

JOURNAL OF THE SENATE

Fifty-third Legislative Assembly

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Bismarck, March 16, 1993

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

The prayer was offered by Rev. Jim McEachran, Bethel Assembly of God Church, Mandan.

The roll was called and all members were present except Senator Marks.

A quorum was declared by the President.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

March 16, 1993

This is to inform you that on March 15, 1993, I signed the following: SB 2032, SB 2081, SB 2107, SB 2248, SB 2338, SB 2404, SB 2416, SB 2420, SB 2509, and SB 2517.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1256, HB 1281.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1134, HB 1155, HB 1168, HB 1175, HB 1181, HB 1222, HB 1225, HB 1264, HB 1291, HB 1302, HB 1332, HB 1345, HB 1356.

CONSIDERATION OF AMENDMENTS

HB 1304: SEN. LINDGREN (Human Services Committee) MOVED that the amendments on SJ pages 932-933 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1323: SEN. JEROME (Political Subdivisions Committee) MOVED that the amendments on SJ page 933 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1335: SEN. SCHOENWALD (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 933 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1391: SEN. DOTZENROD (Political Subdivisions Committee) MOVED that the amendments on SJ pages 933-934 be adopted and then be REREFERRED to the Appropriations Committee with DO PASS, which motion prevailed.

MOTION

SEN. MATHERN MOVED that HB 1391 be rereferred to the Appropriations Committee, which motion prevailed. Pursuant to Sen. Mathern's motion, HB 1391 was rereferred.

CONSIDERATION OF AMENDMENTS

HB 1438: SEN. SCHERBER (Education Committee) MOVED that the amendments on SJ pages 934-935 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HCR 3026: SEN. O'CONNELL (Education Committee) MOVED that the amendments on

SJ page 935 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2058, SB 2378, SB 2447.

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

MADAM PRESIDENT: The House has failed to pass: SB 2159, SB 2343.

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3002.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2290, SB 2313, SB 2339, SB 2488.

HOUSE AMENDMENTS TO SENATE BILL NO. 2290

Page 1, line 1, replace "section" with "sections" and after "5-01-08" insert "and 39-20-14"

Page 1, line 2, after "to" insert "the use of screening tests as evidence of the"

Page 1, line 12, remove "or having consumed"

Page 1, line 22, after the period insert "The screening test authorized by section 39-20-14 may be used as evidence of having consumed alcoholic beverages."

Page 1, after line 22, insert:

"SECTION 2. AMENDMENT. Section 39-20-14 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

39-20-14. Screening tests. Any person who operates a motor vehicle upon the public highways of this state is deemed to have given consent to submit to an onsite screening test or tests of the person's breath for the purpose of estimating the alcohol content of the person's blood upon the request of a law enforcement officer who has reason to believe that the person committed a moving traffic violation or was involved in a traffic accident as a driver, and in conjunction with the violation or the accident the officer has, through the officer's observations, formulated an opinion that the person's body contains alcohol. A person may not be required to submit to a screening test or tests of breath while at a hospital as a patient if the medical practitioner in immediate charge of the person's case is not first notified of the proposal to make the requirement, or objects to the test or tests on the ground that such would be prejudicial to the proper care or treatment of the patient. The screening test or tests must be performed by an enforcement officer certified as a chemical test operator by the state toxicologist and according to methods and with devices approved by the state toxicologist. The results of such screening test must be used only for determining whether or not a further test shall be given under the provisions of section 39-20-01 or as proof of consumption of alcoholic beverages under section 5-01-08. The officer shall inform the person that refusal of the person to submit to a screening test will result in a revocation for up to three years of that person's driving privileges. If such person refuses to submit to such screening test or tests, none may be given, but such refusal is sufficient cause to revoke such person's license or permit to drive in the same manner as provided in section 39-20-04, and a hearing as provided in section 39-20-05 and a judicial review as provided in section 39-20-06 must be available. However, the commissioner must not revoke a person's driving privileges

for refusing to submit to a screening test requested under this section if the person provides a sufficient breath, blood, or urine sample for a chemical test requested under section 39-20-01 for the same incident. No provisions of this section may supersede any provisions of chapter 39-20, nor may any provision of chapter 39-20 be construed to supersede this section except as provided herein. For the purposes of this section, "chemical test operator" means a person certified by the state toxicologist as qualified to perform analysis for alcohol in a person's blood, breath, saliva, or urine."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2313

