in North Dakota, who are we sucking up to?" Well, as you can tell, I am still very angered by those insensitive remarks by that columnist. So there is no misunderstanding of the reasons I introduce this bill, let me make them perfectly clear.

I have my daughter sitting next to me today, and I believe that she has a right to grow up in a nation where children are judged not by the color of their skin, but by the content of their character. This was Martin Luther King's dream, and it is my dream. Mr. President, I think it is yet to be accomplished. Many blacks and native Americans in this state have a difficult time. A state holiday will show the importance we place on this dream - Martin Luther King's dream, and I hope all our dreams. Yes, many do not agree with me about this holiday, but then some twenty years ago, many did not agree with my father for hiring a black man to work at the radio station in Valley City. They showed their disapproval by burning a cross in front of the radio station. I will never forget the horror in that young man's face. I was twelve years old at that time. But what was more horrible to a twelve-year old was learning that the community blamed my dad for hiring a black man. My dad did not join the mob - he continued to do what he felt was right and dropped his membership in many organizations that discriminated on the basis of race.

Mr. President, there are few cross burnings today. The cross has been replaced with a poisoned pen, racial jokes, and of course, silent discrimination. There are only two other states without this holiday - New Hampshire and I think you know the other - Arizona. Montana adopted the holiday a couple of weeks ago. Yes, Mr. President, I would be embarrassed if we did not join the rest of the nation in adopting this holiday. But not, as the columnist said, for myself, but for the state.

## REQUEST

SEN. YOCKIM REQUESTED that Sen. Ingstad's remarks be printed in the Journal, which request was granted.

## SECOND READING OF SENATE BILLS

SB 2489: A BILL for an Act to amend and reenact section 1-03-01 of the North Dakota Century Code, relating to holidays; and to repeal section 1-03-09 of the North Dakota Century Code, relating to Martin Luther King Day.

## 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 38 YEAS, 15 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Dotzenrod; Evanson; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Nalewaja; Nething; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Tallackson; Thane; Traynor; Vosper; Wogsland; Yockim

NAYS: David; Freborg; Hanson, O.; Kinnoin; Krauter; Meyer; Moore; Mutch; Naaden; Nelson; O'Connell; Solberg; Streibel; Tennefos; Tomac

SB 2489 passed and the title was agreed to.

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SB 2536: A BILL for an Act to create and enact a new section to chapter 49-05 of the North Dakota Century Code, relating to special electric rates granted for new or expanding businesses.

## ROLL CALL

The question being on the final passage of the bill, which has been read and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 25 YEAS, 28 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Hanson, O.; Holmberg; Ingstad; Krebsbach; Lindgren; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Solberg; Stenehjem; Streibel; Tennefos; Thane; Traynor; Vosper

NAYS: Dotzenrod; Graba; Hanson, E.; Heigaard; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Lips; Marks; Mathern; Maxson; Meyer; Mushik; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Tallackson; Tomac; Wogsland; Yockim

SB 2536 lost.

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## MOTION

SEN. SCHOENWALD MOVED that the vote by which SB 2536 lost be reconsidered and the motion to reconsider be laid on the table, which motion prevailed on a verification vote.

## CONSIDERATION OF AMENDMENTS

SB 2009: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ pages 553-554 be adopted with DO PASS, which motion lost on a verification vote.

## SECOND READING OF SENATE BILL

SB 2009: A BILL for an Act making an appropriation for defraying the expenses of the soil conservation committee and centennial trees program; and to provide a statement of intent.

## ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 53 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

SB 2009 passed and the title was agreed to.

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## MOTIONS

SEN. WOGSLAND MOVED that the Senate stand in recess until 4:00 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Omdahl presiding.

SEN. WOGSLAND MOVED that the Senate stand in recess until 4:30 p.m., which motion prevailed. THE SENATE RECONVENED pursuant to recess taken, with President Omdahl presiding.

## CONSIDERATION OF AMENDMENTS

SB 2376: SEN. KELLER (Committee on State and Federal Government) MOVED that the amendments on SJ pages 559-563 be adopted with DO PASS, which motion prevailed.

## MOTION

SEN. TOMAC MOVED that Engrossed SB 2376 be amended as follows:

Page 27, line 23, replace "two-thirds" with "majority"

ReNUMBER accordingly

SEN. TOMAC MOVED that the proposed amendments be adopted, which motion prevailed.

## MOTION

SEN. WOGSLAND MOVED that the Senate vote on SB 2376 no later than 5:30 p.m., which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2376: A BILL for an Act to provide for rights of organization and representation of state employees, collective bargaining negotiations between the state of North Dakota and its employees, and public employment relations; 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 27 YEAS, 26 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Graba; Heigaard; Heinrich; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Lindaas; Marks; Mathern; Maxson; Mushik; Nalewaja; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Tallackson; Thane; Tomac; Wogsland; Yockim; President Omdahl

NAYS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Hanson, E.; Hanson, O.; Jerome; Kinnoin; Krebsbach; Langley; Lindgren; Lips; Meyer; Moore; Mutch; Naaden; Nelson; Nething; Peterson; Streibel; Tennefos; Traynor; Vosper

ABSENT AND NOT VOTING: Solberg

SB 2376 passed and the title was agreed to.

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#### MOTION

SEN. WOGSLAND MOVED that the vote by which SB 2376 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed on a verification vote.

#### MOTION

SEN. WOGSLAND MOVED that SB 2453 be placed at the top of the Eleventh order, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2453: A BILL for an Act relating to the rights of organization and representation of state employees, collective bargaining negotiations between the state and its employees, and the establishment of a public employment relations board and public employment relations.

#### 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 8 YEAS, 45 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Graba; Heinrich; Marks; Mathern; Maxson; Mushik; Satrom; Schoenwald

NAYS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Hanson, E.; Hanson, O.; Heigaard; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Meyer; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Solberg; Stenehjelm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

SB 2453 lost.

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#### CONSIDERATION OF AMENDMENTS

SB 2001: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ pages 596-599 be adopted with DO PASS, which motion prevailed.

#### MOTIONS

SEN. SATROM MOVED that SB 2001 be placed at the bottom of the Eleventh order, which motion prevailed.

SEN. THANE MOVED that the Senate reconsider its action whereby SB 2485 failed to pass, for want of a Constitutional majority, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2485: A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to medical assistance coverage for services provided by psychologists; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 50 YEAS, 3 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom;



Schoenwald; Solberg; Stenehjelm; Streibel; Tallackson; Tennefos; Thane; Traynor; Vosper; Wogsland; Yockim

NAYS: Hanson, E.; Keller; Tomac

SB 2485 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

SB 2015: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ pages 599-600 be adopted with DO PASS, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2015: A BILL for an Act making an appropriation for defraying the expenses of the state game and fish department.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 51 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, D.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjelm; Streibel; Tallackson; Tennefos; Thane; Traynor; Vosper; Wogsland; Yockim

NAYS: Tomac

ABSENT AND NOT VOTING: Mushik

SB 2015 passed and the title was agreed to.

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#### MOTIONS

SEN. ROBINSON MOVED that the Senate reconsider its action whereby SB 2435 failed to pass, for want of a Constitutional majority, which motion prevailed.

SEN. HOLMBERG MOVED that Engrossed SB 2435 be amended as follows:

Page 1, line 15, after the first "the" insert "board of county commissioners may authorize the" and replace "may" with "to"

Renumber accordingly

SEN. HOLMBERG MOVED that the proposed amendments be adopted, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2435: A BILL for an Act to amend and reenact subsection 3 of section 16.1-05-01 and subsections 2 and 3 of section 16.1-05-04 of the North Dakota Century Code, relating to election officers.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 38 YEAS, 14 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Evanson; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik;

Nalewaja; Nelson; Nething; Peterson; Redlin; Robinson; Satrom;  
Schoenwald; Tallackson; Tennefos; Thane; Tomac; Traynor; Wogsland;  
Yockim

NAYS: Bowman; David; DeKrey; Freborg; Hanson, O.; Kelsh; Meyer; Moore;  
Mutch; Naaden; O'Connell; Solberg; Streibel; Vosper

ABSENT AND NOT VOTING: Stenehjem

SB 2435 passed and the title was agreed to.

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#### MOTION

SEN. HEINRICH MOVED that the Senate reconsider its action whereby SB 2362 failed to pass, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2362: A BILL for an Act to amend and reenact sections 57-51.1-02 and 57-51.1-03 of the North Dakota Century Code, relating to the rate of the oil extraction tax, the new well exemption to the oil extraction tax, and the work-over exemption to the oil extraction tax; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 28 YEAS, 25 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Evanson; Graba; Hanson, E.; Heigaard; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Marks; Mathern; Maxson; Meyer; Mushik; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Tallackson; Tomac; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Freborg; Goetz; Hanson, O.; Holmberg; Ingstad; Krebsbach; Lindgren; Lips; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Solberg; Stenehjem; Streibel; Tennefos; Thane; Traynor; Vosper

SB 2362 passed, the title was agreed to, but the emergency clause lost.

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#### MOTIONS

SEN. HEIGAARD MOVED that the Senate reconsider its action whereby SB 2005 passed, which motion prevailed.

SEN. WOGSLAND MOVED that SB 2005 be placed at the bottom of the Eleventh order, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

SB 2017: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ page 600 be adopted with DO PASS, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2017: A BILL for an Act making an appropriation for defraying the expenses of the various divisions of the state water commission; providing for an appropriation of funds from the resources trust fund; and to create and enact a new section to chapter 61-02 of the North Dakota Century Code, relating to repayment of loan proceeds and reimbursement of federal funds.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 53 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjerm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

SB 2017 passed and the title was agreed to.

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## CONSIDERATION OF AMENDMENTS

SB 2359: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ page 601 be adopted with DO PASS, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2359: A BILL for an Act relating to the establishment of a livestock water assistance program.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 53 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjerm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

SB 2359 passed and the title was agreed to.

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## CONSIDERATION OF AMENDMENTS

SB 2420: SEN. KELLER (Committee on State and Federal Government) MOVED that the amendments on SJ page 602 be adopted with DO NOT PASS, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2420: A BILL for an Act relating to personal service contracts by the state.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 26 YEAS, 27 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Marks; Mathern; Meyer; Mushik; Nalewaja; Redlin; Schoenwald; Tallackson; Thane; Tomac; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Hanson, O.; Jerome; Krebsbach; Lindgren; Lips; Maxson; Moore; Mutch; Naaden; Nelson; Nething; O'Connell; Peterson; Robinson; Satrom; Solberg; Stenehjerm; Streibel; Tennefos; Traynor; Vosper

SB 2420 lost.

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#### CONSIDERATION OF AMENDMENTS

SB 2442: SEN. DOTZENROD (Committee on Finance and Taxation) MOVED that the amendments on SJ pages 602-603 be adopted with DO NOT PASS, which motion prevailed.

#### MOTION

SEN. TENNEFOS MOVED that Engrossed SB 2442 be amended as follows:

Page 5, line 25, replace "1990" with "1991"

Renumber accordingly

SEN. TENNEFOS MOVED that the proposed amendments be adopted, which motion prevailed.

SEN. MOORE REQUESTED that the Senate divide Reengrossed SB 2442, which request was granted.

DIVISION I - The entire bill, except Section 2

DIVISION II - Section 2

The question being on the adoption of Division I of Reengrossed SB 2442.

Division I of Reengrossed SB 2442 lost on a verification vote.

The question being on the adoption of Division II of Reengrossed SB 2442.

Division II of Reengrossed SB 2442 lost on a verification vote.

#### SECOND READING OF SENATE BILL

SB 2442: A BILL for an Act providing limitations on property tax levy authority of political subdivisions except school districts, prohibiting sale and leaseback agreements of the state or a political subdivision except a school district, and requiring state reimbursement of revenue losses caused by enactment of property tax exemptions; to amend and reenact sections 57-20-01 and 57-26-03 of the North Dakota Century Code, relating to the rate of interest on delinquent taxes and on redemption of property from tax sale; 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 17 YEAS, 34 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Freborg; Hanson, O.; Krebsbach; Moore; Mutch; Naaden; Nelson; Nething; Solberg; Stenehjelm; Streibel; Tennefos; Traynor; Vosper

NAYS: Dotzenrod; Evanson; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Nalewaja; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Tallackson; Thane; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Meyer; Peterson

SB 2442 lost.

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#### CONSIDERATION OF AMENDMENTS

SB 2455: SEN. LANGLEY (Committee on Industry, Business and Labor) MOVED that the amendments on SJ page 603 be adopted with DO PASS, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2455: A BILL for an Act to amend and reenact subsection 4 of section 48-02-04 and section 48-02-05.1 of the North Dakota Century Code, relating to bid requirements and acceptance for building and repair contracts and contents of bid advertisements and awarding contracts.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 50 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjelm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Hanson, O.; Meyer; Peterson

SB 2455 passed and the title was agreed to.

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## CONSIDERATION OF AMENDMENTS

SB 2492: SEN. HEINRICH (Committee on Education) MOVED that the amendments on SJ page 603 be adopted with DO PASS, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2492: A BILL for an Act to amend and reenact subsection 19 of section 43-12.1-08 of the North Dakota Century Code, relating to the powers and duties of the board of nursing to issue temporary licenses; 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, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjelm; Streibel; Tallackson; Tennefos; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Dotzenrod; Hanson, O.; Kinnoin; Maxson; Thane

ABSENT AND NOT VOTING: Meyer

SB 2492 passed, the title was agreed to, and the emergency clause carried.

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## CONSIDERATION OF AMENDMENTS

SB 2523: SEN. HEINRICH (Committee on Education) MOVED that the amendments on SJ page 603 be adopted with DO NOT PASS, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2523: A BILL for an Act to allow the teaching of selected courses by noncertificated persons.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 23 YEAS, 29 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Freborg; Hanson, O.; Kelly; Krebsbach; Lindgren; Marks; Maxson; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Solberg; Streibel; Tallackson; Tennefos; Thane; Traynor; Vosper

NAYS: Dotzenrod; Evanson; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Lips; Mathern; Mushik; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Meyer

SB 2523 lost.

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## MOTION

SEN. WOGSLAND MOVED that the Senate stand in recess until 7:20 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Omdahl presiding.

## CONSIDERATION OF AMENDMENTS

SB 2531: SEN. DOTZENROD (Committee on Finance and Taxation) MOVED that the amendments on SJ pages 603-604 be adopted with DO PASS, which motion prevailed.

## SECOND READING OF SENATE BILLS

SB 2531: A BILL for an Act to amend and reenact subsection 1 of section 10-30.1-01 and subsection 1 of section 10-30.1-05 of the North Dakota Century Code, relating to the definition of a qualified entity for purposes of investment by a venture capital corporation and investments by an investor in a venture capital corporation which are eligible for an income tax credit.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 51 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Ingstad; Meyer

SB 2531 passed and the title was agreed to.

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SB 2457: A BILL for an Act to create and enact a new section to chapter 50-11.1 and a new section to chapter 50-25.1 of the North Dakota Century Code, relating to criminal history record investigations of prospective child care providers and the establishment of a carecheck registry and a child abuse information index; to amend and reenact sections 14-09-22, 50-11.1-07, subsection 1 of section 50-25.1-03, and section 50-25.1-05.2 of the North Dakota Century Code, relating to

penalties for child abuse, background investigations, release of information maintained by child care providers, persons required to report suspected child abuse, and entry of child abuse reports in a child abuse information index; to provide a penalty; 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 41 YEAS, 10 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller, Kelly; Kelsh; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Moore; Mushik; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Tallackson; Thane; Tomac; Traynor; Wogsland; Yockim

NAYS: David; Kinnoin; Marks; Maxson; Mutch; Naaden; Nething; Streibel; Tennefos; Vosper

ABSENT AND NOT VOTING: Ingstad; Meyer

SB 2457 passed and the title was agreed to.

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#### MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1009, HB 1014, HB 1019, HB 1027, HB 1098, HB 1103, HB 1111, HB 1139, HB 1177, HB 1193, HB 1194, HB 1261, HB 1333, HB 1395, HB 1414, HB 1439, HB 1471, HB 1472, HB 1475, HB 1516, HB 1517, HB 1543, HB 1578.

#### MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1002, HB 1013, HB 1017, HB 1219, HB 1228, HB 1247, HB 1266, HB 1270, HB 1284, HB 1285, HB 1327, HB 1328, HB 1338, HB 1365, HB 1383, HB 1392, HB 1399, HB 1408, HB 1428, HB 1433, HB 1445, HB 1458, HB 1478, HB 1483, HB 1500, HB 1503, HB 1513, HB 1523, HB 1530, HB 1534, HB 1538, HB 1539, HB 1552, HB 1565, HB 1566, HB 1567, HB 1568, HB 1572, HB 1584, HB 1591.

#### MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1597, HB 1599, HCR 3045.

#### MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3022, HCR 3023, HCR 3026, HCR 3027, HCR 3032, HCR 3033, HCR 3037, HCR 3039, HCR 3040, HCR 3041, HCR 3042, HCR 3043

#### MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has passed unchanged: SCR 4004

#### SECOND READING OF SENATE BILL

SB 2509: A BILL for an Act to provide for infrastructure construction, improvement, rehabilitation, operation, or management by private operators and to provide for development agreements between government authorities and private operators.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 32 YEAS, 19 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Hanson, O.; Holmberg; Kinnoin; Krebsbach; Lindgren; Lips; Marks; Mathern; Maxson;

Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Traynor; Vosper; Yockim

NAYS: Graba; Hanson, E.; Heigaard; Heinrich; Jerome; Keller; Kelly; Kelsh; Krauter; Langley; Lindaas; Mushik; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Tomac; Wogsland

ABSENT AND NOT VOTING: Ingstad; Meyer

SB 2509 passed and the title was agreed to.

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#### MOTION

SEN. WOGSLAND MOVED that pursuant to Senate Rule 507, that SB 2206 be returned from the Committee on Judiciary and placed on the Sixth order, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

SB 2206: Committee on Judiciary (Sen. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING).

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act relating to duties of the commissioner of labor; to create and enact a new section to chapter 65-01, four new sections to chapter 65-02, and a new section to chapter 65-04 of the North Dakota Century Code, relating to a fiscal impact statement, the establishment of a workers' compensation arbitration panel, and contributions by employees; to amend and reenact sections 19-20.2-07, 21-03-32, 21-10-01, subsection 6 of section 23-01.1-02, subdivision b of subsection 2 of section 26.1-23-08, sections 28-32-08, 28-32-14, 37-11-02, subsection 5 of section 43-07-01, sections 43-07-04, 43-07-25, subsection 3 of section 51-04-08, sections 52-01-02, 52-01-03, 52-02-01, 52-08-03, subsection 1 of section 54-06-04, sections 54-16-10, 54-56-01, subsection 4 of section 57-38-57, section 57-39.2-23, subsections 6 and 11 of section 65-01-02, sections 65-01-09, 65-01-10, 65-02-06, 65-02-07, 65-04-04, 65-04-10, 65-04-15, 65-04-27.1, 65-04-29, 65-05.1-02, 65-06-05, 65-06.1-04, 65-08-02, 65-11-04.1, 65-11-06, subsection 4 of section 65-12-02, subsection 4 of section 65-12-03, sections 65-12-04.1, 65-12-08, 65-12-12, and subsection 1 of section 65-13-03 of the North Dakota Century Code, relating to job service North Dakota and the workers compensation bureau; to repeal sections 65-02-01, 65-02-01.1, and 65-02-02 of the North Dakota Century Code, relating to the workers compensation bureau; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 19-20.2-07 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

19-20.2-07. Inspection.

1. The commissioner may inspect each permanent installation for storage of anhydrous ammonia and each farm transportation wagon or vehicle designed to apply anhydrous ammonia.
2. The commissioner shall inspect any anhydrous ammonia facility where the commissioner has reason to believe violations of the safety standards under this chapter exist. The safety engineer of the North Dakota workers compensation bureau job service North Dakota shall inform the commissioner of agriculture of any violations of this chapter that arise in the course of the safety engineer's regular inspections of anhydrous ammonia storage facilities.