Page 1, line 1, after "reenact" insert "subsection 2 of section 15-28-03 and"

Page 1, line 2, after the first "to" insert "the terms of office of school board members and"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Subsection 2 of section 15-28-03 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. The annual election provided for in this section may, upon resolution of the school board, be held in conjunction with the regularly scheduled city election, established by state law or established pursuant to the home rule powers of the city, held in a city located wholly or partially within that school district. The school board may enter into an agreement with the governing body of the city ~~commission or the city council~~ concerning the sharing of election personnel, the printing of election materials, the use of one set of pollbooks, and the apportioning of election expenses. If only one set of pollbooks is used, the pollbook must contain a reference indicating the voter's eligibility to vote in the city or school board election, or both. References in this chapter to the date of school board elections, insofar as they relate to a school board ~~which~~ that holds its elections in conjunction with a city, are deemed to mean or to refer to the date of the applicable city election. Such a school board has the further option to convert the terms of office of its members to four years rather than three years in order that school board elections like city elections may be held biennially rather than annually. A school board may convert the future terms of its members to four years by passing a resolution requiring ~~such~~ a the conversion. ~~Thereafter, following~~ Upon the expiration of the three-year term of each incumbent in office ~~as of~~ on the date of the ~~passage of~~ the resolution is passed, the term of office for that position on the board ~~must be~~ is four years, except that ~~as to any seat where such an~~ the resolution may provide that one of the positions being converted to a four-year term must first be converted to one two-year term before becoming a four-year term. If the resolution provides for one two-year term, that term must be chosen by lot. If the extension of the a term would result to four years results in the four-year term of office ending in an odd-numbered year, for which seat one additional and transitional term of three years must be provided before the term becomes a four-year term of office. Once the school board has accomplished the transition to biennial elections, references in this title to annual elections as they apply to the school board are deemed to mean biennial elections, and

the election held pursuant to section 15-28-11 must be held in even-numbered years."

Page 2, line 4, overstrike "four" and insert immediately thereafter "five"

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2339

Page 1, line 3, after the semicolon insert "to create and enact a new section to chapter 43-17 of the North Dakota Century Code, relating to practicing medicine without a license;"

Page 1, after line 4, insert:

"SECTION 1. A new section to chapter 43-17 of the North Dakota Century Code is created and enacted as follows:

Use of certain words or initials prohibited. The terms "physician assistant" and "certified physician assistant" and the initials "PA-C" may only be used to identify a person who has been issued a certificate of qualification by the board of medical examiners. A person who uses those terms or initials as identification without having received a certificate of qualification is engaging in the practice of medicine without a license."

Page 1, line 9, after "by" insert "sections 2 through 10 of"

Page 2, line 6, replace "3" with "4"

Page 2, line 11, after "of" insert "sections 2 through 10 of"

Page 3, line 4, after "implementing" insert "sections 2 through 10 of"

Page 3, line 27, after "under" insert "sections 2 through 10 of"

Page 5, line 21, after "under" insert "sections 2 through 10 of"

Page 6, line 13, after "under" insert "sections 2 through 10 of"

Page 6, line 15, after "under" insert "sections 2 through 10 of"

Page 6, line 19, after "with" insert "sections 2 through 10 of"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2488

Page 1, line 8, replace "unfounded" with "false"

Page 1, line 14, replace "unfounded" with "false"

Page 1, line 16, replace "unfounded" with "false"

Renumber accordingly

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4017: A concurrent resolution for the amendment of section 25 of article XI of the Constitution of North Dakota, relating to the conduct of a lottery.

MOTION

SEN. HOLMBERG MOVED that Engrossed SCR 4017 be amended as follows, which motion prevailed.

Page 1, line 5, remove "for the general welfare of the state" and after the period insert "The moneys raised by the state lottery would be deposited in the general fund of the state treasury."

Renumber accordingly

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 16 YEAS, 32 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Dotzenrod; Heinrich; Holmberg; Kelsh; Kinnoin; Krebsbach; Lindgren; Maxson; Mushik; Schoenwald; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Wogsland

NAYS: Andrist; Bowman; Evanson; Freborg; Goetz; Graba; Grindberg; Jerome; Keller; Kelly; Krauter; Langley; Lindaas; Lips; Mathern; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Solberg; Streibel; Tallackson; Tennefos; Tomac; Urlacher; Yockim

ABSENT AND NOT VOTING: Marks

SCR 4017 was declared lost.

MOTION

SEN. THANE MOVED that the Senate reconsider its action whereby HB 1262 failed to pass, which motion prevailed.

MOTION

SEN. THANE MOVED that HB 1262 be placed at the top of the Fourteenth order, which motion prevailed.

POINT OF PERSONAL PRIVILEGE

SEN. STREIBEL: Madam President: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

Yesterday, during the floor debate on HB 1262 an issue was raised that was not resolved. It centered around the workers compensation bureau position on HB 1262.

The Industry, Business and Labor Committee report, by a 4-3 vote, recommended a DO NOT PASS on HB 1262. The Senator who carried the bill informed the Senate that testimony in opposition to HB 1262 was presented to the committee by an assistant attorney general at the request of the workers compensation bureau.

Other Senators who represented the minority position of the committee report stated to the contrary that with the Senate amendment, which was submitted by the bureau, HB 1262 did indeed have the bureau's support.

In order to set the record straight a memorandum prepared by the workers compensation bureau, stating their position in support of HB 1262, as printed in the Journal.

In consideration of the vote of 23 Yeas and 26 Nays the possibility exists that had this clarification been available during the floor debate a different vote might have been recorded on HB 1262.

MEMORANDUM

To: Senator Bryce Streibel

From: Ken R. Sorenson
Assistant Attorney General

RE: House Bill 1262

I have heard that there is a misunderstanding as to my testimony on HB 1262, which dealt with amending the definition of "wage" for workers' compensation purposes. I had testified on behalf of the Bureau on March 3, 1993, concerning HB 1262. My recollection is that I signed the logbook as supporting the bill with amendments. Those amendments were submitted at the time I testified and dealt with the matter of addressing income from other employment besides the injury employment and the requirement that the income be lost as a result of the work injury. My testimony was to the effect that HB 1262 as it was drafted was too "bare-bones" because it did not address those concerns, but that the Bureau supported HB 1262 with the proposed amendments. The proposed amendments would have fairly resolved the concerns of the Bureau and with those amendments the Bureau supported the bill. That was the substance of my testimony.

SECOND READING OF HOUSE BILL

HB 1262: A BILL for an Act to amend and reenact subsection 29 of section 65-01-02 of the North Dakota Century Code, relating to the definition of wages for workers' compensation purposes.

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, 22 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Evanson; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Krebsbach; Lindgren; Lips; Mutch; Naaden; Nalewaja; Nelson; Nething; Redlin; Sand; Solberg; Stenehjerm, B.; Stenehjerm, W.; Streibel; Tennefos; Thane; Traynor; Urlacher

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

ABSENT AND NOT VOTING: Marks

HB 1262 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1111: A BILL for an Act to create and enact chapters 30.1-05, 30.1-06, a new section to chapter 30.1-07, chapters 30.1-09.1, and 30.1-10 of the North Dakota Century Code, relating to the provisions of the Uniform Probate Code Article II - Intestacy, Wills, and Donative Transfers (1990) which pertain to the elective share of a surviving spouse, a spouse and children unprovided for in a will, applicable law at the time of death, rules of construction applicable to donative dispositions, and general provisions concerning probate and nonprobate transfers; to amend and reenact sections 30.1-01-04, 30.1-01-06, 30.1-04-01, 30.1-04-02, 30.1-04-03, 30.1-04-03.1, 30.1-04-04, 30.1-04-06, 30.1-04-08, 30.1-04-09, 30.1-04-10, 30.1-04-11, 30.1-04-12, 30.1-04-13, 30.1-07-01, 30.1-07-02, 30.1-07-03, 30.1-08-02, 30.1-08-04, 30.1-08-06, 30.1-08-07, 30.1-08-08, 30.1-08-09, 30.1-08-11, 30.1-08-13, 30.1-09-03, 30.1-09-04, 30.1-09-05, 30.1-09-06, 30.1-09-07, 30.1-09-08, 30.1-09-09, 30.1-09-10, 30.1-09-12, 30.1-09-13, 30.1-11-01, 30.1-11-02, 30.1-14-03, 30.1-14-08, 30.1-20-05, subsection 2 of section 30.1-29-07, subsection 1 of section 30.1-31-09, subsection 2 of section 30.1-31-12, and subsection 1 of section 47-24.1-18 of the North Dakota Century Code, relating to the provisions of the Uniform Probate Code Article II which pertain to evidence of death, definitions, intestate succession, exempt property and allowances, wills, will contracts, custody and deposit of wills, rules of construction applicable only to wills, the