3. The commissioner may revoke or suspend the license of any storage facility violating this chapter or the rules adopted under this chapter. The commissioner may order the discontinuance of use of any farm transportation wagon or implement of husbandry which is found unsafe or hazardous.

SECTION 2. AMENDMENT. Section 21-03-32 of the North Dakota Century Code is amended and reenacted as follows:

21-03-32. Departments prohibited from purchasing bonds at higher prices within five years. Should the board of university and school lands, the state fire and tornado fund, ~~the workers compensation bureau~~ job service North Dakota, the state bonding department, the Bank of North Dakota, and the industrial commission fail to submit an offer or bid for such bonds, or should said board or any of said agencies or departments offer or bid for such bonds but not be the successful purchaser or bidder, it shall not, within five years after the sale of said bonds, purchase said bonds or any part thereof, at a price greater than that paid by the successful bidder for the same.

SECTION 3. AMENDMENT. Section 21-10-01 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

21-10-01. State investment board - Membership - Term - Compensation. The North Dakota state investment board consists of the governor, the state treasurer, the commissioner of university and school lands, ~~the executive director of the workers compensation bureau~~ job service North Dakota, the commissioner of insurance, the executive secretary of the teachers' fund for retirement, and three members who are experienced in, and have considerable knowledge of the field of investments, and who are not otherwise employed by the state of North Dakota. The governor shall appoint the members with investment experience to three-year, two-year, and one-year terms respectively on January 31, 1989. Thereafter, the appointed members shall serve four-year terms. The appointed members are entitled to receive the same compensation per day as provided in section 54-35-10 for members of the legislative council and necessary mileage and travel expenses as provided in sections 54-06-09 and 44-08-04.

SECTION 4. AMENDMENT. Subsection 6 of section 23-01.1-02 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6. Establish arrangements with the department of health and consolidated laboratories, the department of human services, the commissioner of insurance, ~~the workers compensation bureau~~ job service North Dakota, and the public employees retirement system to assure patient confidentiality, the sharing of information, and the coordination, analysis, and dissemination of health care data, and to act in a manner which does not duplicate data collection activities of other state agencies.

SECTION 5. AMENDMENT. Subdivision b of subsection 2 of section 26.1-23-08 of the North Dakota Century Code is amended and reenacted as follows:

- b. If the judgment creditor has effected collection of a portion of the judgment from payment from ~~the workers compensation bureau~~ job service North Dakota, then the amount collected from that source must be subtracted from the judgment before the procedure outlined in subdivision a is followed.

SECTION 6. AMENDMENT. Section 28-32-08 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

28-32-08. Specifications of any issues to be furnished by agency. Whenever an administrative agency, pursuant to authority conferred upon it by law, institutes an investigation upon its own motion or without the filing of a specified complaint, or holds any hearing or makes any independent investigation upon the claim or request of any person, no decision may be made by the agency until all parties in interest have been furnished with a written specification of the issues which are to be considered and determined, nor until an opportunity has been afforded to such parties to present evidence and to be heard upon the precise issues so specified. The executive director of the workers compensation bureau job service North Dakota, in the administration of title 65, may make determinations without giving the notice provided by this section, but the director is subject to the requirements of section 28-32-13.

SECTION 7. AMENDMENT. Section 28-32-14 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

28-32-14. Petition for rehearing. Any party before an administrative agency who is aggrieved by the decision thereof, within fifteen days after a copy of such decision has been mailed or delivered to such party by the administrative agency, may request a rehearing by such agency; provided, however, that any party appearing before the workers compensation bureau job service North Dakota for a proceeding arising under title 65 may have thirty days within which to request a rehearing. He The party shall submit with the request for rehearing a statement of any further showing to be made in the proceeding, and such request and statement shall constitute a part of the record in the proceeding. The administrative agency may deny such request for rehearing or may grant the same on such terms as it may prescribe. This section, however, shall not limit the right of any agency to reopen any proceeding under any continuing jurisdiction which is granted to any such agency by any law of this state.

SECTION 8. AMENDMENT. Section 37-11-02 of the North Dakota Century Code is amended and reenacted as follows:

37-11-02. Compensation for disability or death. Applications for compensation for disability or death of any member of the militia or member of the national guard under conditions as specified in section 37-11-01 must be made by such member or his the member's surviving dependents to the workers compensation bureau job service North Dakota. The bureau Job service North Dakota shall process such the application in the manner set forth in title 65 and shall make determinations of eligibility and disability in the same manner and upon the same basis as provided in such title. In the event the bureau If job service North Dakota determines a member of the militia or national guard has been disabled under the provisions of section 37-11-01 and title 65 or valid claims of surviving dependents of such member exist in accordance with section 37-11-01 and title 65, it shall pay the claim pursuant to title 65.

SECTION 9. AMENDMENT. Subsection 5 of section 43-07-01 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

5. The term "nonresident contractor" denotes and applies to any contractor who has not an established and maintained place of business within this state, or who has not made reports to the job service North Dakota workers compensation bureau, pursuant to chapter 65-04, within the previous year of employees within this state, and who has not made contribution to the job service North Dakota workers' compensation fund accordingly, or who, during a like period has not made an income tax return in this state.

SECTION 10. AMENDMENT. Section 43-07-04 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

43-07-04. License - How obtained. To obtain a license under this chapter, an applicant shall submit, on such forms as the registrar shall prescribe, an application under oath containing a statement of the applicant's experience and qualifications as a contractor, and the names of three persons who are knowledgeable about the applicant's experience and qualifications. A bond, as hereinafter prescribed, must be filed with the application and the contractor shall submit a statement from ~~the job service North Dakota workers compensation bureau~~ that the contractor has secured workers' compensation coverage pursuant to title 65 satisfactory to ~~the bureau~~ job service North Dakota along with such other information as may be required by the registrar to assist the registrar in determining the applicant's fitness to act in the capacity of a contractor. The application must contain a statement that the applicant desires the issuance of a license under this chapter, and must specify the class of license sought. Any person refused a license by the registrar may appeal to the district court of Burleigh County, if a nonresident, or to the district court of the county of residence, if a resident of this state.

SECTION 11. AMENDMENT. Section 43-07-25 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

43-07-25. Licensed contractors' list. On request, the registrar shall provide city and county enforcement officials with a list of contractors licensed under this chapter. The registrar shall also provide similar information to persons governed by section 43-07-24. Whenever the registrar obtains information on the activities of a contractor doing business in this state of which officials of ~~the workers compensation bureau~~ job service North Dakota, or ~~the~~ tax commissioner may be unaware and that may be relevant to the duties of those officials, the registrar shall provide any relevant information to those officials for the purpose of administering their duties.

SECTION 12. AMENDMENT. Subsection 3 of section 51-04-08 of the North Dakota Century Code is amended and reenacted as follows:

3. Sales made by a person who has a sales or use tax permit in accordance with chapter 57-39.2 or 57-40.2, pays contributions to job service North Dakota for unemployment compensation in accordance with chapter 52-04, and who has reported to ~~the workers compensation bureau~~ job service North Dakota in accordance with chapter 65-04.

SECTION 13. AMENDMENT. Section 52-01-02 of the North Dakota Century Code is amended and reenacted as follows:

52-01-02. Employing unit to keep records - Reports of employing unit - Inspection prohibited - Exception. Each employing unit shall keep true and accurate work records containing such information as the bureau may prescribe. The records must be open to inspection and may be copied by the bureau or its authorized representatives at any reasonable time as often as may be necessary. The bureau or the chairman of any appeal tribunal may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, which the bureau, or the chairman, ~~deems necessary~~ requires for the effective administration of the North Dakota Unemployment Compensation Law. ~~In addition, the bureau or the chairman of any appeal tribunal may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, which the workers compensation bureau deems necessary requires for effective administration of the North Dakota Workers' Compensation Law set forth in title 65. Such reports must be provided to the workers compensation bureau by the bureau or the chairman of appeal tribunal. Information thus obtained may not be published or be open to public inspection, other than to public~~

employees in the performance of their public duties, in any manner revealing the employing unit's identity, but any claimant or the claimant's legal representative at a hearing before an appeal tribunal or the bureau must be supplied with information from such records to the extent necessary for the proper presentation of the claim.

**SECTION 14. AMENDMENT.** Section 52-01-03 of the North Dakota Century Code is amended and reenacted as follows:

**52-01-03. Disclosure of information.** Except as otherwise provided in this section, information obtained from any employing unit or individual pursuant to the administration of the North Dakota Unemployment Compensation Law and determinations as to the benefit rights of any individual must be held confidential and may not be disclosed or be open to public inspection in any manner revealing the individual's or employing unit's identity. Any claimant or ~~his~~ the claimant's legal representative must be supplied with information from the records of the job insurance division, to the extent necessary for the proper presentation of ~~his~~ the claim in any proceeding under the North Dakota Unemployment Compensation Law with respect to such claim. Subject to such restrictions as the bureau by ~~regulations~~ rule may prescribe, such information may be made available to any agency of this or any other state, or any federal agency, charged with the administration of any unemployment compensation law or the maintenance of a system of public employment offices, or the bureau of internal revenue of the United States department of the treasury, and information obtained in connection with the administration of the employment service may be made available to persons or agencies for purposes appropriate to the operation of a public employment service. Upon a request, the bureau shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation, and employment status of each recipient of benefits and such recipient's rights to further benefits under the North Dakota Unemployment Compensation Law. The bureau may request the comptroller of the currency of the United States to cause an examination of the correctness of any return or report of any national banking association, rendered pursuant to the North Dakota Unemployment Compensation Law, and in connection with such request, may transmit any such report or return to the comptroller of the currency of the United States as provided in subsection c of section 3305 of the federal Internal Revenue Code. The bureau shall request and exchange information for purposes of income and eligibility verification to meet the requirements of section 1137 of the Social Security Act.

The bureau may provide ~~the workers compensation bureau its workers' compensation staff, the state labor commissioner of labor, the state economic development commission, and the state tax commissioner~~ with information obtained pursuant to the administration of the North Dakota Unemployment Compensation Law. Any information so provided must be used only for the purpose of administering the duties of the ~~workers compensation bureau, the state labor commissioner of labor, the state economic development commission, and the state tax commissioner.~~

Whenever the bureau obtains information on the activities of a contractor doing business in this state of which officials of the secretary of state, ~~workers compensation bureau,~~ or the tax commissioner may be unaware and that may be relevant to duties of those officials, the bureau shall provide any relevant information to those officials for the purpose of administering their duties.

The bureau shall request and exchange information as required of the bureau under federal law with any specified governmental agencies. Any information so provided may be used only for the purpose of administering the duties of such governmental agencies.

SECTION 15. AMENDMENT. Section 52-02-01 of the North Dakota Century Code is amended and reenacted as follows:

52-02-01. Job service North Dakota created. ~~There is hereby created job~~ Job service North Dakota ~~which is herewith~~ charged with administering the ~~provisions of the~~ North Dakota Unemployment Compensation Law and, the ~~provisions of the~~ North Dakota state employment service, as set forth in chapter 52-08, and title 65, which must be administered by a full-time salaried executive director, who is subject to the supervision and direction of the governor. The governor is authorized to appoint, fix the compensation of, and prescribe the duties of such executive director, provided that such appointment must be made on a nonpartisan, merit basis, in accordance with ~~the provisions set forth in~~ chapter 54-42. The duties and responsibilities of the executive director extend to and include the power of full administration of the ~~provisions of the~~ North Dakota Unemployment Compensation Law, and the ~~provisions of~~ chapter 52-08 relating to the North Dakota state employment service, including job insurance programs, title 65, and the establishment and maintenance of free public employment offices and of workers' compensation programs. The executive director may also establish such separate divisions and make such separate appointments as ~~he may deem~~ the executive director determines advisable for efficient administration of the duties and responsibilities imposed hereunder. Any such separate appointments must be on a nonpartisan, merit basis.

SECTION 16. AMENDMENT. Section 52-08-03 of the North Dakota Century Code is amended and reenacted as follows:

52-08-03. Job service North Dakota - Offices maintained. The job service North Dakota executive director shall establish and maintain free public employment offices in such sufficient number and in such places as ~~may be~~ necessary for the proper administration of chapters 52-01 through 52-08 and title 65.

SECTION 17. AMENDMENT. Subsection 1 of section 54-06-04 of the North Dakota Century Code is amended and reenacted as follows:

1. The following executive and administrative officers and departments shall submit to the governor and the office of management and budget reports covering their operations for the two preceding fiscal years, except as otherwise provided by law, not later than the first day of December each year after the regular session of the legislative assembly:
  - a. Secretary of state.
  - b. State auditor.
  - c. Commissioner of insurance.
  - d. Attorney general.
  - e. Commissioner of agriculture.
  - f. Superintendent of public instruction.
  - g. State tax commissioner.
  - h. Public service commission.
  - i. State board of higher education.
  - j. Director of institutions.
  - k. Department of transportation.

- l. State department of health and consolidated laboratories.
- m. Department of human services.
- n. ~~Workers compensation bureau.~~
- o. Director of the office of management and budget.
- p. State treasurer.
- q. Commissioner of labor.

SECTION 18. AMENDMENT. Section 54-16-10 of the North Dakota Century Code is amended and reenacted as follows:

54-16-10. Departmental emergency funds - Penalty. No moneys appropriated by the legislative assembly to be used for emergency purposes by any state department, state officer, employee, board, commission, bureau, or institution, including the Bank of North Dakota, mill and elevator association, fire and tornado, and bonding departments, ~~and the workers compensation bureau,~~ may be expended until such moneys so appropriated, or so much thereof as may be necessary for such appropriation, have been transferred to the subdivision of the regular appropriation in which the emergency exists. No ~~such~~ transfer of emergency funds, ~~hereinbefore~~ referred to, may be made until an itemized, verified petition, setting forth the facts by virtue of which such emergency exists and the necessity for such expenditure has been presented to the state emergency commission, by the department, state officer, board, commission, bureau, or institution desiring such transfer, and has been approved in writing by a majority of such commission. Any person who violates ~~the provisions of~~ this section is guilty of a class A misdemeanor.

SECTION 19. AMENDMENT. Section 54-56-01 of the North Dakota Century Code is amended and reenacted as follows:

54-56-01. Children's services coordinating committee - Membership. The children's services coordinating committee ~~is hereby established and~~ consists of the governor or a designee of the governor, the attorney general or a designee of the attorney general, the commissioner of the board of higher education or a designee of the commissioner, the superintendent of public instruction, the executive director of the department of human services, the state health officer, the executive director of job service North Dakota or a designee of the executive director, the director of institutions, the director of vocational education, the chairperson chairman of the governor's committee on children and youth, the executive director of the Indian affairs commission, and a designee of the chief justice. The governor or the governor's designee ~~shall act as chairperson is the chairman of the committee.~~

SECTION 20. AMENDMENT. Subsection 4 of section 57-38-57 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4. The tax commissioner ~~is hereby authorized to may~~ furnish to ~~the workers compensation bureau, to the~~ job service North Dakota, or to the secretary of state, upon their request a list or lists of employers showing only the names, addresses, and the tax department file identification numbers of such employers; provided, that any such list may be used only for the purpose of administering the duties of the requesting governmental unit.

SECTION 21. AMENDMENT. Section 57-39.2-23 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

57-39.2-23. Information deemed confidential. It is unlawful for the commissioner, or any person having an administrative duty under this chapter, to divulge, or to make known in any manner whatever, the business affairs, operations, or information obtained by an investigation of records and equipment of any person or corporation visited or examined in the discharge of official duty, or the amount or sources of income, profits, losses, expenditures, or any particulars thereof, set forth or disclosed in any return, or to permit any return or copy thereof or any book containing any abstract of particulars thereof to be seen or examined by any person except as provided by law. The commissioner may authorize examination of such returns by other state officers, and at his discretion furnish to the tax officials of another state, the multistate tax commission, and the United States any information contained in the tax returns and reports and related schedules and documents filed pursuant to this chapter, and in the report of an audit or investigation made with respect thereto, provided only that said information be furnished solely for tax purposes; and the multistate tax commission may make said information available to the tax officials of any other state and the United States for tax purposes.

The commissioner is hereby authorized to may furnish to the ~~workers compensation bureau or to the job insurance division of job service North Dakota~~ upon request of either a list or lists of holders of permits issued pursuant to the provisions of this chapter or chapter 57-40.2, together with the addresses and tax department file identification numbers of such permitholders; provided, that any such list shall be used by the bureau to which it is furnished job service North Dakota only for the purpose of administering the duties of such bureau job service North Dakota. The commissioner, or any person having an administrative duty under this chapter, is hereby authorized to may announce that a permit has been revoked.

SECTION 22. AMENDMENT. Subsections 6 and 11 of section 65-01-02 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6. "Bureau" means the North Dakota workers compensation job service North Dakota bureau, or any director, department heads, assistants, or employees designated by the commissioners executive director of job service North Dakota, to act within the course and scope of their employment in administering the policies, powers, and duties of this title.
11. "Director" means the executive director of the bureau job service North Dakota.

SECTION 23. AMENDMENT. Section 65-01-09 of the North Dakota Century Code is amended and reenacted as follows:

65-01-09. Injury through negligence of third person - Option of employee - Fund subrogated when claim filed. When an injury or death for which compensation is payable under provisions of this title shall have been sustained under circumstances creating in some person other than the fund a legal liability to pay damages in respect thereto, the injured employee, or his dependents may claim compensation under this title and proceed at law to recover damages against such other person. The fund shall be subrogated to the rights of the injured employee or his dependents to the extent of fifty percent of the damages recovered up to a maximum of the total amount it has paid or would otherwise pay in the future in compensation and benefits for the injured employee. The bureau's subrogation interest may not be reduced by settlement, compromise, or judgment. The action against such other person may be brought by the injured employee, or his dependents in the event of his death. Such action shall be brought in his or in his dependents' own right and name and as trustee for the workmen's compensation bureau job service North Dakota for the subrogation interest of the bureau. If

the injured employee or his dependents do not institute suit within sixty days after date of injury the bureau may bring the action in its own name and as trustee for the injured employee or his dependents and retain as its subrogation interest the full amount it has paid or would otherwise pay in the future in compensation and benefits to the injured employee or his dependents. Within sixty days after both the injured employee and the bureau have declined to commence an action against a third person as provided above, the employer may bring the action in his own name or in the name of the employee, or both, and in trust for the bureau and for the employee. The party bringing the action may determine if the trial jury should be informed of the trust relationship. If the action is brought by the injured employee or his dependents, or the employer as provided above, the bureau shall pay fifty percent of the costs of the action, exclusive of attorney fee, when such costs are incurred. Should there be no recovery of damages in the action this shall be a cost of the bureau to be paid from the bureau general fund. When there is recovery of damages in the action the costs of the action, exclusive of attorneys fees, shall be prorated and adjusted on the percentage of the total subrogation interest of the bureau recovered to the total recovery in the action. The bureau shall pay attorney fees to the injured employee's attorney from the bureau general fund as follows:

1. Twenty percent of the subrogation interest recovered for the bureau when legal action is not commenced.
2. Twenty-five percent of the subrogation interest recovered for the bureau when action is commenced and settled before judgment.
3. Thirty-three and one-third percent of the subrogation interest recovered for the bureau when recovered through judgment.

The above provisions as to costs of the action and attorney fees is effective only when the injured employee advises the bureau in writing the name and address of his attorney, and that he has employed such attorney for the purpose of collecting damages or of bringing legal action for recovery of damages. If a claimant fails to pay the bureau's subrogation interest within thirty days of receipt of a recovery in a third party action, the bureau's subrogation interest shall be the full amount of the damages recovered, up to a maximum of the total amount it has paid or would otherwise pay in the future in compensation and benefits to the injured employee or his dependents, and no costs or attorney fees will be paid from the bureau's subrogation interest.