Uniform Probate Code Article VI - Nonprobate Transfers on Death (1989), and general probate provisions; to repeal present chapters 30.1-05, 30.1-06, sections 30.1-08-03, 30.1-09-01, 30.1-09-02, 30.1-09-11, chapters 30.1-10, 31-12, and 47-11.1 of the North Dakota Century Code, relating to the elective share of the surviving spouse, spouse and children unprovided for in wills, holographic wills, rules of construction, general provisions, Uniform Disclaimer of Transfers Under Nontestamentary Instruments Act, and the Uniform Simultaneous Death Act; and to provide an effective date.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Freborg; Marks

HB 1111 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that HB 1212 and HB 1417, which are on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1219: A BILL for an Act to create and enact a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to points assigned for failure to yield to a pedestrian; and to amend and reenact subsection 2 of section 39-06.1-06 and paragraphs 16 and 17 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to statutory fees and points assigned for failure to yield the right of way to a pedestrian.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Marks

HB 1219 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1247: A BILL for an Act to amend and reenact section 16.1-13-08 of the

North Dakota Century Code, relating to filling a vacancy in the office of United States senator.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Yockim

NAYS: Mathern; Schoenwald; Wogsland

ABSENT AND NOT VOTING: Marks

HB 1247 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1306: A BILL for an Act to amend and reenact sections 14-03-17 and 14-03-20 of the North Dakota Century Code, relating to names on marriage licenses and certificates.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Maxson; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: Mushik

ABSENT AND NOT VOTING: Marks

HB 1306 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1337: A BILL for an Act relating to the rental and acquisition of ownership of personal property through consumer rental purchase agreements; 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, and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 0-NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.;

Stenehjerm, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor;
Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Marks

HB 1337 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1377: A BILL for an Act to limit a lender's liability to third parties for environmental damage.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjerm, B.; Stenehjerm, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Marks

HB 1377 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1405: A BILL for an Act to amend and reenact subsection 3 of section 20.1-13-10 of the North Dakota Century Code, relating to windsurfing or boardsailing.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 42 YEAS, 6 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Dotzenrod; Evanson; Freborg; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nething; O'Connell; Redlin; Robinson; Sand; Solberg; Stenehjerm, B.; Stenehjerm, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: DeMers; Goetz; Maxson; Nelson; Scherber; Schoenwald

ABSENT AND NOT VOTING: Marks

HB 1405 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that HB 1424, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1462: A BILL for an Act to amend and reenact section 14-09-05.1 of the North Dakota Century Code, relating to grandparental rights of visitation of unmarried minors.

ROLL CALL

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

YEAS: Andrist; Bowman; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Lindgren; Lips; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: DeMers; Heinrich; Krebsbach; Stenehjem, W.

ABSENT AND NOT VOTING: Marks

HB 1462 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that the Senate stand in recess until 2:30 p.m., which motion prevailed.

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

SECOND READING OF HOUSE BILL

HB 1464: A BILL for an Act to create and enact a new chapter to title 65 of the North Dakota Century Code, relating to licensure of hoisting engineer and crane and hoist operators; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 19 YEAS, 29 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Dotzenrod; Graba; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Krauter; Lindaas; Mathern; Mushik; Redlin; Scherber; Schoenwald; Tomac; Wogsland; Yockim

NAYS: Andrist; Bowman; Evanson; Freborg; Goetz; Grindberg; Kinnoin; Krebsbach; Langley; Lindgren; Lips; Maxson; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Robinson; Sand; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher

ABSENT AND NOT VOTING: Marks

HB 1464 lost.