SECTION 24. AMENDMENT. Section 65-01-10 of the North Dakota Century Code is amended and reenacted as follows:

65-01-10. Waiver of rights to compensation void - Deduction of premium from employee prohibited - Penalty. No agreement by an employee to waive ~~his~~ the employee's rights to compensation under ~~the provisions of this title shall be~~ is valid except as provided in section 65-05-25. No agreement by any employee to pay any portion of the premium paid or payable by ~~his~~ the employee's employer into the fund ~~shall be~~ is valid, and any employer who deducts any portion of ~~such that employer's~~ premium from the wages or salary of any employee entitled to the benefits of this title except as provided by section 33 of this Act is guilty of an infraction.

SECTION 25. A new section to chapter 65-01 of the North Dakota Century Code is created and enacted as follows:

Introduction of bills and amendments - Fiscal impact statement. Beginning December 1, 1992, a legislative measure affecting workers' compensation benefits, medical costs, premium rates, or legal expenses



may not be prefiled for introduction or introduced in either house of the legislative assembly unless the measure is accompanied by a fiscal impact statement prepared, at the expense of the bureau, by the actuary employed by the workers compensation bureau. No amendment affecting workers compensation benefits, medical costs, premium rates, or legal expenses may be attached to any legislative measure unless the amendment is accompanied by a fiscal impact statement prepared, at the expense of the bureau, by the actuary employed by the bureau.

SECTION 26. AMENDMENT. Section 65-02-06 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-02-06. Expenditures by bureau from fund - Employment of full-time assistant attorney general authorized. With prior approval of the emergency commission, the bureau may make necessary expenditures to implement reinsurance. The bureau may make necessary expenditures to obtain statistical and other information required for the proper enforcement of this title. The salaries and compensation ~~of the director of the bureau and~~ of all employees of the bureau, and all other authorized expenses thereof, including the premium on the bond required of the state treasurer under section 65-04-30, must be paid out of the fund. The bureau may employ as its full-time attorney a duly appointed assistant attorney general and pay from the fund the entire salary of the assistant.

SECTION 27. AMENDMENT. Section 65-02-07 of the North Dakota Century Code is amended and reenacted as follows:

65-02-07. Bureau to have seal. The bureau shall have a seal for the purpose of authentication, whenever authentication is required, upon which seal shall be inscribed the words "~~Workmen's Compensation Bureau~~ - Job Service North Dakota - Seal".

SECTION 28. A new section to chapter 65-02 of the North Dakota Century Code is created and enacted as follows:

Workers compensation bureau arbitration panel - Membership. The executive director of the workers compensation bureau shall appoint an arbitration panel consisting of three members. One member shall represent the public. This member must be a lawyer, appointed from a list of three members chosen by the board of directors of the state bar association of North Dakota, submitted jointly to the executive director by an organization that embraces a majority of the organized labor of the state and an organization which represents a majority of the employees in the state. One member shall represent the majority of the employees engaged in employment under this title. This member must be selected from a list of three names submitted to the executive director by an organization, statewide in scope, which, through its affiliates, embraces a cross section and a majority of the organized labor of the state. One member shall represent employers covered under this title. This member must be appointed from a list of three names submitted to the executive director by a recognized statewide organization of employers, representing a majority of employers. The initial terms of office of the members are three, two, and one years, respectively. Thereafter, each term is for a period of three years. Each member is eligible for reappointment and shall hold office until a successor is appointed and qualified. In the event of a vacancy, the executive director shall appoint a successor to fill the unexpired term. Members shall devote their time to the duties of the panel and are entitled to receive a salary as determined by the executive director and travel expenses at the rate in effect for state employees. The bureau shall provide staff services to the panel. The salaries and expenses of the panel must be paid from money appropriated to the bureau for that purpose.

SECTION 29. A new section to chapter 65-02 of the North Dakota Century Code is created and enacted as follows:

Removal of a panel member. The executive director of the workers compensation bureau may remove a member of the workers compensation bureau arbitration panel for cause.

SECTION 30. A new section to chapter 65-02 of the North Dakota Century Code is created and enacted as follows:

Power of the panel to decide cases. Disputes before the bureau involving not more than one thousand dollars must be submitted for binding arbitration by the workers compensation bureau arbitration panel. Binding arbitration is elective for a claimant with a dispute involving more than one thousand dollars. The bureau shall pay a claimant's attorney's fees, based on an hourly rate established by the bureau, for claims that go to arbitration. If a claimant does not elect to submit to arbitration, the bureau is liable for payment of attorneys' fees as provided by section 65-02-08. The workers compensation bureau arbitration panel may not delegate to any other person its duty of interpreting the testimony and making the final decision and order on disputes.

SECTION 31. A new section to chapter 65-02 of the North Dakota Century Code is created and enacted as follows:

Appeal from decision. Upon a decision or award of the workers compensation bureau, an administrative order must be issued pursuant to chapter 28-32. An appeal from a decision of the bureau must be made to the workers' compensation hearing officer before appeal may be made to the workers compensation bureau arbitration panel. The decision of the arbitration panel is final, subject to section 65-05-04.

SECTION 32. AMENDMENT. Section 65-04-04 of the North Dakota Century Code is amended and reenacted as follows:

65-04-04. Employers obligated to pay premiums - Determination of premiums - Premium receipts and certificates to be mailed. Each employer subject to the provisions of this title shall pay into the fund annually the amount or premiums determined and fixed by the bureau for the employment or occupation of such employer, which amount shall be determined by the classifications, rules, and rates made and published by the bureau and shall be based on a proportion of the annual expenditure of money by such employer for the service of persons subject to the provisions of this title; provided, however, that the computation of such premiums shall not be based upon any premium wages in excess of the basic hourly rate of pay or any annual remuneration, in whatever form, in excess of the sum of thirty-six hundred dollars paid to any employee by any employer. A receipt or certificate specifying that such payment has been made shall be mailed to such employer by the bureau immediately after such payment is made, and such receipt or certificate, attested by the seal of the bureau, shall be prima facie evidence of the payment of the premium. Each employer shall report and submit premiums on a calendar year basis except as otherwise specified. Annual premium rate changes must be implemented on January first of each year. The bureau shall provide that premiums to be paid by school districts, townships, and all public corporations or agencies, except municipal corporations, fall due at the end of the fiscal year of such entity, and that premiums to be paid by all municipal corporations fall due at the end of the calendar year, and may make provisions so that premiums of other employers fall due on different or specified dates and for the purpose of effectuating such due dates the bureau may carry new or current risks for a period of less than one year and not to exceed fifteen months, either by request of the employer or action of the bureau.

SECTION 33. A new section to chapter 65-04 of the North Dakota Century Code is created and enacted as follows:

Workers' compensation contribution by employee. Every employer paying wages to an employee subject to workers' compensation coverage shall deduct and withhold from the employee's wages one-fourth of one cent on each dollar paid. Within fifteen days after the end of each calendar quarter, the employer shall pay the amounts withheld under this section during the preceding calendar quarter to the workers' compensation fund, to be used to pay medical expenses of compensable claims submitted by injured employees. Except as provided in this section, chapter 65-04 applies to amounts withheld under this section as if those amounts were premiums payable by the employer.

SECTION 34. AMENDMENT. Section 65-04-10 of the North Dakota Century Code is amended and reenacted as follows:

65-04-10. Provision relating to compensation required in contractor's bonds. There ~~shall~~ must be inserted in every bond given by a contractor doing work for the state of North Dakota or for any political subdivision thereof, in addition to the general provisions for the faithful and complete performance of all work required under such contract, this further provision: That the ~~said~~ contractor has made, or will make, prior to the commencement of any work by ~~himself~~ the contractor or any subcontractor under ~~such~~ the contract, full and true report to the ~~workmen's compensation bureau~~ job service North Dakota of the payroll expenditures for the employees to be engaged in ~~such~~ the work, and that ~~he~~ the contractor has paid, or will pay, the premium thereon prior to the commencement of ~~such~~ the work.

SECTION 35. AMENDMENT. Section 65-04-15 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-04-15. Information in employer's reports confidential - Penalty if employee of bureau divulges information. The information contained in an employer's report is for the exclusive use and information of the bureau in the discharge of its official duties and is not open to the public nor usable in any court in any action or proceeding pending therein unless the bureau is a party thereto. The information contained in the report, however, may be tabulated and published by the bureau in statistical form for the use and information of the state departments and of the public. Anyone who is convicted under section 12.1-13-01 is disqualified from holding any office or employment with the bureau.

The workers compensation bureau may Job service North Dakota, upon request of the state tax commissioner or the secretary of state, may furnish to them a list or lists of employers showing only the names, addresses, and ~~workers compensation bureau~~ job service North Dakota file identification numbers of such employers as those files relate to this chapter; provided, that any such list so furnished must be used by the tax commissioner or the secretary of state only for the purpose of administering their duties. The bureau may provide the commissioner of labor or job service North Dakota with information obtained pursuant to the administration of this title. Any information so provided must be used only for the purpose of administering the duties of the commissioner of labor or job service North Dakota. Whenever the bureau obtains information on activities of a contractor doing business in this state of which officials of the secretary of state, job service North Dakota, or tax commissioner may be unaware and that may be relevant to the duties of those officials, the bureau shall provide any relevant information to those officials for the purpose of administering their duties.

SECTION 36. AMENDMENT. Section 65-04-27.1 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-04-27.1. Injunctive relief - Procedure.

1. To protect the lives, safety, and well-being of wage workers, to ensure fair and equitable contributions to the state workers' compensation insurance fund between all employers, and to protect the workers' compensation fund, ~~the workers compensation bureau~~ job service North Dakota may institute injunction proceedings in the name of the state of North Dakota against certain employers to prohibit them from employing others in those employments defined as hazardous by this title in any of the following instances:
  - a. When it has been brought to the attention of the bureau that the employer has unlawfully employed uninsured workers in violation of the provisions of section 65-01-05;
  - b. When the employer defaults in the payment of insurance premiums into the state fund; or
  - c. When the bureau, in exercise of the power and authority granted by section 65-03-01, giving it full power and jurisdiction over and the supervision of, every employment and every place of employment for the purpose of issuing and enforcing all necessary and proper safety rules and regulations, finds that it is necessary to enjoin and restrain certain employers and employments in order to protect the lives and safety of the employees because of failure or refusal to comply with necessary and proper safety rules and regulations.

The courts of this state are vested with jurisdiction and power to grant such preventive relief in the instances herein set forth.

2. The provisions of chapter 32-06 relating to injunction shall apply to proceedings instituted hereunder in so far as such provisions may be applicable.
3. In addition to the provisions of chapter 32-06, when the court has granted an immediate temporary injunction at the time of the commencement of the action the defendant employer shall be entitled to have a hearing by the court on the merits of the case without delay and upon three days' written notice to ~~the workers compensation bureau~~ job service North Dakota the court shall then proceed to hearing on the merits and render its decision.
4. In addition to the provisions of chapter 32-06, when the court has not granted an immediate temporary injunction at the time of the commencement of the action and the time for answer has expired either party shall be entitled to have a hearing by the court on the merits of the case and upon ten days' notice by either party to the other the court shall then proceed to hearing on the merits and render its decision.

SECTION 37. AMENDMENT. Section 65-04-29 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-04-29. Employers carrying on nonhazardous employment may come under law - Employee's option. Any employer carrying on any employment not defined as hazardous under section 65-01-02 who complies with this title and who pays into the fund the premiums provided for under this chapter is covered under the fund and is not liable to respond in damages at common law or by statute for injuries to or the death of any employee, wherever occurring, during the period covered by such premiums. Any employee who elects before injury not to come under workers' compensation insurance may do so by notifying ~~the workers~~

~~compensation bureau~~ job service North Dakota and the employer of such election in writing.

SECTION 38. AMENDMENT. Section 65-05.1-02 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-05.1-02. Bureau responsibility. The ~~workers compensation~~ bureau shall:

1. Appoint a director of rehabilitation services and such other staff as necessary to fulfill the purposes of this chapter.
2. Cooperate with such federal or state agency as shall be charged with vocational education, vocational rehabilitation, and job placement in order that any duplication of effort can be avoided, as far as possible, in any individual claim.
3. Make determinations on individual claims as to the extent and duration of the ~~workers compensation~~ bureau involvement under this chapter.
4. Enter into such agreements with other agencies and promulgate any rules or regulations as may be necessary or advantageous in order to carry out the purpose of this chapter.
5. Provide such rehabilitation services and allowances as may be determined by the bureau to be most beneficial to the worker within the limits of this chapter.
6. Establish medical assessment teams, the composition of which must be determined by the bureau on a case-by-case basis, as the nature of the injury may require, for the purpose of assessing the worker's physical restrictions and limitations. The medical assessment team must be provided the medical records compiled by the worker's treating physicians. The medical assessment team may consult the worker's treating physicians prior to making its final assessment of the worker's functional capacities. The provisions of section 65-05-28 do not apply to the medical findings made under this section.
7. Appoint one or more vocational consultants, the identity of which must be determined by the bureau on a case-by-case basis, as the nature of the injury may require, for the purpose of assessing the worker's transferable skills, employment options, and the physical demand characteristics of the worker's employment options, and determining which option available under subdivisions a through f of subsection 4 of section 65-05.1-01 will enable the worker to return to employment within the physical restrictions and limitations provided by the medical assessment team. The vocational consultant shall issue to the bureau a report as provided in section 65-05.1-02.1.

SECTION 39. AMENDMENT. Section 65-06-05 of the North Dakota Century Code is amended and reenacted as follows:

65-06-05. Reimbursement by state for liability in excess of premiums collected. Whenever liability on claims against the fund credited to the classification of volunteer disaster emergency trainees exceeds the amount of premiums paid into such fund, such excess liabilities shall be a general obligation of the state of North Dakota and be reimbursed to ~~the workmen's compensation bureau job service North Dakota~~ for credit to ~~that~~ the workers' compensation fund by legislative appropriation.

SECTION 40. AMENDMENT. Section 65-06.1-04 of the North Dakota Century Code is amended and reenacted as follows:

65-06.1-04. State reimbursement for liability in excess of collected premiums. Whenever claim liability against the fund credited to the classification of civil air patrol members exceeds the amount of premiums paid into such fund, such excess liabilities shall be a general obligation of the state of North Dakota and shall be reimbursed to ~~the workmen's compensation bureau~~ job service North Dakota for credit to ~~that the workers' compensation~~ fund through legislative appropriation.

SECTION 41. AMENDMENT. Section 65-08-02 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-08-02. Reciprocity in extraterritorial application of compensation acts of various states provided. An employee who is a resident of another state and the employer from another state is exempted from this title while such nonresident employee is temporarily within this state doing work for the nonresident employer:

1. If that employer has furnished to such employee workers' compensation insurance under the Workers' Compensation Act, or any similar act, of such other state, covering such employee's employment in this state.
2. If the extraterritorial coverage furnished by this title and granted to employers resident in this state covering employment of employees while working in such other state is recognized by such other state.
3. If the employers and employees resident in this state who are covered by this title are likewise exempted from the application of the Workers' Compensation Act, or any similar act, of such other state.

If the annual payroll expended within this state by a nonresident employer exceeds one thousand dollars then the out-of-state employer may no longer be considered as operating in this state on a temporary basis, unless there is an agreement between the North Dakota ~~workers compensation bureau~~ and a similar job service and a workers' compensation agency of the other state where the employer is a resident, and such agreement provides otherwise.

The benefits under the Workers' Compensation Act or similar laws of the other state, or other remedies under a like act or laws are the exclusive remedy against the employer for any resulting injury or death suffered by such employee while working for that employer in this state.

SECTION 42. AMENDMENT. Section 65-11-04.1 of the North Dakota Century Code is amended and reenacted as follows:

65-11-04.1. Mine foremen - Rules regarding. ~~The workmen's compensation bureau~~ Job service North Dakota may ~~promulgate, issue, adopt~~ and enforce all necessary and proper rules for the qualification, examination, and certification of mine foremen.

SECTION 43. AMENDMENT. Section 65-11-06 of the North Dakota Century Code is amended and reenacted as follows:

65-11-06. Removal of safety engineer. If ~~the workmen's compensation bureau~~ job service North Dakota finds that the safety engineer is negligent in ~~his~~ the engineer's duties, is incompetent to perform the same or is guilty of malfeasance or misfeasance in office, the bureau shall declare the office of safety engineer vacant and shall

proceed in compliance with ~~the provisions of~~ this title to fill the vacancy.

SECTION 44. AMENDMENT. Subsection 4 of section 65-12-02 of the North Dakota Century Code is amended and reenacted as follows:

4. ~~The workmen's compensation bureau~~ Job service North Dakota shall establish qualifications for deputy inspectors.

SECTION 45. AMENDMENT. Subsection 4 of section 65-12-03 of the North Dakota Century Code is amended and reenacted as follows:

4. Cooperate and assist in all accident prevention programs sponsored by ~~the workmen's compensation bureau~~ job service North Dakota.

SECTION 46. AMENDMENT. Section 65-12-04.1 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-12-04.1. Exempt boilers - Inspection of exempt boilers. Nothing in this chapter shall be construed to apply to:

1. Boilers subject to federal inspection or under federal control.
2. Boilers located on farms and used solely for agricultural purposes.
3. Heating boilers which are located in private residences or in apartment houses of less than six family units.
4. Hot water supply boilers with not more than two hundred thousand British thermal units per hour input and pressure not exceeding one hundred sixty pounds [72.57 kilograms] per square inch [6.45 square centimeters] gauge or temperatures not exceeding two hundred fifty degrees Fahrenheit [121.11 degrees Celsius].
5. Portable steam cleaners of the type in common use in garages.
6. Boilers of a miniature model locomotive, boat, tractor, or stationary engine design constructed as a hobby and not for commercial use having an inside diameter not exceeding ten inches [25.4 centimeters] and a grate area not exceeding one and one-half square feet [1393.54 square centimeters] and which are properly equipped with a safety valve, water level indicator, and pressure gauge.

Any exempt boiler may be inspected by the chief boiler inspector when the owner, his agent, or the user of such boiler makes written request for inspection to ~~the~~ job service North Dakota ~~workers compensation bureau.~~

Fees shall be imposed as provided in section 65-12-11 for inspections done pursuant to this chapter.

SECTION 47. AMENDMENT. Section 65-12-08 of the North Dakota Century Code is amended and reenacted as follows:

65-12-08. ~~Rules and regulations and penalty~~ - Penalty for violation - Hearing. The bureau shall ~~promulgate~~ adopt ~~rules and regulations~~ for the safe and proper installation, use, operation, and inspection of boilers subject to this chapter. The bureau shall not issue a certificate of inspection to any owner or user of a boiler who fails or refuses to comply with such rules ~~and regulations~~. The bureau shall revoke any certificate presently in force upon evidence that the

owner or user of the boiler is failing or refusing to comply with the rules ~~and regulations~~.

Any owner or user of a boiler may request a hearing before the ~~workmen's compensation~~ bureau within fifteen days from service of an order refusing or revoking a certificate of inspection. It ~~shall be~~ is the burden of the owner or user to show cause why the certificate of inspection should not be refused or revoked. If no hearing is requested within the required period ~~herein stated~~, the order of the bureau shall become final and not subject to further proceedings.

SECTION 48. AMENDMENT. Section 65-12-12 of the North Dakota Century Code is amended and reenacted as follows:

65-12-12. Disposition of funds. All funds collected and received under this chapter shall be paid to the state treasurer and deposited to the credit of the ~~workmen's~~ workers' compensation ~~bureau~~ fund. Any fee not paid within thirty days from the date of billing ~~shall be~~ is in default and may be collected in a civil action against ~~said the~~ defaulting party in the name of the state.

SECTION 49. AMENDMENT. Subsection 1 of section 65-13-03 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. "Board" means ~~the workers compensation bureau~~ job service North Dakota.

SECTION 50. Commissioner of labor - Plan for merger of workers compensation, job service, and the department of labor. The commissioner of labor shall formulate a plan and procedures to merge the workers compensation bureau, job service North Dakota, and the department of labor. The bureau and job service shall provide assistance to the commissioner as necessary. By December 1, 1992, the commissioner shall complete the plan and by December 10, 1994, shall prepare and prefile for introduction appropriate legislation for consideration by the fifty-fourth legislative assembly.

SECTION 51. REPEAL. Sections 65-02-01, 65-02-01.1, and 65-02-02 of the 1989 Supplement to the North Dakota Century Code are repealed.

SECTION 52. EFFECTIVE DATE. Section 32 of this Act becomes effective on January 1, 1992, section 33 of this Act is effective for all pay periods beginning after June 30, 1991, and the remainder of the Act becomes effective on July 1, 1991."

Renumber accordingly

#### CONSIDERATION OF AMENDMENTS

SB 2206: SEN. MAXSON (Committee on Judiciary) MOVED that the amendments be adopted with DO PASS.

#### REQUEST

SEN. HEIGAARD REQUESTED that the Senate divide the amendments to SB 2206, which request was granted.

#### DIVISION I - All sections except Section 50 DIVISION II - Section 50

The question being on the adoption of Division I of the proposed amendments to SB 2206.

Division I of the proposed amendments to SB 2206 was adopted.

The question being on the adoption of Division II of the proposed amendments to SB 2206.



Division II of the proposed amendments to SB 2206 lost.

#### MOTION

SEN. MOORE MOVED that Engrossed SB 2206 be amended as follows:

Page 20, line 3, replace "or" with "to reduce or deny an"

Renumber accordingly

SEN. HOLMBERG MOVED that the proposed amendments be adopted, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2206: A BILL for an Act to amend and reenact subsection 25 of section 65-01-02, sections 65-05-12, and 65-05-13 of the North Dakota Century Code, relating to permanent partial impairment awards under the workers compensation laws; to repeal section 65-05-14 of the North Dakota Century Code, relating to permanent partial impairment awards; 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 46 YEAS, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Schoenwald; Solberg; Stenehjem; Tallackson; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: David; Naaden; Satrom; Streibel; Tennefos

ABSENT AND NOT VOTING: Langley; Meyer

SB 2206 passed and the title was agreed to.

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#### MOTION

SEN. WOGSLAND MOVED that the Senate start at SB 2165, and that it be placed at the top of the Eleventh order, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2165: A BILL for an Act to amend and reenact section 65-04-04 of the North Dakota Century Code, relating to the computation of workers' compensation premiums

#### 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 0 YEAS, 47 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

NAYS: David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Holmberg; Langley; Meyer; Moore; Naaden

SB 2165 lost.

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## MOTION

SEN. WOGSLAND MOVED that SB 2176 should follow SB 2552 on the calendar, which motion prevailed.

## SECOND READING OF SENATE BILLS

SB 2246: A BILL for an Act to create and enact two new subsections to section 65-05-07, sections 65-05-08.1, 65-05-09.3, 65-05-34, and 65-05-35 of the North Dakota Century Code, relating to medical services provided to injured employees, temporary total disability, retired injured workers, false claims, and abandonment of claims; to amend and reenact sections 65-05-08, 65-05-09, 65-05-09.2, 65-05-10, 65-05-25, 65-05-33, and subsection 4 of section 65-06.2-02 of the North Dakota Century Code, relating to the period of time before a workers' compensation claim is allowed, suspension of benefits during confinement, offset of social security benefits, partial disability, lump sum settlements, and false claims; 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 NOT PASS, the roll was called and there were 0 YEAS, 51 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

NAYS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjerm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Langley; Meyer

SB 2246 lost.

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SB 2254: A BILL for an Act to amend and reenact sections 65-05.1-01, 65-05.1-02.1, 65-05.1-04, and 65-05.1-06.1 of the North Dakota Century Code, relating to workers' compensation rehabilitation services; and to provide an effective date.

## ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 51 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

NAYS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjerm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Langley; Meyer

SB 2254 lost.

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SB 2255: A BILL for an Act to create a new section to chapter 65-04 of the North Dakota Century Code, relating to personal liability of corporate officers for workers' compensation purposes; to amend and reenact sections 65-01-03, 65-01-10, 65-04-13, 65-04-14, 65-04-15, and 65-04-20 of the North Dakota Century Code, relating to the test for determining who is an employee, the penalty for an employer who deducts workers' compensation premiums from an employee's wages, false payroll amounts,

inspection of employer's records, and interest charged on deferred premiums; 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 NOT PASS, the roll was called and there were 1 YEA, 47 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Nalewaja

NAYS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjelm; Streibel; Tallackson; Tennefos; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Langley; Meyer; Moore; Thane

SB 2255 lost.

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SB 2265: A BILL for an Act to create and enact a new section to chapter 65-01 and a new section to chapter 65-02 of the North Dakota Century Code, relating to informal workers compensation bureau decisions and payment of legal fees; and to amend and reenact sections 65-01-02, 65-02-08, 65-05-01, and 65-10-03 of the North Dakota Century Code, relating to definitions, adoption of rules, when a claim for workers compensation may be brought, and payment of attorney's fees.

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

YEAS: David; Mutch; Naaden; Nelson; Nething; O'Connell; Satrom; Solberg; Streibel; Tennefos; Vosper

NAYS: Bowman; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Nalewaja; Peterson; Redlin; Robinson; Schoenwald; Stenehjelm; Tallackson; Thane; Tomac; Traynor; Wogsland; Yockim

ABSENT AND NOT VOTING: Langley; Meyer

SB 2265 lost.

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SB 2382: A BILL for an Act to create and enact two new subsections to section 34-05-01.3, a new section to chapter 34-05, a new subsection to section 52-01-01, and a new subsection to section 65-01-02 of the North Dakota Century Code, relating to the commissioner of labor; to amend and reenact sections 21-03-32, 21-10-01, 28-32-08, 34-05-01.2, 37-18.1-01, 43-07-25, subsections 8 and 20 of section 52-01-01, sections 52-01-03, 52-02-01, 52-08-03, subdivision c of subsection 6 of section 52-09-20, subsection 1 of section 52-11-01, subsection 1 of section 54-06-04, sections 54-16-10, 54-36-01, 54-56-01, subsections 6 and 11 of section 65-01-02, sections 65-02-06, 65-04-15, and 65-04-31 of the North Dakota Century Code, relating to the commissioner of labor, job service North Dakota, and the workers compensation bureau; to repeal sections 65-02-01 and 65-02-02 of the North Dakota Century

Code, relating to the executive director of the workers compensation bureau; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 51 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

NAYS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjerm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Langley; Meyer

SB 2382 lost.

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#### MOTION

SEN. WOGSLAND MOVED that SB 2394 be placed behind SB 2176 on the calendar, which motion prevailed.

#### SECOND READING OF SENATE BILLS

SB 2402: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 65-05.1-06.1 of the North Dakota Century Code, relating to an appeal of a rehabilitation award.

#### 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 3 YEAS, 48 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Evanson; Heinrich; Kinnoin

NAYS: Bowman; David; DeKrey; Dotzenrod; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjerm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Langley; Meyer

SB 2402 lost.

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SB 2552: A BILL for an Act to create and enact a new section to chapter 65-04 of the North Dakota Century Code, relating to workers' compensation on an hourly basis; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 51 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

NAYS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom;

Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane;  
Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Langley; Meyer

SB 2552 lost.

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SB 2176: A BILL for an Act to amend and reenact sections 65-05.2-01 and 65-05.2-02 of the North Dakota Century Code, relating to eligibility and amount of supplementary workers' compensation benefits; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 51 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

NAYS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Langley; Meyer

SB 2176 lost.

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#### MOTION

SEN. WOGSLAND MOVED that SB 2026, SB 2027, and SB 2394 be placed at the top of the calendar, which motion prevailed.

#### SECOND READING OF SENATE BILLS

SB 2026: A BILL for an Act to provide for the designation of a committee by the legislative council to monitor court unification; to create and enact three new sections to chapter 27-05 of the North Dakota Century Code, relating to the abolition of county courts and county judgeships and the creation of interim district judgeships; to amend and reenact sections 1-04-16, 1-04-19, 4-33-06, subsection 5 of section 6-05.1-05, sections 11-03-08, 11-05-16, subsection 2 of section 11-07-04, sections 11-08-06, 11-08-07, 11-09-29, subsection 3 of section 11-09.1-05, sections 11-10-02, 11-10-06, subsections 1, 4, and 7 of section 11-10-10, sections 11-10-11, 11-10-20, 11-11-10, 11-12-05, 11-15-24, 11-17-04, subsections 1 and 2 of section 11-17-08, sections 11-19-08, 11-19-13, 11-19-14, 11-19-15, 11-19-25, 11-20-01, 11-20-03, 11-21-01, subsections 2 and 4 of section 11-21-02, sections 11-21-03, 11-21-04, 11-21-12, 11-21-13, 11-21-14, 11-30-16, 12-45-01, 12-46-13, 12-51-07, subsection 2 of section 12-60-16.1, section 12-62-01.1, subsection 5 of section 12.1-01-04, sections 12.1-20-16, 14-03-09, 14-03-10, 14-03-11, 14-03-17, 14-03-19, 14-03-20, 14-03-21, 14-03-22, 14-03-24, subsection 1 of section 14-07.1-02, sections 16.1-12-03, 16.1-15-08, 16.1-15-09, 16.1-15-11, 16.1-15-13, 16.1-16-07, 23-05-06, 23-07.1-08, 23-07.1-09, 23-07.1-10, subsection 4 of section 23-07.4-01, subsections 1, 2, and 3 of section 23-07.4-02, sections 23-07.6-05, 23-07.6-12, 24-06-05, 24-07-22, 24-07-24, 24-07-25, 24-07-28, subsection 2 of section 25-03.1-02, section 25-03.1-03, subsection 2 of section 25-03.1-21, sections 25-03.1-38, 25-03.1-46, subsection 3 of section 25-04-05.1, subsections 2 and 3 of section 25-04-15, sections 25-11-05, 27-01-01, 27-01-01.1, 27-01-04, 27-01-05, 27-01-09, subsections 1 and 3 of section 27-01-10, sections 27-05-01, 27-05-02, 27-05-08, subsection 1 of section 27-08.1-01, sections 27-08.1-06, 27-08.1-08, 27-08.2-01, 27-09.1-14, subsection 1 of section 27-15-01, sections 27-15-02,

27-19-08, 27-20-04, subsection 2 of section 27-20-47, subsection 2 of section 27-23-01, sections 27-23-02, 27-24-04, 28-20-22, 28-26-19, 28-29-04, subsection 3 of section 29-01-01, subsection 4 of section 29-01-09, subsection 3 of section 29-01-14, sections 29-01-15, 29-02-13, 29-07-01.1, 29-07-06, 29-10.1-38, subsection 1 of section 29-15-21, section 29-22-02, subsection 6 of section 30.1-01-06, sections 30.1-02-02, 30.1-02-07, subdivision c of subsection 2 of section 30.1-10-01, sections 30.1-32-01, 30.1-32-03, 30.1-32-04, 30.1-33-01, 30.1-33-03, 30.1-33-04, 30.1-33-05, 30.1-33-06, subsection 1 of section 30.1-34-03, sections 30.1-34-04, 30.1-34-05, 31-01-16, 31-01-18, 31-09-05, 31-09-06, subsection 6 of section 31-09-10, sections 32-19-23, 32-19-24, 32-19-30, 32-22-18, 32-24-01, 33-06-01, 33-06-03, 33-06-04, 36-01-18, 36-11-10, 36-11-11, 37-15-18, 37-16-04, subsection 1 of section 38-10-01, sections 38-10-03, 38-10-05, 38-10-06, 38-10-08, 39-06-16, subsections 5 and 7 of section 39-06.1-03, sections 40-02-16, 40-09-16, 40-11-13, subsections 1 and 3 of section 40-18-01, sections 40-18-06.2, 40-18-15, 40-18-15.1, 40-18-19, 40-18-20, 42-01-07, subsection 2 of section 43-23-07, sections 44-02-04, 44-02-05, 44-03-02, subsection 2 of section 44-05-01, sections 44-08-09, 44-09-01, 44-11-12, 46-04-05, 47-03-06, 47-18-22, subsection 9 of section 47-19-02, section 47-19-06, subsection 5 of section 47-24.1-01, subsection 2 of section 50-01.1-04, sections 50-06.3-07, 50-06.3-09, 50-24.1-07, 54-12-01.3, 57-26-02, 57-37.1-06, 57-37.1-12, 58-02-23, 59-01-11, 59-02-12, 59-02-20, 59-04-02, 59-04-03, subsection 12 of section 59-04-04, sections 59-04-08, 59-04-10, 59-04-15, 59-04-24, 59-04-25, 59-04-26, 59-04-27, 59-04-29, 59-04-31, 59-05-28, and 59-05-55, relating to references to county courts and county judges, judicial districts, and the election, term of office, and chambers of district judges; and to repeal sections 11-09-22, 11-09-23, 11-11-12, 11-15-10, chapter 27-07.1, section 27-09.1-21, chapter 27-26, and section 31-09-07 of the North Dakota Century Code, relating to county courts; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 51 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**NAYS:** Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjelm; Streibel; Tallackson; Tennesfos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Langley; Meyer

SB 2026 lost.

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**SB 2027:** A BILL for an Act to create and enact a new section to chapter 27-05 and a new section to chapter 27-07.1 of the North Dakota Century Code, relating to district court judgeships and the provision of county court services by the district court; to amend and reenact section 27-05-01 and subsection 1 of section 27-07.1-17 of the North Dakota Century Code, relating to district court judgeships and jurisdiction of county judges; 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 NOT PASS, the roll was called and there were 0 YEAS, 50 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

NAYS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Langley; Meyer; Tallackson

SB 2027 lost.

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SB 2394: A BILL for an Act to amend and reenact sections 27-05-01, 27-07.1-01, 27-07.1-02, 27-07.1-03, subsections 3, 4, and 7 of section 27-25-01, and subsection 3 of section 27-25-02 of the North Dakota Century Code, relating to the filling of county court vacancies, the election of county judges, designation of county court service districts, designation of number of county judges in each service district, and designation of number of district judges in each judicial district; and to repeal chapter 27-26 of the North Dakota Century Code, relating to the nomination of county court judges.

#### 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 0 YEAS, 51 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

NAYS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Langley; Meyer

SB 2394 lost.

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#### MOTION

SEN. WOGSLAND MOVED that SB 2077, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

#### SECOND READING OF SENATE BILLS

SB 2371: A BILL for an Act to create and enact a new section to chapter 11-10 of the North Dakota Century Code, relating to the training and certification of newly elected county officials.

#### 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 8 YEAS, 43 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; Jerome; Kinnoin; Lindgren; Nalewaja; O'Connell; Tennefos; Traynor

NAYS: David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Krebsbach; Lindaas; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Thane; Tomac; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Langley; Meyer

SB 2371 lost.

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SB 2379: A BILL for an Act to create and enact a new section to chapter 54-02 of the North Dakota Century Code, designating Barnes soil as the official state soil.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 24 YEAS, 27 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: DeKrey; Dotzenrod; Evanson; Goetz; Graba; Hanson, O.; Holmberg; Ingstad; Jerome; Kelly; Kelsh; Kinnoin; Lindgren; Lips; Marks; Mathern; Nalewaja; Nelson; Robinson; Satrom; Schoenwald; Streibel; Tallackson; Thane

NAYS: Bowman; David; Freborg; Hanson, E.; Heigaard; Heinrich; Keller; Krauter; Krebsbach; Lindaas; Maxson; Moore; Mushik; Mutch; Naaden; Nething; O'Connell; Peterson; Redlin; Solberg; Stenehjem; Tennefos; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Langley; Meyer

SB 2379 lost.

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SB 2441: A BILL for an Act relating to competition by state government agencies and institutions of higher education with the private sector in providing certain goods and services to the public; to provide an appropriation; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 11 YEAS, 40 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Hanson, O.; Heigaard; Ingstad; Kinnoin; Krauter; Moore; Satrom; Solberg; Tennefos

NAYS: David; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Schoenwald; Stenehjem; Streibel; Tallackson; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Langley; Meyer

SB 2441 lost.

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SB 2533: A BILL for an Act to create and enact a new section to chapter 47-16 of the North Dakota Century Code, relating to landlords and tenants and cable television installation.

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



YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Kelly; Kelsh; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjerm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Keller

ABSENT AND NOT VOTING: Kinnoin; Langley; Meyer

SB 2533 passed and the title was agreed to.

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#### MOTION

SEN. MOORE MOVED that SB 2545 be amended as follows:

Page 1, line 12, replace "average daily" with "general fund levy in dollars"

Page 1, line 13, remove "membership"

Page 1, line 16, replace "per-pupil" with "dollar"

ReNUMBER accordingly

SEN. MOORE MOVED that the proposed amendments be adopted, which motion lost on a verification vote.

#### SECOND READING OF SENATE BILLS

SB 2545: A BILL for an Act to make an appropriation for the purpose of providing property tax relief for the biennium beginning July 1, 1991, and ending June 30, 1993.

#### 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 26 YEAS, 24 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Freborg; Hanson, O.; Kelsh; Lindgren; Moore; Mushik; Mutch; Naaden; Nalewaja; Nething; O'Connell; Peterson; Satrom; Schoenwald; Solberg; Streibel; Tallackson; Tennefos; Thane; Traynor; Vosper; Wogsland; Yockim

NAYS: Dotzenrod; Evanson; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Krauter; Krebsbach; Lindaas; Lips; Marks; Mathern; Maxson; Nelson; Redlin; Robinson; Stenehjerm; Tomac

ABSENT AND NOT VOTING: Kinnoin; Langley; Meyer

SB 2545 lost for want of a Constitutional majority.

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SB 2551: A BILL for an Act to amend and reenact subsection 5 of section 15-47-38 of the North Dakota Century Code, relating to the standard of review to be implemented by the district court in reviewing and ruling upon litigation involving nonrenewals of teachers' contracts.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 31 YEAS, 19 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Evanson; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Krebsbach; Lindaas; Lindgren; Marks; Mathern; Maxson; Mushik; Nalewaja; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Stenehjelm; Tallackson; Tomac; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Freborg; Hanson, O.; Jerome; Lips; Moore; Mutch; Naaden; Nelson; Nething; Peterson; Solberg; Streibel; Tennefos; Thane; Traynor; Vosper

ABSENT AND NOT VOTING: Kinnoin; Langley; Meyer

SB 2551 passed and the title was agreed to.

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#### MOTION

SEN. SATROM MOVED that SB 2565 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 54-52.1-03.2 and 54-52.1-03.3 of the North Dakota Century Code, relating to participation of state agency employees who are participating members in the teachers' fund for retirement in the retiree health benefits fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-52.1-03.2 of the North Dakota Century Code is amended and reenacted as follows:

54-52.1-03.2. Retiree health benefits fund - Appropriation.

1. The board shall establish a retiree health benefits fund account with the Bank of North Dakota for the purpose of prefunding hospital benefits coverage and medical benefits coverage under the uniform group insurance program for retired eligible employees or surviving spouses of retired eligible employees and their dependents as provided in this chapter. The state shall contribute monthly to the retiree health benefits fund an amount equal to one percent of the monthly salaries and wages of all participating members of the highway patrolmen's retirement system under chapter 39-03.1, one percent of the monthly salaries and wages of all participating members of the teachers' fund for retirement who are employed by a state department, board, or agency, excluding school districts and other political subdivisions, and one percent of the monthly salaries of all supreme or district court judges who are participating members of the public employees retirement system under chapter 54-52. Each governmental unit that contributes to the public employees retirement system fund under section 54-52-06 shall contribute monthly to the retiree health benefits fund an amount equal to one percent of the monthly salaries or wages of all participating members of the public employees retirement system under chapter 54-52. The board, as trustee of the fund and in exclusive control of its administration, shall:
  - a. Provide for the investment and disbursement of moneys of the retiree health benefits fund and administrative expenditures in the same manner as moneys of the public employees retirement system are invested, disbursed, or expended under subsection 6 of section 54-52-04.
  - b. Adopt rules necessary for the proper administration of the retiree health benefits fund, including enrollment procedures.