SECOND READING OF HOUSE BILL

HB 1479: A BILL for an Act to prohibit the possession or distribution of certain photographs and other visual representations; and to provide a penalty.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Maxson; Mushik; Mutch;

Naaden; Nalewaja; Nelson; Nething; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: Holmberg; Kinnoin; O'Connell; Stenehjem, B.

ABSENT AND NOT VOTING: Marks

HB 1479 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1484: A BILL for an Act to provide for the recovery of profits from a crime by a person with a right to recover from a convicted felon for injuries caused by the convicted felon.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Marks

HB 1484 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1488: A BILL for an Act to amend and reenact section 39-08-20 and subsection 3 of section 39-16.1-19 of the North Dakota Century Code, relating to driving without liability insurance and reissuance of a motor vehicle operator's license following certain cancellations of financial responsibility; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Marks

HB 1488 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1495: A BILL for an Act to create and enact a new subsection to section

20.1-03-11 of the North Dakota Century Code, relating to licenses issued to landowners to hunt moose; and to amend and reenact section 20.1-08-04.2 of the North Dakota Century Code, relating to the governor's proclamation concerning the hunting of moose.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Marks

HB 1495 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3044: A concurrent resolution directing the Legislative Council to study the feasibility of the legislative assembly establishing teacher salaries and benefits.

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

HCR 3044 was declared adopted, the title was agreed to, on a verification vote.

SECOND READING OF HOUSE BILL

HB 1217: A BILL for an Act to create and enact a new section to chapter 9-10 of the North Dakota Century Code or, in the alternative, a new section to chapter 32-03.2 of the North Dakota Century Code, relating to liability for damages in automobile accidents.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 31 YEAS, 17 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Freborg; Goetz; Graba; Grindberg; Holmberg; Jerome; Keller; Krauter; Krebsbach; Lindgren; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Robinson; Sand; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Tomac; Traynor; Urlacher; Wogsland

NAYS: DeMers; Dotzenrod; Evanson; Heinrich; Kelly; Kelsh; Kinnoin; Langley; Lindaas; Lips; Mathern; Maxson; Mushik; Redlin; Scherber; Thane; Yockim

ABSENT AND NOT VOTING: Marks

HB 1217 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that HB 1237 be placed at the top of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1237: A BILL for an Act to create and enact a new section to chapter 12.1-17 and a new section to chapter 14-07.1 of the North Dakota Century Code, relating to the crime of stalking and to notification of the crime of stalking when a protection order is issued; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Marks

HB 1237 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1238: A BILL for an Act to create and enact a new chapter to title 12.1 of the North Dakota Century Code, relating to the issuance of a disorderly conduct restraining order; to amend and reenact section 12.1-31-01 of the North Dakota Century Code, relating to disorderly conduct; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Marks

HB 1238 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1239: A BILL for an Act to create and enact a new subsection to section 14-07.1-10 of the North Dakota Century Code, relating to the release of an individual after an arrest for a crime involving domestic violence.

ROLL CALL

The question being on the final passage of the amended bill, which has been

read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjerm, B.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: Stenehjerm, W.

ABSENT AND NOT VOTING: Marks

HB 1239 passed and the title was agreed to.

MOTION

SEN. MAXSON MOVED that HB 1286, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3013: A concurrent resolution directing the Legislative Council to study accreditation standards utilized by the Department of Public Instruction, including those set forth in the constitution or statutes of this state.

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

HCR 3013 was declared adopted and the title was agreed to.