2. All moneys deposited in the fund established under subsection 1, not otherwise appropriated, are hereby appropriated to the board for the purpose of making investments for the fund and to make contributions toward hospital and medical benefits coverage for eligible retired employees or surviving spouses of eligible retired employees and their dependents under the uniform group insurance program.

SECTION 2. AMENDMENT. Section 54-52.1-03.3 of the North Dakota Century Code is amended and reenacted as follows:

54-52.1-03.3. Eligibility for retiree health benefits - Fixed contribution and reduction factors.

1. The following persons are entitled to receive credit for hospital and medical benefits coverage under subsection 2:
  - a. A member of the highway patrolmen's retirement system or the public employees retirement system receiving retirement benefits under section 39-03.1-11 or 54-52-17.
  - b. The surviving spouse of a member of the highway patrolmen's retirement system or the public employees retirement system who was eligible to receive, or was receiving, retirement benefits under section 39-03.1-11 or 54-52-17.
  - c. A participating member of the teachers' fund for retirement or its predecessor fund under former chapter 15-39 who is or was employed by a state department, board, or agency, excluding school districts and other political subdivisions, and or the surviving spouse of a participating member of the teachers' fund for retirement or its predecessor fund under former chapter 15-39 who was employed by a state department, board, or agency, excluding school districts and other political subdivisions and who was eligible to receive, or was receiving, retirement benefits under chapter 15-39.1 or former chapter 15-39.
2. The board shall calculate the allowable monthly credit toward hospital and medical benefits coverage for a person eligible under subsection 1 in an amount equal to three dollars multiplied by the member's or deceased member's number of years of credited service under the highway patrolmen's retirement system ~~or~~ the public employees retirement system, or the teachers' fund for retirement or its predecessor fund under former chapter 15-39. For a member of the public employees retirement system receiving an early retirement benefit or the surviving spouse of that member, the allowable monthly credit must be reduced by three percent if the member terminates employment within one year prior to attaining the age of sixty-five and an additional reduction factor of six percent shall apply for each year the member terminates employment prior to attaining the age of sixty-four. For a member of the highway patrolmen's retirement system receiving an early retirement benefit or the surviving spouse of that member, the allowable monthly credit must be reduced by three percent if the member terminates employment within one year prior to attaining the age of fifty-five and an additional reduction factor of six percent shall apply for each year the member terminates employment prior to attaining the age of fifty-four. For a person receiving an early retirement benefit under chapter 15-39.1 or former chapter 15-39 or the surviving spouse of that person, the allowable monthly credit must be actuarially reduced to account for benefit payments

beginning prior to the normal retirement date. This reduction applies from the earlier of age sixty-five or the age that when combined with that person's years of service credit equals eighty-five.

3. The board shall apply the credit allowable under subsection 2 to the payment of monthly premiums required of each person eligible under subsection 1 for hospital benefits coverage and medical benefits coverage under the uniform group insurance program. However, if the allowable credit exceeds the monthly premium in effect for selected coverage, that amount of the credit which exceeds the premium is forfeited and may not be used for any other purpose."

Renumber accordingly

#### MOTION

SEN. SATROM MOVED that the proposed amendments be adopted, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2565: A BILL for an Act to create and enact three new sections to chapter 15-39.1 of the North Dakota Century Code and a new subsection to section 21-10-06 of the North Dakota Century Code as amended by section 7 of chapter 667 of the 1989 Session Laws of North Dakota, relating to the teachers' retiree health benefits fund; to amend and reenact sections 15-39.1-23, 15-39.1-28, 15-39.1-29, 15-39.1-30, and subdivision b of subsection 1 of section 57-15-14.2 of the North Dakota Century Code, relating to the teachers' retiree health benefits fund; to provide an appropriation; and to provide for application of this Act.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DD PASS, the roll was called and there were 12 YEAS, 38 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Evanson; Graba; Ingstad; Lips; Mathern; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Tallackson

NAYS: Bowman; David; DeKrey; Freborg; Goetz; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Lindaas; Lindgren; Marks; Maxson; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nothing; Peterson; Solberg; Stenehjem; Streibel; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Kinnoin; Langley; Meyer

SB 2565 lost.

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#### REQUEST

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

Mr. President and members of the Senate, during this early part of the session we have been well served by Senate employees. In line with the tradition of last session we want to acknowledge that we will be paying employees for Friday and Tuesday, in recognition of their fine service, and then we will also be paying them for Monday in exchange for working this past Monday, which was President's Day. I hope you will join together and congratulate our employees on their performance during the first half of the session. We often forget to tell them when they are doing a good job, and we will look forward to having them back after crossover.

## MOTION

SEN. WOGSLAND MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order, the Senate be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the Senate stand adjourned until 9:00 a.m., Thursday, February 21, 1991, which motion prevailed.

## REPORTS OF STANDING COMMITTEES

SB 2003: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 22, replace "8,699,287" with "8,695,920"

Page 2, line 1, replace "597,314" with "600,114"

Page 2, line 2, replace "4,072,543" with "4,080,883"

Page 2, line 3, replace "428,318" with "432,318"

Page 2, line 8, replace "79,697,206" with "78,608,646"

Page 2, line 9, replace "8,236,500" with "4,475,850"

Page 2, line 10, replace "564,776,705" with "559,939,268"

Page 2, line 12, replace "423,916,775" with "419,079,338"

Page 3, line 2, replace "1,397,112" with "1,439,982"

Page 3, line 4, replace "976,064" with "1,106,064"

Page 3, line 6, replace "984,310" with "1,050,000"

Page 3, line 7, replace "3,445,095" with "3,683,655"

Page 3, line 9, replace "2,450,610" with "2,689,170"

Page 4, line 2, replace "446,194,585" with "441,645,708"

Page 4, line 3, replace "155,657,708" with "155,707,708"

Page 4, line 4, replace "601,852,293" with "597,353,416"

Page 4, line 13, replace "APPROPRIATION" with "DISPLACED HOMEOWNERS"

Page 4, line 15, replace "is hereby appropriated" with "may be spent" and remove "to the"

Page 4, line 16, remove "department of public instruction"

Page 4, line 19, replace "APPROPRIATION" with "TELECOMMUNICATIONS"

Page 4, line 21, replace "is hereby appropriated" with "may be spent, notwithstanding the provisions of chapter 15-60 of the North Dakota Century Code,"

Page 4, line 22, remove "to the department of public instruction"

Page 4, line 24, remove "appropriated"

Page 5, line 4, replace "934,310" with "1,000,000"

Page 6, line 6, replace "APPROPRIATION" with "ADULT FARM MANAGEMENT" and replace "There is" with "The"

Page 6, line 7, remove "hereby appropriated the"

Page 6, line 8, after the first comma insert "as included in subdivision 2 of section 1 of this Act, is" and remove ", to the board for"

Page 6, line 9, remove "vocational education,"

Page 6, after line 10, insert:

"SECTION 12. APPROPRIATION - GEOGRAPHIC EDUCATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$50,000, or so much thereof as may be necessary, and the sum of \$50,000 from other funds, or so much thereof as may be necessary, derived from the national geographic society to the department of public instruction for the North Dakota geographic alliance for the biennium beginning July 1, 1991, and ending June 30, 1993. The amount from the general fund shall not be spent unless the matching amount from the national geographic society has become available.

SECTION 13. LEGISLATIVE INTENT. It is the intent of the 1991 legislative assembly that the line items entitled BSC vocational grant, UND-LR vocational grant, and UND-W vocational grant in subdivision 2 of section 1 of this Act are vocational program funds which shall be distributed on an equal monthly basis to the respective colleges during the 1991-93 biennium."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

In total, the amendments decrease the general fund appropriation in Senate Bill No. 2003 by \$4,548,877 and increase the other funds by \$50,000.

#### DEPARTMENT 201 - DEPARTMENT OF PUBLIC INSTRUCTION

The amendments add \$83,216 from the general fund for one FTE teacher program approval coordinator. Of the \$83,216, \$68,076 is in salaries, \$2,800 in information services, \$8,340 in operating expenses, and \$4,000 in equipment.

Salaries and wages are reduced by \$71,443 from the general fund to delete funding for one of the three restructuring telecommunications coordinators added in the executive budget.

The grants line item is decreased by a net amount of \$1,088,560 from the general fund as follows:

Adult basic education	\$ 200,000 (increased from \$600,000 to \$800,000)
Telecommunications	\$ <del>(1,288,560)</del> (decreased from \$5,804,815 to \$4,516,255)
	\$ <del>(1,088,560)</del>

The school restructuring line is reduced by \$3,760,650 from the general fund, from \$8,236,500 to \$4,475,850 (all general fund). Funding is adequate for year 1 payments of \$165, year 2 payments of \$125, year 3 payments of \$85, operating expenses of \$160,000, and planning grants of \$120,000. Any funds not spent for the above purposes are to be used for "paired" relationships.

A separate section is added appropriating \$50,000 from the general fund and \$50,000 of funds to be received from the National Geographic Society for the North Dakota Geographic Alliance. The Geographic Alliance is to develop a program to improve the quality of geographic instruction in grades kindergarten through 12. The general fund money can be spent only if a matching amount is received from the National Geographic Society.

#### DEPARTMENT 250 - STATE LIBRARY

Salaries and wages are increased by \$42,870 from the general fund to provide funding for one FTE volunteer coordinator for the Dakota Radio Information Service (DRIS).

Operating expenses are increased by \$130,000 from the general fund, \$50,000 for books and library materials and \$80,000 for the MINITEX resource sharing contract.

The grants line item is increased by \$65,690 from the general fund for state aid to public libraries.

The total addition to the State Library is \$238,560 from the general fund.

#### DEPARTMENT 270 - BOARD FOR VOCATIONAL EDUCATION

A section of legislative intent is added to provide that the total amount of grants that each higher education institution receives is distributed in a like amount for each month of the biennium.

Sections 3, 4, and 11 are amended to remove unnecessary appropriation language since the appropriations are already included in Section 1 of the bill.

SB 2006: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 11, replace "1,161,692" with "1,218,142"

Page 1, line 12, replace "37,400" with "38,900"

Page 1, line 13, replace "437,633" with "382,939"

Page 1, line 15, replace "1,671,825" with "1,675,081"

Page 1, line 16, replace "1,338,618" with "1,281,774"

Page 1, line 17, replace "333,207" with "393,307"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### DEPARTMENT 512 - DIVISION OF EMERGENCY MANAGEMENT

This amendment adds \$56,450 from the general fund for one FTE emergency program specialist II for the hazardous material training program and deletes \$54,694 of other funds from the operating expenses line item which the executive budget included for contract services for the program. This amendment also changes the funding source for information services costs (\$1,200) and operating expenses (\$1,700) related to the hazardous material training program from other funds to the general fund.

This amendment adds \$1,500, \$750 from the general fund and \$750 from federal funds, for additional information services costs for the division.

The total change for the Division of Emergency Management is an increase of one FTE position, from 18 FTE to 19 FTE; a general fund increase of \$60,100, from \$333,207 to \$393,307; and a decrease in special funds of \$56,844 from \$1,338,618 to \$1,281,774.

SB 2008: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 9, replace "400,342" with "372,734"

Page 1, line 11, replace "90,237" with "148,866"

Page 1, line 12, replace "4,850" with "4,050"

Page 1, line 13, replace "502,498" with "532,719"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### DEPARTMENT 617 - BOARD OF ANIMAL HEALTH

This amendment eliminates the one FTE veterinarian position added in the executive budget and related expenses as follows:

Salaries and wages (1 FTE)	\$ (91,571)
Operating expenses	(19,000)
Equipment	(800)
Total	<u>\$(111,371)</u>

This amendment restores funding removed in the executive budget for the cattle backtagging program as follows:

Salaries and wages - 1.2 FTE	\$ 63,963
Operating expenses	
Professional services	72,349
Travel	5,280
Total	<u>\$141,592</u>

The total change to the Board of Animal Health's executive budget recommendation is a general fund increase of \$30,221 from the general fund, from \$502,498 to \$532,719.

SB 2011: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEARS, 0 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

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

Page 1, remove line 3

Page 1, line 11, replace "4,579,163" with "4,879,163"

Page 1, line 12, replace "4,579,163" with "4,879,163"

Page 1, remove lines 13 through 17

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### DEPARTMENT 70 - HOMESTEAD TAX CREDIT

This amendment provides for an increase of \$300,000 from the general fund to the State Tax Commissioner for the homestead tax credit program.

Also, the legislative intent to provide for the pro rata distribution of available funds is eliminated. It is the intent of the Legislative Assembly to fund the program at the full amount. If the amount appropriated is inadequate, it is expected that a request for a deficiency appropriation will be presented to the next Legislative Assembly.

SB 2012: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEARS,



0 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 12, replace "53,000,000" with "56,750,000"

Page 1, line 13, replace "53,000,000" with "56,750,000"

Page 1, line 15, replace "\$10,000,000" with "\$6,250,000"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 85 - PAYMENTS TO POLITICAL SUBDIVISIONS

This amendment provides for an increase of \$3,750,000 from the state aid distribution fund for payments to local political subdivisions. Also, the moneys appropriated to the Department of Human Services from the state aid distribution fund for grants is reduced by \$3,750,000.

SB 2018: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, after "commission" insert "; and to provide a statement of legislative intent"

Page 1, replace line 14 with:

"Basic and applied research grants 651,038"

Page 1, replace line 15 with:

"Utilization and marketing grants 217,012"

Page 1, line 18, replace "2,250,000" with "1,750,000"

Page 2, line 3, replace "APPROPRIATION" with "BANK OF NORTH DAKOTA PROFITS"

Page 2, line 4, replace "there is hereby appropriated the" with "The"

Page 2, line 6, replace "to the agricultural products utilization commission" with "is included in the special funds appropriation line item in section 1 of this Act"

Page 2, after line 8, insert:

"SECTION 4. LEGISLATIVE INTENT - APPROPRIATION PRIORITY. If available moneys in the agricultural fuel tax fund are insufficient to fully fund all appropriations made from the fund by the fifty-second legislative assembly for the 1991-93 biennium, it is the intent of the legislative assembly that the appropriation from the agricultural fuel tax fund provided by section 1 of this Act not be reduced to less than \$1,000,000 for any reason and that any appropriation authority reduction that would reduce the appropriation in section 1 of this Act below that amount must instead be proportionately reduced from any other appropriations from the agricultural fuel tax fund."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 612 - AGRICULTURAL PRODUCTS UTILIZATION COMMISSION

This amendment reduces funding from the agricultural fuel tax fund for basic and applied research grants by \$375,000, from \$1,026,038 to \$651,038 and for utilization and marketing grants by \$125,000, from \$342,012 to \$217,012.

In addition, a section is added providing that if moneys in the agricultural fuel tax fund are insufficient to fully fund all appropriations made from the fund for the 1991-93 biennium that it is the intent of the Legislative Assembly that the appropriation for the Agricultural Products Utilization Commission not be reduced to an amount less than \$1,000,000 from the agricultural fuel tax fund.

SB 2019: Committee on Appropriations (Sen. Tallackson, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2019 was placed on the Eleventh order on the calendar.

SB 2020: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 13, replace "285,366" with "335,366"

Page 1, line 14, replace "564,478" with "571,078"

Page 1, line 15, replace "52,907" with "108,586"

Page 1, line 18, replace "2,861,720" with "2,973,999"

Page 2, after line 2, insert:

"Self-funded health insurance	125,000"
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Page 2, line 4, replace "2,507,197" with "2,632,197"

Page 2, line 5, replace "5,368,917" with "5,606,196"

ReNUMBER accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### DEPARTMENT 190 - RETIREMENT AND INVESTMENT OFFICE

The appropriation is increased by \$112,279 to implement an image processing system pilot program. The detail of the \$112,279 by line item is as follows:

Information services	\$ 50,000
Operating expenses	6,600
Equipment	<u>55,679</u>
Total	\$112,279

#### DEPARTMENT 192 - PUBLIC EMPLOYEES RETIREMENT SYSTEM

The appropriation is increased by \$125,000 to provide a line item to fund a state self-funded health insurance program. The state will utilize a self-funded health insurance program if it is determined to be more feasible than a fully insured program.

SB 2021: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "providing a statement regarding case mix nursing home reimbursement;"

Page 2, line 27, replace "388,414" with "353,414"

Page 2, line 28, replace "1,016,214" with "535,625"

Page 2, line 29, replace "1,404,628" with "889,039"

Page 3, line 2, replace "1,169,574" with "653,985"

Page 3, remove lines 11 through 14

Page 3, line 16, replace "\$35,000" with "\$35,000"

Page 3, after line 16, insert:

"Operating expenses

9,867"

Page 3, line 17, replace "35,000" with "44,867"

Page 3, after line 17, insert:

"Subdivision 12.

FIFTY-SECOND LEGISLATIVE ASSEMBLY

Salaries and wages	\$ 575,000
Operating expenses	85,000
Total general fund appropriation	<u>\$ 660,000</u>

Subdivision 13.

DIRECTOR OF INSTITUTIONS

Institutional medical fees	\$ 110,000
Total general fund appropriation	<u>\$ 110,000"</u>

Page 3, line 18, replace "2,208,274" with "2,472,552"

Page 3, line 19, replace "6,122,754" with "274,054"

Page 3, line 20, replace "8,331,028" with "2,746,606"

Page 3, after line 20, insert:

"SECTION 2. CASE MIX NURSING HOME REIMBURSEMENT. The department of human services shall make available from other areas within its 1989-91 appropriation, \$300,000 from the general fund to match available medicaid and county funds to provide a total of \$1,096,000 for the payment of additional case mix reimbursement during the 1989-91 biennium to restore a portion of the funding for efficiency incentives and operating margins which was reduced as a result of December 1989 tax referrals. The department shall seek emergency commission approval to transfer funds from other line items as may be necessary for this purpose."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT OF HUMAN SERVICES

The amount provided in this deficiency appropriation was reduced by \$515,589 from the general fund, \$35,000 in information services and \$480,589 in the operating expenses line item. The reduction results from the revised estimate on what is needed to meet costs during the 1989-91 biennium. Increased Information Services Division costs relate to the higher than estimated cost of computer conversion at the State Hospital and in the Office of Economic Assistance. The operating line adjustment relates to the State Hospital in regard to an adjustment for prior periods of Medicaid rates.

The amendment adds a section regarding case mix nursing home reimbursement providing that the Department of Human Services make available \$1,096,000, of which \$300,000 is from the general fund, for the payment of additional case mix reimbursement to nursing homes during the 1989-91 biennium to restore a

portion of the funding for efficiency incentives and operating margins which were reduced as a result of December 1989 tax referrals. The department should seek Emergency Commission approval, if necessary, to transfer funds from other line items for this purpose.

#### STATE AID TO POLITICAL SUBDIVISIONS

This amendment deletes the appropriation of \$5,848,700 to political subdivisions. The state aid distribution fund is estimated to have a \$2,098,700 July 1, 1991, balance that is to be used to provide funding for various programs during the 1991-93 biennium, including matching funds for services and programs related to the elderly and incentives for multicounty social service districts.

#### LABOR COMMISSIONER

The amendment adds \$9,867 from the general fund to the Labor Commissioner for operating expenses. This is the amount necessary to meet costs to be incurred during the remaining months of the 1989-91 biennium.

#### LEGISLATIVE ASSEMBLY

The amendment provides a deficiency appropriation of \$660,000 from the general fund to the Legislative Assembly for the 1991 Legislative Assembly. The deficiency appropriation is estimated to provide funding sufficient for a 65 legislative day 1991 Legislative Assembly.

#### DIRECTOR OF INSTITUTIONS

The amendment provides \$110,000 from the general fund for greater than estimated medical expenses at the State Penitentiary during the 1989-91 biennium.

The amendments increase the bill's total general fund appropriation by \$264,278, decrease the total special funds appropriation by \$5,848,700, and decrease the net total appropriation by \$5,584,422.

SB 2024, as engrossed: Committee on Appropriations (Sen. Tallackson, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2024 was placed on the Eleventh order on the calendar.

SB 2025, as engrossed: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 3, line 28, replace "general" with "agricultural pesticide container disposal" and remove "in the state treasury"

Page 4, line 3, remove "By June 30, 1993, any"

Page 4, remove lines 4 through 6

Re number accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### DEPARTMENT 602 - AGRICULTURE DEPARTMENT

This amendment removes the general fund appropriation for the agricultural pesticide container disposal program and provides that funding for the program be only from the agricultural pesticide container disposal fund.

SB 2028: Committee on Judiciary (Sen. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections 11-10-02, 27-02-01," with "section" and remove the third comma

Page 1, line 2, remove "and 27-07.1-01"

Page 1, remove line 3

Page 1, line 4, remove "election of", replace the comma with a semicolon, and replace "the election term of county" with "to provide an effective date."

Page 1, remove line 5

Page 1, remove lines 7 through 22

Page 2, remove lines 1 through 29

Page 3, remove lines 1 through 18

Page 4, replace lines 3 through 23 with:

"SECTION 2. EFFECTIVE DATE. This Act becomes effective on January 2, 1992."

Renumber accordingly

SB 2029: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 11, replace "Fifty" with "Thirty"

Page 1, after line 12, insert:

"2. Twenty percent must be allocated for use by the state university system for student financial assistance grants."

Page 1, line 13, replace "2" with "3"

Page 1, line 15, replace "3" with "4"

Page 2, line 1, replace "4" with "5"

Page 2, line 5, replace "5" with "6"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

The amendment reduces the distribution of Bank profits to the general fund from 50 percent to 30 percent and provides that 20 percent of the Bank's profits be used for higher education student financial assistance grants.

SB 2032: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "appropriation" insert "from the state aid distribution fund"

Page 1, line 2, remove "providing for a"

Page 1, line 3, remove "legislative council study of basic care facility funding;"

Page 1, line 6, replace "There" with "Notwithstanding section 57-39.2-26.1, there"

Page 1, line 7, replace "general" with "state aid distribution"

Page 1, line 8, replace "\$481,000" with "\$250,000"

Page 1, remove lines 12 through 18

Page 1, line 19, replace "Section 1 of this" with "This"

ReNUMBER accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### DEPARTMENT 325 - DEPARTMENT OF HUMAN SERVICES

This amendment reduces the appropriation from \$481,000 to \$250,000 and changes the funding from the general fund to the state aid distribution fund. In addition, the Legislative Council study of the basic care program is removed.

SB 2053, as engrossed: Committee on Appropriations (Sen. Tallackson, Chairman) recommends DO NOT PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2053 was placed on the Eleventh order on the calendar.

SB 2055: Committee on Appropriations (Sen. Tallackson, Chairman) recommends DO NOT PASS (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2055 was placed on the Eleventh order on the calendar.

SB 2056: Committee on Appropriations (Sen. Tallackson, Chairman) recommends DO NOT PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2056 was placed on the Eleventh order on the calendar.

SB 2070: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, after "fees" insert "; and to provide an exemption to the provisions of section 54-44.1-11 regarding cancellation of unexpended appropriation authority"

Page 2, line 21, after the period insert "The state auditor may charge the public accountant a fee for the related costs of reviewing the audit report."

Page 3, after line 7, insert:

"SECTION 2. EXEMPTION - APPROPRIATION AUTHORITY TRANSFER. The state auditor appropriation contained in section 1 of chapter 1 of the 1989 Session Laws shall not be subject to the provisions of section 54-44.1-11 and the sum of \$200,000 of state auditor 1989-91 general fund appropriation authority is hereby authorized for transfer to the state auditor operating account. Such moneys shall be transferred during the biennium beginning July 1, 1991, and ending June 30, 1993, at the direction of the state auditor."

ReNUMBER accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

The amendments allow the State Auditor to charge public accounting firms for the costs of reviewing political subdivision audit reports performed by these accountants. The amendments also allow the state auditor to have \$200,000 of 1989-91 general fund appropriation authority transferred to the operating account for startup costs.

SB 2079: Committee on Appropriations (Sen. Tallackson, Chairman) recommends DO NOT PASS (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2079 was placed on the Eleventh order on the calendar.

SB 2093: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 54-52-01 and a new section to chapter 54-52 of the North Dakota Century Code, relating to the definition of a national guard security officer or firefighter and contributions under the public employees retirement system; to amend and reenact section 37-03-04, subsection 3 of section 54-52-05, subsections 3 and 4 of section 54-52-17, and subsection 1 of section 54-52.1-03.2 of the North Dakota Century Code, relating to determination by the adjutant general of national guard membership requirements, retirement benefits of national guard security officers or firefighters under the public employees retirement system, and the retiree health benefits fund; and to provide for application of this Act.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 37-03-04 of the North Dakota Century Code is amended and reenacted as follows:

37-03-04. Assistance and expense of office - Payment of accounts. The adjutant general may have such necessary clerks, instructors, caretakers, employees, and laborers, within the limitations prescribed in appropriations made by the legislative assembly from time to time, as may be required. The adjutant general shall determine national guard membership requirements for employment. The expense of the adjutant general's department, including the salary of the adjutant general and of the assistant adjutant general, clerkhire, the cost of furniture, light, fuel, and postage, and other office expenses, must be paid from the general fund by warrants drawn by the state auditor on the state treasurer upon the order of the governor.

SECTION 2. A new subsection to section 54-52-01 of the 1990 Special Supplement to the North Dakota Century Code is created and enacted as follows:

"National guard security officer or firefighter" means a participating member who is:

- a. A security police employee of the North Dakota air national guard and who is a member of the national guard;  
or
- b. A firefighter employee of the North Dakota air national guard and who is a member of the national guard.

SECTION 3. AMENDMENT. Subsection 3 of section 54-52-05 of the North Dakota Century Code is amended and reenacted as follows:

3. Each employer, at its option, may pay the employee contributions required by subsection 2 and section 54-52-06.1 for all compensation earned after June 30, 1983, and may pay the employee contributions required by section 4 of this Act for all compensation earned after June 30, 1991. The amount paid must be paid by the employer in lieu of contributions by the employee. If the state decides not to pay the contributions, the amount that would have been paid will continue to be deducted from the employee's compensation. If

contributions are paid by the employer, they must be treated as employer contributions in determining tax treatment under this code and the federal Internal Revenue Code. If contributions are paid by the employer, they shall not be included as gross income of the employee in determining tax treatment under this code and the Internal Revenue Code until they are distributed or made available. The employer shall pay these employee contributions from the same source of funds used in paying compensation to the employee. The employer shall pay these contributions by effecting an equal cash reduction in the gross salary of the employee or by an offset against future salary increases or by a contribution of a reduction in gross salary and offset against future salary increases. If employee contributions are paid by the employer, they must be treated for the purposes of this chapter in the same manner and to the same extent as employee contributions made prior to the date on which employee contributions were assumed by the employer. An employer shall exercise its option under this subsection by July 15, 1983, and shall report its choice to the board in writing. The option chosen may not be revoked for the remainder of the biennium. Thereafter, the option choice must be forwarded to the board, in writing, by June fifteenth of each odd-numbered year.

SECTION 4. A new section to chapter 54-52 of the North Dakota Century Code is created and enacted as follows:

Contribution by national guard security officers or firefighters - Employer contribution. Each national guard security officer or firefighter who is a member of the public employees retirement system is assessed and shall pay monthly four percent of the employee's monthly salary. The assessment must be deducted and retained out of the employee's salary in equal monthly installments. The national guard security officer's or firefighter's employer shall contribute an amount equal to five and eighty-seven hundredths percent of the monthly salary of the employee. The employer's contribution must be paid from funds appropriated for salary or from any other funds available for such purposes. If the security officer's or firefighter's assessment is paid by the employer under subsection 3 of section 54-52-05, the employer shall contribute, in addition, an amount equal to the required national guard security officer's or firefighter's assessment.

SECTION 5. AMENDMENT. Subsections 3 and 4 of section 54-52-17 of the 1990 Special Supplement to the North Dakota Century Code is amended and reenacted as follows:

3 Retirement dates ~~must be~~ are defined as follows:

a. Normal retirement date, except for a national guard security officer or firefighter is:

- (1) The first day of the month next following the month in which the member attains the age of sixty-five years, or
- (2) When the member has a combined total of years of service credit and years of age equal to ninety and has not received a retirement benefit under this chapter.

b. Normal retirement date for a national guard security officer or firefighter is the first day of the month next following the month in which the national guard security officer or firefighter attains the age of fifty-five years and has completed at least five consecutive years



of employment as a national guard security officer or firefighter immediately preceding retirement.

- c. Postponed retirement date, except for a national guard security officer or firefighter, is the first day of the month next following the month in which the member, on or after July 1, 1977, actually severs or has severed the member's employment after attaining the age of sixty-five years. For a national guard security officer or firefighter, postponed retirement date is the first day of the month next following the month in which the national guard security officer or firefighter actually severs or has severed employment after attaining the age of fifty-five years.
- c- d. Early retirement date, except for a national guard security officer or firefighter, is the first day of the month next following the month in which the member attains the age of fifty-five years and has completed five years of eligible employment. For a national guard security officer or firefighter, early retirement date is the first day of the month next following the month in which the national guard security officer or firefighter attains the age of fifty years and has completed at least five years of eligible employment.
- d- e. Disability retirement date is the first day of the month after a member becomes permanently and totally disabled, according to medical evidence called for under the rules of the board, and has completed at least one hundred eighty days of eligible employment. A member is eligible to receive disability retirement benefits only if the member:
- (1) Became disabled during the period of eligible employment;
  - (2) Is determined eligible for benefits under the Social Security Act as amended; and
  - (3) Applies for disability retirement benefits within twelve months of the date the member terminates employment.
4. Retirement The board shall calculate retirement benefits must be calculated by the board as follows:
- a. Normal retirement benefits for all retirees, except supreme and district court judges, reaching and national guard security officers or firefighters normal retirement date must be equal an annual amount, payable monthly, comprised of a service benefit and a prior service benefit, as defined in this chapter, which must be determined as follows:
- (1) Service benefit equals one and sixty-five hundredths percent of final average salary multiplied by the number of years of service employment.
  - (2) Prior service benefit equals one and sixty-five hundredths percent of final average salary multiplied by the number of years of prior service employment.
  - (3) All participants who retired before July 1, 1989, are entitled to benefits calculated at one and sixty-five hundredths percent of final average

salary, multiplied by the number of years of service employment, with the increased benefits payable beginning July 1, 1989.

- b. Normal retirement benefits for all supreme and district court judges under the public employees retirement system reaching normal retirement date ~~must be equal~~ an annual amount, payable monthly, comprised of a benefit as defined in this chapter, which must be determined as follows:

(1) Benefits must be calculated from the time of appointment or election to the bench and must equal three percent of final average salary multiplied by the first ten years of judicial service, two percent of final average salary multiplied by the second ten years of judicial service, and one percent of final average salary multiplied by the number of years of judicial service exceeding twenty years.

(2) Service benefits must include, in addition, an amount equal to the percent specified in subdivision a of final average salary multiplied by the number of years of nonjudicial employee service and employment.

- c. Normal retirement benefits for all national guard security officers or firefighters under the public employees retirement system reaching normal retirement date for national guard security officers or firefighters is an annual amount payable monthly comprised of a benefit as defined in this chapter, determined as follows:

(1) Service benefit equals one and sixty-five hundredths percent of final average salary multiplied by the number of years of service employment.

(2) Prior service benefit equals one and sixty-five hundredths percent of final average salary multiplied by the number of years of prior service employment.

- d. Postponed retirement benefits ~~must be~~ are calculated as for normal retirement benefits for those members who retired on or after July 1, 1977.

- ~~d- e.~~ Early retirement benefits ~~must be~~ are calculated as for normal retirement benefits accrued to the date of termination of employment, but must be actuarially reduced to account for benefit payments beginning prior to the normal retirement date. A retiree is eligible for early retirement benefits only after having completed five years of eligible employment.

- ~~e- f.~~ Disability retirement benefits ~~must be~~ are seventy percent of the member's final average salary, reduced by the member's primary benefits under the Social Security Act as amended, and by any workers' compensation benefits paid. The minimum monthly disability retirement benefit under this section is one hundred dollars.

SECTION 6. AMENDMENT. Subsection 1 of section 54-52.1-03.2 of the North Dakota Century Code is amended and reenacted as follows:

1. The board shall establish a retiree health benefits fund account with the Bank of North Dakota for the purpose of

prefunding hospital benefits coverage and medical benefits coverage under the uniform group insurance program for retired eligible employees or surviving spouses of retired eligible employees and their dependents as provided in this chapter. The state shall contribute monthly to the retiree health benefits fund an amount equal to one percent of the monthly salaries and wages of all participating members of the highway patrolmen's retirement system under chapter 39-03.1, and one percent of the monthly salaries of all supreme or district court judges who are participating members of the public employees retirement system under chapter 54-52. Each governmental unit that contributes to the public employees retirement system fund under section 54-52-06 shall contribute monthly to the retiree health benefits fund an amount equal to one percent of the monthly salaries or wages of all participating members of the public employees retirement system under chapter 54-52. The employer of a national guard security officer or firefighter shall contribute monthly to the retiree health benefits fund an amount equal to one percent of the monthly salaries or wages of all national guard security officers or firefighters participating in the public employees retirement system under chapter 54-52. The board, as trustee of the fund and in exclusive control of its administration, shall:

- a. Provide for the investment and disbursement of moneys of the retiree health benefits fund and administrative expenditures in the same manner as moneys of the public employees retirement system are invested, disbursed, or expended under subsection 6 of section 54-52-04.
- b. Adopt rules necessary for the proper administration of the retiree health benefits fund, including enrollment procedures.

SECTION 7. APPLICATION OF ACT. This Act applies to benefits payable after June 30, 1991."

Renumber accordingly

SB 2119: Committee on Appropriations (Sen. Tallackson, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2119 was placed on the Eleventh order on the calendar.

SB 2126, as engrossed: Committee on Appropriations (Sen. Tallackson, Chairman) recommends DO PASS (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2126 was placed on the Eleventh order on the calendar.

SB 2146: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 13, after the period insert "The information must be provided at cost."

Page 1, line 15, after the period insert "If on the first day of July in any year the amount of money in the information fund is more than ten thousand dollars, the amount in excess of ten thousand dollars must be transferred to the bureau's general fund."

Renumber accordingly

SB 2211, as engrossed: Committee on Appropriations (Sen. Tallackson, Chairman) recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2211 was placed on the Eleventh order on the calendar.

SB 2225: Committee on Appropriations (Sen. Tallackson, Chairman) recommends DO PASS (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). SB 2225 was placed on the Eleventh order on the calendar.

SB 2250: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and the education appropriation support trust fund"

Page 1, line 12, replace "seven" with "three"

Page 1, line 14, remove "and seven and one-half percent of that year's annual net income of"

Page 1, line 15, remove "the Bank of North Dakota to the education appropriation support trust fund"

Page 1, line 20, replace "five" with "two and one-half"

Page 1, line 22, replace "and five percent of that year's annual net income of" with a period

Page 2, remove lines 1 and 2

Page 2, remove lines 10 through 20

Page 2, line 23, replace "\$50,000,000" with "\$10,000,000"

Page 2, line 24, remove "in the amount of"

Page 2, line 25, remove "\$25,000,000" and remove "and \$25,000,000 to the"

Page 2, line 26, remove "education appropriation support trust fund"

Renumber accordingly

SB 2259, as engrossed: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 3, replace "an" with "authority to obtain a loan from the Bank of North Dakota"

Page 1, line 4, remove "appropriation"

Page 12, replace lines 17 through 22 with:

"SECTION 24. Borrowing authority. The Bank of North Dakota may loan up to \$73,000 to the North Dakota real estate appraiser qualifications and ethics board, and the board may borrow up to that amount, for the purpose of defraying the expenses of the board for the biennium beginning July 1, 1991, and ending June 30, 1993."

Renumber accordingly

SB 2312: Committee on Appropriations (Sen. Tallackson, Chairman) recommends DO NOT PASS (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2312 was placed on the Eleventh order on the calendar.

SB 2346, as engrossed: Committee on Appropriations (Sen. Tallackson, Chairman) recommends DO PASS (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). SB 2346 was placed on the Eleventh order on the calendar.

SB 2375: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 26.1-17-04 of the North Dakota Century Code, relating to the board of directors for nonprofit health service corporations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 26.1-17-04 of the North Dakota Century Code is amended and reenacted as follows:

26.1-17-04. Directors - Responsibilities. A board of directors shall manage the business and affairs of a health service corporation. The board is to consist of at least nine members. At least a majority of the directors of a health service corporation writing hospital or medical service contracts under this chapter must be at all times subscribers.

A subscriber director is a director who is a subscriber and who is not a provider of health care, a person who has a material financial or fiduciary interest in the delivery of health care services or a related industry, an employee of an institution that provides health care services, or a spouse or a member of the immediate family of such a person. Nominations for the replacement of subscriber directors must be made by the existing subscriber directors.

A director may serve on the board of only one corporation subject to this chapter at a time.

Population factors, representation of different geographic regions, and the demography of the service area of the corporation subject to this chapter must be considered when making nominations for the board of directors of a corporation subject to this chapter.

A health service corporation may not reimburse or compensate a director for more than necessary and actual expenses for service as a member of the board of directors."

Renumber accordingly

SB 2397: Committee on Judiciary (Sen. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 3, after "satisfy" insert "loans secured by"

Page 1, line 9, replace "Within" with "Unless otherwise stated in the loan or mortgage, within", after "after" insert "receipt of", and after "a" insert "written"

Page 1, line 10, after "a" insert "loan secured by a"

Page 1, line 12, replace "owner" with "servicer" and after the second "a" insert "loan secured by a"

Page 1, line 15, replace "mortgage" with "loan"

Page 1, line 17, replace "owner" with "servicer" and after the second "the" insert "loan secured by a"

Page 1, line 19, replace "owner" with "servicer" and replace "mortgage" with "loan"

Page 1, line 20, after "days" insert "after receipt of the written request for information"

Page 1, line 21, replace "owner" with "servicer" and replace "mortgage" with "loan"

Page 1, line 22, remove ", a"

Page 2, remove lines 1 and 2

Page 2, line 3, remove "closing date, and, if appropriate, exemplary damages"

Page 2, line 6, replace "institutes the action" with "resides if the residence is within this state"

ReNUMBER accordingly

SB 2407: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (5 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 8, remove the overstrike over "~~No~~", remove "~~A~~", remove the overstrike over "~~knowingly~~", and remove "~~not~~"

Page 1, line 10, remove the overstrike over "~~of fact~~"

Page 1, line 11, remove the overstrike over "~~the sponsor knows to be~~" and remove "~~is~~"

ReNUMBER accordingly

SB 2414: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 8, after "fund" insert "in the state treasury"

Page 1, line 21, after "collected" insert "and interest earned from the investment of the fund" and remove ", except interest and"

Page 1, line 22, remove "penalty," and replace "a separate interest-bearing account" with "the fund"

Page 2, line 1, remove "at the Bank of North Dakota"

ReNUMBER accordingly

SB 2448, as reengrossed: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 10, line 1, after "appropriated" insert "out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of" and remove "of"

Page 10, line 2, remove "special funds, derived from federal funds"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 201 - DEPARTMENT OF PUBLIC INSTRUCTION

This amendment changes the funding source for funding the planning for and beginning of library authorities from federal funds to the general fund.