MOTION

SEN. MATHERN MOVED that HB 1024 and HB 1085, which are on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1038: A BILL for an Act to require the North Dakota health task force to develop prospective all payers ratesetting or other health care financing systems that cover institutional and professional providers of health care and to develop mechanisms to provide health coverage for all North Dakotans; and to declare an emergency.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjerm, B.; Stenehjerm, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Keller; Marks

HB 1038 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1039: A BILL for an Act to amend and reenact subsection 6 of section 65-01-02, sections 65-02-07, and 65-04-10 of the North Dakota Century Code and section 77 of chapter 714 of the 1991 Session Laws of North Dakota, relating to the workers compensation bureau and the effective date of the merger of the workers compensation bureau and job service North Dakota; and to repeal sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 21, 22, 27, 28, 33, and 75 of chapter 714 of the 1991 Session Laws of North Dakota and the amendments to subsections 6 and 11 of section 65-01-02 of the North Dakota Century Code as provided by section 23 of chapter 714 of the 1991 Session Laws of North Dakota, relating to the references to the workers compensation bureau and job service North Dakota; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Marks

HB 1039 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1040: 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 making job service North Dakota and the workers compensation bureau divisions of the labor department; 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, subsection 2 of section 28-32-08, sections 28-32-14, 34-05-01.2, 37-11-02, 37-18.1-01, subsection 5 of section 43-07-01, sections 43-07-04, 43-07-25, 50-01-17.1, 51-04-08, subsections 8 and 20 of section 52-01-01, sections 52-01-02, 52-01-03, 52-02-01, 52-08-02, 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, 54-56-01, subsection 4 of section 57-38-57, section 57-39.2-23, subsections 4 and 6 of section 65-01-02, sections 65-01-13, 65-02-01, 65-02-01.1, 65-02-07, 65-04-04.2, 65-04-10, 65-04-15, 65-04-31, 65-05-29, and paragraph 1 of subdivision i of subsection 2 of section 65-05.1-06.1 of the North Dakota Century Code, relating to making job service North Dakota and the workers compensation bureau divisions of the department of labor; to repeal section 65-02-02 of the North Dakota Century Code and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 27, 28, 33, and 75 of chapter 714 of the 1991 Session Laws of North Dakota and the amendments to subsections 6 and 11 of section 65-01-02 of the North Dakota Century Code as provided by section 23 of chapter 714 of the 1991 Session Laws of North Dakota, relating to the merger of the workers compensation bureau and job service North Dakota; to provide an effective date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 24 YEAS, 24 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Holmberg; Kelly; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Mathern; Nalewaja; Redlin; Sand; Scherber; Schoenwald; Stenehjem, W.; Traynor; Wogsland; Yockim

NAYS: Bowman; DeMers; Heinrich; Jerome; Keller; Kelsh; Lindaas; Lips; Maxson; Mushik; Mutch; Naaden; Nelson; Nething; O'Connell; Robinson; Solberg; Stenehjem, B.; Streibel; Tallackson; Tennefos; Thane; Tomac; Urlacher

ABSENT AND NOT VOTING: Marks

HB 1040 lost.

SECOND READING OF HOUSE BILL

HB 1044: A BILL for an Act to amend and reenact sections 12.1-32-07 and 12.1-32-14 of the North Dakota Century Code, relating to a prohibition on possession of a firearm as a condition of probation.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Lips; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Lindaas; Marks

HB 1044 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1054: A BILL for an Act to create and enact a new section to chapter 63-01.1 of the North Dakota Century Code, relating to authority of county weed boards to control pests; and to amend and reenact subsection 1 of section 4-33-11, sections 63-01.1-02, 63-01.1-03, 63-01.1-04.1, subsections 2, 3, and 4 of section 63-01.1-05, sections 63-01.1-08, 63-01.1-09, 63-01.1-13, and 63-01.1-13.1 of the North Dakota Century Code, relating to financing local pest control programs and pest control by county weed boards.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Langley; Lindgren; Lips; Mathern; Maxson; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber;

Schoenwald; Solberg; Stenehjelm, B.; Stenehjelm, W.; Streibel;
Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: Kinnoin; Naaden

ABSENT AND NOT VOTING: Lindaas; Marks

HB 1054 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that HB 1114 be moved to the bottom of the calendar, which motion prevailed.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

March 16, 1993

This is to inform you that on March 16, 1993, I signed the following: SB 2066, SB 2071, SB 2080, SB 2150, SB 2164, SB 2166, SB 2208, SB 2368, SB 2408, SB 2443, SB 2454, SB 2455, SB 2456, SB 2463, and SB 2477.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

March 16, 1993

I am returning SB 2055 pursuant to Article V Section 9 of the North Dakota Constitution, exercising my authority to veto the bill under North Dakota law.