SB 2450, as engrossed: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, replace "two" with "a" and replace "sections" with "section"

Page 1, line 2, remove "relating" and replace "the establishment of the brand" with "provide for"

Page 1, line 3, remove "registration fund, requiring" and remove ", and"

Page 1, line 4, remove "setting fees"

Page 1, remove lines 6 through 22

Page 2, line 3, remove "- Fee"

Page 2, line 5, replace "first pay to" with "register the brand annually with" and remove "an annual brand"

Page 2, remove lines 6 and 7

Page 2, line 8, remove "the year prior to the year for which renewal is requested"

Page 2, remove line 11

Page 2, line 12, remove "brand registration fund."

Page 2, line 15, remove "All sizes of a brand must be included in the registration fee for"

Page 2, remove lines 16 through 20

Page 2, line 21, remove "under this section are not paid."

Re-number accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

This amendment eliminates the section of the bill relating to the establishment of a brand registration fund and removes the fee of \$35 imposed for the annual brand registration of alcoholic beverages.

SB 2451, as engrossed: Committee on Appropriations (Sen. Tallackson, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2451 was placed on the Eleventh order on the calendar.

SB 2483: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, remove the semicolon

Page 1, line 2, remove "and to provide an appropriation"

Page 1, line 4, replace "Economic" with "Department of tourism"

Page 1, line 5, remove "development commission"

Page 1, line 6, replace "economic development commission" with "department of tourism"

Page 1, line 11, replace "economic development commission" with "department of tourism"

Page 2, line 1, replace "economic development commission" with "department of tourism"

Page 2, line 4, replace "economic development commission" with "department of tourism"

Page 2, remove lines 8 through 13

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### DEPARTMENT 741 - DEPARTMENT OF TOURISM

This amendment replaces the Economic Development Commission with the Department of Tourism as the agency that will establish the State Bison Herd and Interpretive Center, and this amendment also removes the appropriation section.

SB 2500: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 4, after "building" insert "and old science building remodeling"

Page 2, after line 21, insert:

"SECTION 2. BOARD OF HIGHER EDUCATION - BOND ISSUANCE - APPROPRIATION. The state board of higher education, in accordance with chapter 15-55, is hereby authorized to issue and sell self-liquidating, tax-exempt bonds in any amount up to, but not exceeding, \$350,000, for the purpose of constructing a revenue-producing parking lot at Bismarck state college. Bonds issued under the provisions of this Act may not become a general obligation of the state of North Dakota. The proceeds from the sale of bonds, or so much thereof as may be necessary, plus any available funds received from federal or private sources, are hereby appropriated for the construction and equipping of a parking lot. Any unexpended balance from the sale of bonds must be placed in a sinking fund for the retirement of the authorized bonds."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT.

This amendment provides that Bismarck State College may issue revenue bonds in the amount of \$350,000 for the construction and equipping of a parking lot. The parking lot is needed only if funding for the science center contained in the bill is approved.

Also, this amendment allows the University of North Dakota to remodel the old science building with a portion of the \$10,000,000 authorized for the communications building construction project.

SB 2515, as engrossed: Committee on Appropriations (Sen. Tallackson, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING) SB 2515 was placed on the Eleventh order on the calendar.

SB 2527: Committee on Appropriations (Sen. Tallackson, Chairman) recommends DO NOT PASS (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2527 was placed on the Eleventh order on the calendar.



SB 2541, as engrossed: Committee on Appropriations (Sen. Tallackson, Chairman) recommends DO PASS (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). SB 2541 was placed on the Eleventh order on the calendar.

SB 2568: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 13, replace "one hundred" with "fifty"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment provides that a minimum matching grant is \$50,000 rather than \$100,000.

HB 1112, as engrossed: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Committee on Appropriations (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 7, overstrike "fifteen" and insert immediately thereafter "seventeen"

Page 1, line 8. remove the overstrike over ~~"two persons"~~

Page 1, line 9, remove "one person", remove the overstrike over ~~"four"~~, and remove "two"

Page 1, line 10, after "appointed" insert "one of whom must represent a rural hospital and one of whom must represent an urban hospital."

Page 1, line 18, replace "eight" with "nine"

Page 2, line 2, after the period insert "For the purposes of this section, a rural hospital is a hospital located in a city with a population of less than twenty thousand, and an urban hospital is a hospital located in a city with a population of twenty thousand or more."

Renumber accordingly

HB 1216: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 3, replace "health care" with "nursing"

Page 1, line 10, remove "or patients" and replace "health care" with "nursing"

Page 1, line 11, after "the" insert "nursing"

Page 1, line 12, after "a" insert "nursing"

Page 1, line 13, after the third "the" insert "nursing"

Page 1, line 16, remove "or patients"

Page 1, line 19, after the second "the" insert "nursing"

Page 1, line 20, remove "patients or"

Page 2, line 4, remove "to" and after "the" insert "nursing"

Page 2, line 10, remove "or patients"

Page 2, line 17, replace "health care" with "nursing"

Renumber accordingly

HB 1241: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends DO PASS (4 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1241 was placed on the Fourteenth order on the calendar.

HB 1254: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1254 was placed on the Fourteenth order on the calendar.

HB 1286, as engrossed: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 1, replace "until after the first" with "for a period not to exceed"

Page 2, line 6, remove "upon"

Page 2, line 7, replace "that" with "at the end of the taxable year in which the" and after "transfer" insert "occurred"

Renumber accordingly

HB 1315: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1315 was placed on the Fourteenth order on the calendar.

HB 1335: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1335 was placed on the Fourteenth order on the calendar.

HB 1397: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1397 was placed on the Fourteenth order on the calendar.

#### FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Kelsh, Marks, Kinnoin, Langley, Freborg introduced:

SCR 4046: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of adopting an integrated pest management law.

Was read the first time and referred to the Committee on Agriculture.

#### FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Wogsland, Evanson and Reps. Rydell, Meyer introduced:

SCR 4047: A concurrent resolution directing the Legislative Council to study the availability of capital to North Dakota hospitals and the role of the Bank of North Dakota in assuring that capital is available at the lowest possible cost.

Was read the first time and referred to the Committee on Finance and Taxation.

#### FIRST READING OF HOUSE BILLS

HB 1001: A BILL for an Act providing an appropriation for defraying the expenses of the legislative branch of government; and declaring an emergency.

Was read the first time and referred to the Committee on Appropriations.

HB 1010: A BILL for an Act making an appropriation for defraying the expenses of the department of banking and financial institutions.

Was read the first time and referred to the Committee on Appropriations.

HB 1048: A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to a sales and use tax exemption for new manufacturing machinery and equipment purchases; and to repeal sections 57-39.2-03.5 and 57-40.2-03.4 of the North Dakota Century Code, relating to reduced sales and use tax rates for purchases of new manufacturing machinery and equipment.

Was read the first time and referred to the Committee on Finance and Taxation.

HB 1185: A BILL for an Act to amend and reenact section 54-52-17 of the North Dakota Century Code, relating to eligibility for and computation of disability retirement benefits, and computation of normal retirement benefits under the public employees retirement system; and to provide for application of this Act.

Was read the first time and referred to the Committee on State and Federal Government.

HB 1186: A BILL for an Act to amend and reenact sections 54-52-02.6, 54-52-06.1, 54-52-17, subsection 1 of section 54-52.1-03.2, and 54-52.1-03.3 of the North Dakota Century Code, relating to retirement benefits for supreme and district court judges and refunds of contributions under the public employees retirement system and the inclusion of members of the judges retirement program as recipients of retiree health benefits under the uniform group insurance program; to provide an expiration date; and to provide for application of this Act.

Was read the first time and referred to the Committee on State and Federal Government.

HB 1187: A BILL for an Act to create and enact two new sections to chapter 39-03.1 of the North Dakota Century Code, relating to federal limitations on retirement benefits under the highway patrolmen's retirement system; to amend and reenact section 39-03.1-11 of the North Dakota Century Code, relating to retirement benefits under the highway patrolmen's retirement system; and to provide for application of this Act.

Was read the first time and referred to the Committee on State and Federal Government.

HB 1188: A BILL for an Act to amend and reenact sections 54-52.1-03.2 and 54-52.1-03.3 of the North Dakota Century Code, relating to the inclusion of members of the retirement program established by job service North Dakota as recipients of retiree health benefits under the uniform group insurance program.

Was read the first time and referred to the Committee on State and Federal Government.

HB 1189: A BILL for an Act to amend and reenact subsection 9 of section 52-09-20 of the North Dakota Century Code, relating to primary insurance benefits under the old-age and survivor insurance system.

Was read the first time and referred to the Committee on State and Federal Government.

HB 1190: A BILL for an Act to create and enact two new sections to chapter 54-52 and a new subsection to section 54-52.1-03.2 of the North Dakota Century Code, relating to retirement records and federal benefit limitations under the public employees retirement system plan and the retiree health benefits fund; and to amend and reenact sections 39-03.1-10, 39-03.1-10.1, 54-52-02.9, 54-52-06, 54-52-17.4, 54-52-23, and 54-52.1-01 of the North Dakota Century Code, relating to military service credit, participation by temporary employees, purchase of additional service credit, plan modifications under the public employees retirement system, and definitions.

Was read the first time and referred to the Committee on State and Federal Government.

HB 1249: A BILL for an Act to amend and reenact sections 15-47-26 and 15-47-38 of the North Dakota Century Code, relating to the definition of teacher and discharge of teachers; and to repeal section 15-47-38.1 of the North Dakota Century Code, relating to evaluation and renewal of first year teachers and superintendents.

Was read the first time and referred to the Committee on Education.

HB 1252: A BILL for an Act to amend and reenact section 35-03-17 of the North Dakota Century Code, relating to collateral real estate mortgages.

Was read the first time and referred to the Committee on Judiciary.

HB 1391: A BILL for an Act to provide an appropriation to the national guard tuition trust fund.

Was read the first time and referred to the Committee on Appropriations.

HB 1394: A BILL for an Act to create and enact a new section to title 15 of the North Dakota Century Code, relating to geographical boundaries for the delivery of public elementary and secondary education services; to amend and reenact section 15-27.6-02 and subdivision q of subsection 1 of section 28-32-01 of the North Dakota Century Code, relating to geographical boundary conformity in school district restructuring and the adoption of rules by the superintendent of public instruction; and to provide an effective date.

Was read the first time and referred to the Committee on Education.

HB 1402: A BILL for an Act to create and enact a new section to chapter 15-27.2 of the North Dakota Century Code, relating to school district boundary changes.

Was read the first time and referred to the Committee on Education.

HB 1441: A BILL for an Act to amend and reenact sections 26.1-13-01, 26.1-13-02, and 26.1-13-15 of the North Dakota Century Code, relating to organization and territorial limits of a county mutual insurance company.

Was read the first time and referred to the Committee on Industry, Business Labor.

HB 1499: A BILL for an Act to provide for an organ or tissue transplant trust fund to be administered by a private nonprofit organization for the purpose of providing financial assistance to transplant patients; to amend and reenact subsection 1 of section 57-38-35.1 of the North Dakota Century Code, relating to disposition of certain revenues not refunded to income taxpayers; to provide a standing appropriation; and to provide an effective date.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

HB 1519: A BILL for an Act to amend and reenact subsection 3 of section 43-39-02 of the North Dakota Century Code, relating to audits of the board of athletic trainers.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

HB 1581: A BILL for an Act to amend and reenact section 16.1-08-02 of the North Dakota Century Code, relating to campaign contributions by corporations, cooperative corporations, and associations; and to provide a penalty.

Was read the first time and referred to the Committee on Judiciary.

#### FIRST READING OF HOUSE BILLS

HB 1009: A BILL for an Act making an appropriation for defraying the expenses of the veterans' home and the department of veterans' affairs.

Was read the first time and referred to the Committee on Appropriations.

HB 1014: A BILL for an Act making an appropriation for defraying the expenses of the council on the arts; and providing for an appropriation of funds from the cultural endowment fund.

Was read the first time and referred to the Committee on Appropriations.

HB 1019: A BILL for an Act making an appropriation for defraying the expenses of the state industrial commission and the agencies under the management of the industrial commission; to amend and reenact section 57-61-01.5 of the North Dakota Century Code, relating to the lignite research fund; and to provide a continuing appropriation for the lignite research fund.

Was read the first time and referred to the Committee on Appropriations.

HB 1027: A BILL for an Act providing optional property tax levy increase authority of political subdivisions and providing limitations on that authority; and to provide an effective date and an expiration date.

Was read the first time and referred to the Committee on Finance and Taxation.

HB 1098: A BILL for an Act to create and enact sections 57-51-02.2 and 57-51-02.3 of the North Dakota Century Code, relating to gross production tax on gas and oil; to amend and reenact sections 57-51-01, 57-51-02, 57-51-05, and subsections 1 and 2 of section 57-51-06 of the North Dakota Century Code, relating to imposition of gross production tax; to repeal section 57-51-18 of the North Dakota Century Code, relating to payment where ownership is in dispute; and to provide an effective date.

Was read the first time and referred to the Committee on Finance and Taxation.

HB 1103: A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to investment income of the state's colleges and universities; and to amend and reenact sections 6-09-07, 54-11-01, and 54-17-07 of the North Dakota Century Code, relating to investment income of the Bank of North Dakota, duties of the state treasurer with regard to receipts for deposits into the state treasury and allocation of certain investment income, and income on industrial commission deposits and investments.

Was read the first time and referred to the Committee on Finance and Taxation.

HB 1111: A BILL for an Act to amend and reenact section 23-20.3-10 of the North Dakota Century Code, relating to applicability of hazardous waste laws.

Was read the first time and referred to the Committee on Political Subdivisions.

HB 1139: A BILL for an Act to amend and reenact sections 2-05-10, 2-05-11, 2-05-11.3, 2-05-12, 2-05-18, 2-08-03, 2-08-04, 57-40.5-09, 57-43.3-06, and 57-43.3-07 of the North Dakota Century Code, relating to the distribution of funding for the aeronautics commission.

Was read the first time and referred to the Committee on Transportation.

HB 1177: A BILL for an Act to create and enact a new subsection to section 11-11.1-03, a new section to chapter 11-11.1, a new subsection to section 40-57.4-03, and a new section to chapter 40-57.4 of the North Dakota Century Code, relating to county and city jobs development authorities; and to amend and reenact subsection 4 of section 11-11.1-01 and subsection 29 of section 57-15-06.7 of the North Dakota Century Code, relating to the membership of the county jobs development authority.

Was read the first time and referred to the Committee on Political Subdivisions.

HB 1193: A BILL for an Act to create and enact four new subsections to section 54-23.3-04 of the North Dakota Century Code, relating to giving the director of the department of corrections and rehabilitation powers

and duties held by the director of institutions to issue bonds, contract for correctional services, lease and sell penitentiary lands, and provide certain meals to officers and employees; to amend and reenact subsection 48 of section 30.1-01-06 of the North Dakota Century Code, relating to trust accounts; and to repeal sections 54-21-07, 54-21-25, 54-21-26, 54-21-26.1, 54-23-22, 54-23-29, 54-23-45, 54-23-56, 54-23-57, and 54-23-59 of the North Dakota Century Code, relating to duties of the director of institutions in the operation of correctional institutions.

Was read the first time and referred to the Committee on State and Federal Government.

HB 1194: A BILL for an Act to create and enact five new subsections to section 28-32-01 and twelve new sections to chapter 28-32 of the North Dakota Century Code, relating to practices and procedures in administrative proceedings; to amend and reenact subsection 3 of section 4-18.1-18, section 15-38.1-05, subsection 2 of section 15-47-38, subsection 7 of section 15-47-38.1, sections 28-32-05, 28-32-06, 28-32-07, 28-32-08, 28-32-09, 28-32-11, 28-32-12, 28-32-13, 28-32-14, 28-32-15, 28-32-17, 28-32-18, 28-32-19, 28-32-20, 28-32-21, 28-32-21.1, 38-08-11, 38-08-13, 38-08-14, subsection 3 of section 38-14.1-30, and subsection 3 of section 43-23-11.1 of the North Dakota Century Code, relating to administrative practices and procedures; to repeal section 28-32-10 of the North Dakota Century Code, relating to proceedings when subpoenas are disobeyed; and to provide an appropriation.

Was read the first time and referred to the Committee on Judiciary.

HB 1261: A BILL for an Act to amend and reenact subsections 2 and 4 of section 6-08-16 and subsections 2, 3, and 7 of section 6-08-16.2 of the North Dakota Century Code, relating to fees for collection costs on checks or drafts issued without sufficient funds.

Was read the first time and referred to the Committee on Judiciary.

HB 1333: A BILL for an Act to amend and reenact sections 38-08-09.5 and 38-08-09.9 of the North Dakota Century Code, relating to ratification or approval of unitization plans.

Was read the first time and referred to the Committee on Natural Resources.

HB 1395: A BILL for an Act to create and enact a new subsection to section 57-40.3-04 of the North Dakota Century Code, relating to a motor vehicle excise tax exemption for motor vehicles acquired by nonprofit corporations.

Was read the first time and referred to the Committee on Transportation.

HB 1414: A BILL for an Act to amend and reenact subsections 5 and 6 of section 57-51.1-01 and sections 57-51.1-02 and 57-51.1-03 of the North Dakota Century Code, relating to an exemption from the oil extraction tax for production from secondary or tertiary recovery projects; and to provide an effective date.

Was read the first time and referred to the Committee on Finance and Taxation.

HB 1439: A BILL for an Act to provide for cleanup of petroleum spills through the establishment of a petroleum release compensation fund; to repeal sections 1 through 31 and section 33 of chapter 341 of the 1989 Session Laws of North Dakota; to provide a penalty; to provide a continuing appropriation; to provide an appropriation; to provide an expiration date; and to declare an emergency.

Was read the first time and referred to the Committee on Industry, Business and Labor.

HB 1471: A BILL for an Act to amend and reenact subsection 3 of section 61-33-01 of the North Dakota Century Code, relating to the definition of sovereign lands for purposes of sovereign land management.

Was read the first time and referred to the Committee on Agriculture.

HB 1472: A BILL for an Act to amend and reenact sections 14-02.4-19 and 14-02.4-21 of the North Dakota Century Code, relating to claims of discriminatory employment practices adjudicated by the department of labor.

Was read the first time and referred to the Committee on Industry, Business and Labor.

HB 1475: A BILL for an Act to amend and reenact section 14-15-16 of the North Dakota Century Code, relating to disclosure of adoption records. Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

HB 1516: A BILL for an Act to establish a single trial court of general jurisdiction through the abolition of county courts and the provision for additional district court judgeships; to create and enact two new sections to chapter 27-05 of the North Dakota Century Code, relating to vacancies in the office of district court judge and the appointment of magistrates; to amend and reenact sections 11-21-01, 12.1-20-16, 23-07.1-09, subsection 2 of section 25-03.1-21, sections 27-05-01, 27-05-06, subsection 1 of section 27-05-08, sections 27-06-07, 27-07.1-02, 27-07.1-03, 27-23-02, 29-07-01.1, 29-22-02, 30.1-02-02, 40-18-06.2, 40-18-15.1, 40-18-19, and 58-02-23 of the North Dakota Century Code, relating to references to county courts and county judges, chambers of district judges and jurisdiction of district courts, multicounty agreements to share county judge services, and vacancies in the office of county court judge; to repeal sections 11-09-22, 11-09-23, 11-11-12, 11-15-10, 24-07-25, 27-01-05, chapters 27-07.1 and 27-08.2, sections 27-09.1-21, 27-20-04, chapter 27-26, and section 31-09-07 of the North Dakota Century Code, relating to references to county courts and county court judges; and to provide an effective date.

Was read the first time and referred to the Committee on Judiciary.

HB 1517: A BILL for an Act to amend and reenact section 4-33-06, subsection 5 of section 6-05.1-05, sections 11-03-08, 11-05-16, subsection 2 of section 11-07-04, sections 11-08-06, 11-08-07, 11-09-29, subsection 3 of section 11-09.1-05, sections 11-10-02, 11-10-06, subsections 1, 4, and 7 of section 11-10-10, sections 11-10-11, 11-10-20, 11-11-10, 11-12-05, 11-15-24, 11-17-04, subsections 1 and 2 of section 11-17-08, sections 11-19-08, 11-19-13, 11-19-14, 11-19-15, 11-19-25, 11-20-01, 11-20-03, subsections 2, 4, and 5 of section 11-21-02, sections 11-21-03, 11-21-04, 11-21-12, 11-21-13, 11-21-14, 11-30-16, 12-45-01, 12-46-13, 12-51-07, subsection 2 of section 12-60-16.1, section 12-62-01.1, subsection 5 of section 12.1-01-04, sections 14-03-09, 14-03-10, 14-03-11, 14-03-17, 14-03-19, 14-03-20, 14-03-21, 14-03-22, 14-03-24, subsection 1 of section 14-07.1-02, sections 16.1-12-03, 16.1-15-08, 16.1-15-09, 16.1-15-11, 16.1-15-13, 16.1-16-07, 23-05-06, 23-07.1-08, 23-07.1-10, subsection 4 of section 23-07.4-01, sections 23-07.4-02, 23-07.6-05, 23-07.6-12, 24-06-05, 24-07-22, 24-07-24, 24-07-28, subsections 2 and 7 of section 25-03.1-02, sections 25-03.1-03, 25-03.1-38, 25-03.1-46, subsection 3 of section 25-04-05.1, subsections 2 and 3 of section 25-04-15, sections 25-11-05, 27-01-01, 27-01-01.1, 27-01-04, 27-01-09, subsections 1 and 3 of section 27-01-10, subsection 1 of section 27-08.1-01, sections 27-08.1-06, 27-08.1-08, 27-09.1-14, subsection 1 of section 27-15-01, sections 27-15-02, 27-19-08, subsection 2 of section 27-20-47, subsection 2 of section 27-23-01, sections 27-24-04, 28-20-22, 28-26-19, 28-29-04, subsection 3 of section 29-01-01, subsection 4 of section 29-01-09, subsection 3 of section 29-01-14, sections 29-01-15, 29-02-13, 29-07-06, 29-10.1-38, subsection 1 of section 29-15-21, subsection 6 of section 30.1-01-06, section 30.1-02-07, subdivision c of subsection 2 of section 30.1-10-01, sections 30.1-32-01, 30.1-32-03, 30.1-32-04, 30.1-33-01, 30.1-33-03, 30.1-33-04, 30.1-33-05, 30.1-33-06, subsection 1 of section 30.1-34-03, sections 30.1-34-04, 30.1-34-05, 31-01-16, 31-01-18, 32-19-23, 32-19-24, 32-19-30, 32-22-18, 32-24-01, 33-06-01, 33-06-03, 33-06-04, 36-01-18, 36-11-10, 36-11-11, 37-15-18, 37-16-04, subsection 1 of section 38-10-01, sections 38-10-03, 38-10-05,

38-10-06, 38-10-08, 39-06-16, subdivision a of subsection 5 and subsection 7 of section 39-06.1-03, sections 40-02-16, 40-09-16, 40-11-13, subsections 1 and 3 of section 40-18-01, sections 40-18-15, 40-18-20, subsection 3 of section 42-01-07, subsection 2 of section 43-23-07, sections 44-02-04, 44-02-05, 44-03-02, subsection 2 of section 44-05-01, sections 44-08-09, 44-09-01, 44-11-12, 46-04-05, 47-03-06, 47-18-22, subsection 9 of section 47-19-02, section 47-19-06, subsection 5 of section 47-24.1-01, subsection 2 of section 50-01.1-04, sections 50-06.3-07, 50-06.3-09, 50-24.1-07, 54-12-01.3, 57-26-02, 57-37.1-06, 57-37.1-12, subsection 3 of section 59-01-11, section 59-02-12, subsection 6 of section 59-02-20, sections 59-04-02, 59-04-03, subsection 12 of section 59-04-04, sections 59-04-08, 59-04-10, 59-04-15, 59-04-24, 59-04-25, 59-04-26, 59-04-27, 59-04-29, 59-04-31, 59-05-28, and 59-05-55, relating to references to county courts and county judges, judicial districts, and the election, term of office, and chambers of district judges; and to provide an effective date.

Was read the first time and referred to the Committee on Judiciary.

HB 1543: A BILL for an Act to create and enact a new section to chapter 54-44.2 of the North Dakota Century Code, relating to a grant program to assist counties in developing a uniform accounting and records maintenance system; and to provide an appropriation.

Was read the first time and referred to the Committee on Political Subdivisions.

HB 1578: A BILL for an Act to create and enact a new section to chapter 15-59 of the North Dakota Century Code, relating to payment of attorney fees for persons with handicaps.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

#### FIRST READING OF HOUSE BILLS

HB 1002: A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch; and to amend and reenact sections 27-02-02 and 27-05-03 of the North Dakota Century Code, relating to the salaries of the judges of the supreme and district courts.

Was read the first time and referred to the Committee on Appropriations.

HB 1013: A BILL for an Act making an appropriation for defraying the expenses of the state fair association.

Was read the first time and referred to the Committee on Appropriations.

HB 1017: A BILL for an Act making an appropriation for defraying the expenses of the commissioner of university and school lands; and to provide for an appropriation of funds from the oil and gas impact grant fund.

Was read the first time and referred to the Committee on Appropriations.

HB 1219: A BILL for an Act to amend and reenact sections 54-45-01, 54-45-02, 54-45-03, 65-06.1-01, and 65-06.1-02 of the North Dakota Century Code, relating to the civil air patrol; and to repeal section 54-45-04 of the North Dakota Century Code, relating to the civil air patrol.

Was read the first time and referred to the Committee on Transportation.

HB 1228: A BILL for an Act to amend and reenact sections 4-12.2-01, 4-12.2-04, 4-12.2-04.1, 4-12.2-06, 4-12.2-07, 4-12.2-08, 4-12.2-09, 4-12.2-14, 4-12.2-18, 4-12.2-19, 4-12.2-20, 4-12.2-21, 4-12.2-22, and 4-12.2-24 of the North Dakota Century Code, relating to licensing beekeepers and maintaining bees in this state; to declare an emergency; and to provide a penalty.

Was read the first time and referred to the Committee on Agriculture.

HB 1247: A BILL for an Act to create and enact a new subsection to section 10-04-05 of the North Dakota Century Code, relating to securities exemptions.



Was read the first time and referred to the Committee on Industry, Business and Labor.

HB 1266: A BILL for an Act to allow governmental units to enter energy efficiency performance-based contracts to provide guaranteed energy savings in buildings owned by governmental units.

Was read the first time and referred to the Committee on Political Subdivisions.

HB 1270: A BILL for an Act to create and enact a new chapter to title 53 of the North Dakota Century Code, relating to the limitation of liability of an equine activity sponsor or an equine professional; and to provide for application of this Act.

Was read the first time and referred to the Committee on Agriculture.

HB 1284: A BILL for an Act to create and enact a new section to chapter 39-22 of the North Dakota Century Code, relating to prohibiting the sale of motor vehicles on Sundays; to provide a penalty; to provide an effective date; and to declare an emergency.

Was read the first time and referred to the Committee on Transportation.

HB 1285: A BILL for an Act to create and enact a new section to chapter 54-44.4 of the North Dakota Century Code, relating to purchase of paper or paper products containing recycled material for use by state entities.

Was read the first time and referred to the Committee on State and Federal Government.

HB 1327: A BILL for an Act to amend and reenact section 6-09.4-06 of the North Dakota Century Code, relating to lending and borrowing powers of the municipal bond bank.

Was read the first time and referred to the Committee on Political Subdivisions.

HB 1328: A BILL for an Act to create and enact a new section to chapter 47-16 of the North Dakota Century Code, relating to renewal of leases of residential real property and presumed lease renewals.

Was read the first time and referred to the Committee on Political Subdivisions.

HB 1338: A BILL for an Act relating to damage or destruction of animal research facilities; and to provide a penalty.

Was read the first time and referred to the Committee on Agriculture.

HB 1365: A BILL for an Act to prohibit political subdivisions from establishing rent controls.

Was read the first time and referred to the Committee on Political Subdivisions.

HB 1383: A BILL for an Act to provide for the creation of an aircraft repair and maintenance lien; and to amend and reenact sections 11-18-14 and 35-21-01 of the North Dakota Century Code, relating to the duties of the county register of deeds and to release of liens.

Was read the first time and referred to the Committee on Political Subdivisions.

HB 1392: A BILL for an Act to amend and reenact subdivision a of subsection 3 and subdivision a of subsection 4 of section 54-52-17 of the North Dakota Century Code, relating to the normal retirement date and computation of benefits; and to provide an effective date.

Was read the first time and referred to the Committee on State and Federal Government.

HB 1399: A BILL for an Act to amend and reenact section 15-34.2-16 of the North Dakota Century Code, relating to school district agreements for the provision of comprehensive transportation services.

Was read the first time and referred to the Committee on Education.

HB 1408: A BILL for an Act to amend and reenact section 5-02-05 of the North Dakota Century Code, relating to dispensing alcoholic beverages on an election day.

Was read the first time and referred to the Committee on State and Federal Government.

HB 1428: A BILL for an Act to amend and reenact subsection 1 of section 14-09-09.7 of the North Dakota Century Code, relating to the establishment of child support guidelines.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

HB 1433: A BILL for an Act to amend and reenact subsections 4, 5, 9, and 10 of section 39-01-15 of the North Dakota Century Code, relating to parking privileges for mobility-impaired persons; to provide a penalty; and to provide a continuing appropriation.

Was read the first time and referred to the Committee on Transportation.

HB 1445: A BILL for an Act to amend and reenact subsection 2 of section 11-10.1-01 and subsection 2 of section 11-10.1-05 of the North Dakota Century Code, relating to the appointment of county directors of tax equalization and assessors for townships and cities.

Was read the first time and referred to the Committee on Political Subdivisions.

HB 1458: A BILL for an Act to amend and reenact section 15-40.1-06 of the North Dakota Century Code, relating to support levels for unaccredited elementary schools.

Was read the first time and referred to the Committee on Education.

HB 1478: A BILL for an Act relating to state meat inspection; to repeal chapter 36-23.1 of the North Dakota Century Code, relating to meat inspection; and to provide an expiration date.

Was read the first time and referred to the Committee on Agriculture.

HB 1483: A BILL for an Act to amend and reenact subsection 3 of section 43-17-18 of the North Dakota Century Code, relating to the qualifications of foreign medical graduates for a license to practice medicine.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

HB 1500: A BILL for an Act to create and enact a new subsection to section 38-08-08 of the North Dakota Century Code, relating to the imposition of a risk penalty on leasehold owners who elect not to pay in advance their proportionate share of the costs of drilling an oil or gas well.

Was read the first time and referred to the Committee on Natural Resources.

HB 1503: A BILL for an Act to provide for rural enterprise zones; to create and enact three new sections to chapter 6-09, chapters 6-09.13, 6-09.14, and 10-30.4 of the North Dakota Century Code, relating to a state development grant fund, a state development loan fund, on-farm loan programs, business loan programs, and the creation of the science and technology corporation; to amend and reenact sections 4-14.1-03, 6-09-01, 6-09-02.1, 6-09-04, 10-24-40, subsection 6 of section 10-30-04, sections 10-30.2-02, 10-30.2-05, 15-12-25, 21-11-02, 21-11-03, 21-11-04, 21-11-05, 21-11-06, 24-02-37.1, 24-03-21, subsection 6 of section 26.1-05-19, subsection 1 of section 28-32-01, sections 52-01-03, 54-34-06.1, 54-34-12, 54-34-15, 54-36-01, 54-40.1-01, subsection 7 of section 54-40.1-02, sections 54-40.1-05, 54-53-02, 55-06-01, and 55-08-02.1 of the North Dakota Century Code, relating to the Bank of North Dakota assuming the duties of the economic development commission; to repeal sections 54-34-01, 54-34-02, 54-34-03, 54-34-03.1, 54-34-04, 54-34-05.1, 54-34-06, and 54-34-08 of the North Dakota Century Code, relating to the economic development commission; to provide a transition; to provide for transfer of the assets and earnings of the Bank of North Dakota; to provide a

continuing appropriation; to provide an appropriation; and to provide an effective date.

Was read the first time and referred to the Committee on Industry, Business and Labor.

HB 1513: A BILL for an Act to create and enact a new subsection to section 12.1-27.1-01 and a new section to chapter 12.1-27.2 of the North Dakota Century Code, relating to enhanced penalties for obscenity offenses.

Was read the first time and referred to the Committee on Judiciary.

HB 1523: A BILL for an Act to amend and reenact section 15-27.3-13 of the North Dakota Century Code, relating to teacher negotiations.

Was read the first time and referred to the Committee on Education.

HB 1530: A BILL for an Act to create and enact a new section to chapter 18-10 of the North Dakota Century Code, relating to firebreaks.

Was read the first time and referred to the Committee on Agriculture.

HB 1534: A BILL for an Act to amend and reenact sections 40-57.1-01, 40-57.1-02, 40-57.1-03, 40-57.1-04, 40-57.1-04.1, 40-57.1-04.3, 40-57.1-05, 40-57.1-06, and 40-57.1-07 of the North Dakota Century Code, relating to tax exemptions for new and expanding industries; and to repeal section 40-57.1-04.2 of the North Dakota Century Code, relating to the definition of a local development corporation.

Was read the first time and referred to the Committee on Finance and Taxation.

HB 1538: A BILL for an Act to amend and reenact section 35-31-02 of the North Dakota Century Code, relating to filing of agricultural supplier's lien statements.

Was read the first time and referred to the Committee on Agriculture.

HB 1539: A BILL for an Act relating to health insurance coverage to small employers.

Was read the first time and referred to the Committee on Industry, Business and Labor.

HB 1552: A BILL for an Act to create and enact a new subsection to section 20.1-02-05 of the North Dakota Century Code, relating to the powers of the game and fish commissioner; and to provide an appropriation.

Was read the first time and referred to the Committee on Agriculture.

HB 1565: A BILL for an Act to amend and reenact section 13-01-15 of the North Dakota Century Code, relating to statements to be furnished by a creditor before imposing late payment charges on accounts receivable.

Was read the first time and referred to the Committee on Finance and Taxation.

HB 1566: A BILL for an Act to amend and reenact sections 57-43.1-03.1 and 57-43.1-04 of the North Dakota Century Code, relating to claims for refunds of motor vehicle fuel taxes paid on fuel used for agricultural purposes; to repeal sections 57-43.1-11 and 57-43.1-12 of the North Dakota Century Code, relating to assignment of motor vehicle fuel tax refund claims; and to provide an effective date.

Was read the first time and referred to the Committee on Transportation.

HB 1567: A BILL for an Act to amend and reenact subdivision d of subsection 1 of section 39-12-04 of the North Dakota Century Code, relating to commercial movement of haystacks or hay bales during daylight hours on any day of the week.

Was read the first time and referred to the Committee on Transportation.

HB 1568: A BILL for an Act to amend and reenact section 39-24-05 of the North Dakota Century Code, relating to the disposition of snowmobile registration and trail tax fees, and providing for an annual transfer of highway tax distribution fund moneys to the snowmobile fund; and to provide an expiration date.

Was read the first time and referred to the Committee on Transportation.

HB 1572: A BILL for an Act to amend and reenact section 54-44.3-03 of the North Dakota Century Code, relating to membership on the state personnel board by a county commissioner.

Was read the first time and referred to the Committee on Political Subdivisions.

HB 1584: A BILL for an Act to create and enact a new subsection to section 54-09-04 and a new section to chapter 54-09 of the North Dakota Century Code, relating to fees for services performed by the secretary of state and to service of process upon the secretary when an agent cannot be found; and to amend and reenact subsection 5 of section 54-09-04 of the North Dakota Century Code, relating to fees for searching records and archives of the state.

Was read the first time and referred to the Committee on State and Federal Government.

HB 1591: A BILL for an Act to amend and reenact section 50-24.1-02.3 of the North Dakota Century Code, relating to exemption of pre-need funeral plan from eligibility determination.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

HB 1597: A BILL for an Act to amend and reenact sections 53-06.1-03.2 and 53-06.1-03.3 of the North Dakota Century Code, relating to rent limits for twenty-one and charitable gaming ticket sites.

Was read the first time and referred to the Committee on Political Subdivisions.

HB 1599: A BILL for an Act to create and enact a new subsection to section 23-11-11 of the North Dakota Century Code, relating to the powers of housing authorities; and to amend and reenact section 54-17-07.6 of the North Dakota Century Code, relating to the acceptance of grants, contributions, loans, and other aid by the state housing finance agency.

Was read the first time and referred to the Committee on Finance and Taxation

#### FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3022: A concurrent resolution directing the Legislative Council to study the effects of compliance with the federal Safe Drinking Water Act on North Dakota and its communities.

Was read the first time and referred to the Committee on Natural Resources.

HCR 3023: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of various methods for redesigning the administration of education in North Dakota.

Was read the first time and referred to the Committee on Education.

HCR 3026: A concurrent resolution directing the Legislative Council to study and develop a legislative reapportionment plan or plans.

Was read the first time and referred to the Committee on Political Subdivisions.

HCR 3027: A concurrent resolution directing the Legislative Council to study the current conditions and the feasibility of reducing ground pollution in North Dakota's landfills.

Was read the first time and referred to the Committee on Political Subdivisions.

HCR 3032: A concurrent resolution directing the Legislative Council to study the problems caused by and associated with severed mineral interests.

Was read the first time and referred to the Committee on Natural Resources.

HCR 3033: A concurrent resolution urging Congress to provide assistance for the education of all handicapped children, as provided for in Public Law 94-142.

Was read the first time and referred to the Committee on Education.

HCR 3037: A concurrent resolution urging Congress to provide funds to the appropriate agency to construct a bridge over the Missouri River approximately midway between Bismarck, North Dakota, and Mobridge, South Dakota, in the vicinity of Fort Yates and Emmons County, North Dakota.

Was read the first time and referred to the Committee on Transportation.

HCR 3039: A concurrent resolution directing the Legislative Council to study all aspects of special education.

Was read the first time and referred to the Committee on Education.

HCR 3040: A concurrent resolution directing the Legislative Council to study the feasibility of having governmental entities conduct meetings through the use of telecommunications systems.

Was read the first time and referred to the Committee on State and Federal Government.

HCR 3041: A concurrent resolution directing the Legislative Council to study recycling and the use of recycled materials by state agencies and institutions.

Was read the first time and referred to the Committee on State and Federal Government.

HCR 3042: A concurrent resolution directing the Legislative Council to study the problems associated with solid waste management, including the operation and effect of legislation relating to solid waste management, whether the Department of Health and Consolidated Laboratories is the appropriate state agency for solid waste management responsibilities, and the effect of establishing district and state solid waste management plans.

Was read the first time and referred to the Committee on Political Subdivisions.

HCR 3043: A concurrent resolution directing the Legislative Council to study the methods and manner in which tax-exempt entities acquire and hold real property, the effect of such acquisition and ownership on local tax bases, and the feasibility and desirability of limiting such acquisition, eliminating or limiting such tax exemptions, or requiring divestiture of such property.

Was read the first time and referred to the Committee on Finance and Taxation.

HCR 3045: A concurrent resolution directing the Legislative Council to study water quality, with emphasis on the testing for nitrates in ground water.

Was read the first time and referred to the Committee on Natural Resources.

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

MARION HOUN, Secretary