The bill was designed to alleviate apparent problems in our school systems, whereby a school counselor, or social worker, who is subject to confidentiality rules is unable to disclose information to the teacher about a particular student. The legislation purports to alleviate that problem by cloaking the teacher with similar confidentiality rules. I have several concerns and objections to the bill which follow:

1. The bill does not achieve its intended result. In other words, SB 2055 does not change the confidentiality rules that another person (a school counselor/social worker) is subject to, nor does it authorize another person to disclose confidential information to the teacher.
2. I believe the bill is a step in the wrong direction for our educational system. Specifically, I believe teachers should be allowed greater latitude with respect to the manner in which they deal with our children and the students of our state. This bill impedes the flexibility I believe teachers should have in performing their duties.
3. Confidentiality rules, if necessary, can be formulated administratively in the North Dakota Educators Code of Ethics.
4. The general rule of confidentiality has four fairly broad exemptions that raise concerns not addressed by the bill. For example, if the teacher incorrectly determines that one of the exceptions applies, then is the teacher subject to fines, disciplinary action, or even civil liability to the student?

For these reasons, I veto SB 2055, and respectfully return it to the Senate.

SECOND READING OF HOUSE BILL

HB 1116: A BILL for an Act to create and enact a new subsection to section 23-25-03 of the North Dakota Century Code, relating to air pollution prevention rules; and to amend and reenact subsection 7 of section 23-25-01 and section 23-25-03.1 of the North Dakota Century Code, relating to asbestos workers and licensing of asbestos contractors and certification of asbestos workers.

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 43 YEAS, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Langley; Lindaas; Lips; Mathern; Maxson; Mushik; Mutch; Naaden; Nelson; Nething; O'Connell; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: Andrist; Kinnoin; Lindgren; Nalewaja; Redlin

ABSENT AND NOT VOTING: Marks

HB 1116 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1140: A BILL for an Act to amend and reenact section 65-04-26 of the North Dakota Century Code, relating to workers' compensation delinquent premium lien priority and filing; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Marks

HB 1140 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that the absent member be excused, which motion prevailed.

MOTION

SEN. MATHERN MOVED that the Senate be on the Fourth, Fifth, Twelfth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Wednesday, March 17, 1993, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1019: Appropriations Committee (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1019 was placed on the Sixth order on the calendar.

Page 1, line 15, replace "600,000" with "593,000"

Page 1, line 17, replace "650,000" with "643,000"

Page 1, line 20, replace "1,000,000" with "900,000"

Page 1, line 21, replace "1,000,000" with "900,000"

Page 2, line 18, replace "294,050" with "294,050"

Page 2, after line 18, insert:

"Capital improvements

225,000"

Page 2, line 19, replace "490,450" with "715,450"

Page 2, line 20, replace "452,000" with "677,000"

Page 3, line 3, replace "562,000" with "787,000"

Page 3, line 4, replace "615,377" with "840,377"

Page 3, after line 11, insert:

"Operating expenses

25,338"

Page 3, line 13, replace "45,877" with "71,215"

Page 3, line 15, replace "37,392" with "62,730"

Page 3, after line 22, insert:

"Equipment

\$13,534"

Page 3, line 23, replace "\$70,000" with "70,000"

Page 3, line 24, replace "70,000" with "83,534"

Page 3, after line 24, insert:

"Subdivision 11.

OFFICE OF ADMINISTRATIVE HEARINGS

Operating expenses

\$31,575

Total general fund appropriation

\$31,575"

Page 3, line 25, replace "2,310,516" with "2,260,429"

Page 3, line 26, replace "886,641" with "1,125,175"

Page 3, line 27, replace "3,197,157" with "3,385,604"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 108 - SECRETARY OF STATE

SENATE - The information services line item is decreased by \$7,000, from \$600,000 to \$593,000, to provide the amount needed.

DEPARTMENT 405 - INDUSTRIAL COMMISSION

SENATE - The amount provided in operating expenses is reduced by \$100,000 from the general fund, from \$1,000,000 to \$900,000.

DEPARTMENT 534 - STATE PENITENTIARY

SENATE - This amendment adds \$225,000 from special funds for capital improvements at the State Penitentiary for a fencing project around the current minimum security unit located at the State Penitentiary. This request was not made of the House.

DEPARTMENT 313 - VETERANS HOME

SENATE - Operating expenses are increased by \$25,338 from the general fund, of the \$25,338, \$15,738 is for liability insurance premiums and \$9,600 is for increased water costs. The House deleted this funding.

DEPARTMENT 512 - DIVISION OF EMERGENCY MANAGEMENT

SENATE - Funding of \$13,534 from special funds from the hazardous chemical preparedness fund is appropriated to purchase a computer and related equipment for administering the program. The House deleted this funding.

DEPARTMENT 140 - OFFICE OF ADMINISTRATIVE HEARINGS

SENATE - Funding of \$31,575 from the general fund is provided for operations of the department for the 1991-93 biennium. The House deleted this funding.

In total, these amendments increase other funds of \$886,641 by \$238,534 and decrease the general fund appropriation of \$2,310,516 by \$50,087.

REPORT OF STANDING COMMITTEE

HB 1023: Appropriations Committee (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1023 was placed on the Sixth order on the calendar.

Page 1, line 6, replace "budget section of the legislative council" with "industrial commission"

Page 1, replace lines 11 through 14 with "assures that oil tax revenues plus the revenues from the sale of put options will be in excess of the oil tax revenues estimated for that level of production by the most recently adjourned legislative assembly. The office of management and budget shall report any purchases of put options to the budget section of the legislative council."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1057: Natural Resources Committee (Sen. Keller, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1057 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1062: Judiciary Committee (Sen. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1062 was placed on the Sixth order on the calendar.

Page 3, line 9, remove "and a day"

Page 8, line 4, remove "the"

Page 8, line 5, remove "director determines are"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1075: Government and Veterans Affairs Committee (Sen. Tomac, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1075 was placed on the Sixth order on the calendar.

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

Page 1, line 3, after "reenact" insert "subdivision a of subsection 3 and"

Page 1, line 5, after "to" insert "normal retirement date for participating members of the public employees retirement system and"

Page 1, line 6, replace "for application of this Act" with "an effective date"

Page 1, after line 7, insert:

"SECTION 1. AMENDMENT. Subdivision a of subsection 3 of section 54-52-17 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted 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~~ eighty-eight and has not received a retirement benefit under this chapter."

Page 1, line 17, remove "seventy-four"

Page 1, line 18, overstrike "hundredths" and insert immediately thereafter "seven hundred twenty-five thousandths"

Page 1, line 21, remove "seventy-four" and overstrike "hundredths" and insert immediately thereafter "seven hundred twenty-five thousandths"

Page 2, line 3, overstrike "July 1," and after "~~1991~~" insert "August 1,"

Page 2, line 5, remove "seventy-four" and overstrike "hundredths" and insert immediately thereafter "seven hundred twenty-five thousandths"

Page 2, line 7, overstrike "July 1," and after "~~1991~~" insert "August 1,"

Page 2, after line 8, insert:

"SECTION 3. AMENDMENT. Subdivision a of subsection 4 of section 54-52-17 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

a. Normal retirement benefits for all retirees, except supreme and district court judges and national guard security officers or firefighters, reaching normal retirement date equal an annual amount, payable monthly, comprised of a service benefit and a prior service benefit, as defined in this chapter, which is determined as follows:

- (1) Service benefit equals one and ~~sixty-nine~~ seventy-four hundredths percent of final average salary multiplied by the number of years of service employment.
- (2) Prior service benefit equals one and ~~sixty-nine~~ seventy-four hundredths percent of final average salary multiplied by the number of years of prior service employment.

- (3) All participants who retired before ~~July 1, 1991~~ January 1, 1994, are entitled to benefits calculated at one and ~~sixty-nine~~ seventy-four hundredths percent of final average salary, multiplied by the number of years of service employment, with the increased benefits payable beginning ~~July 1, 1991~~ January 1, 1994."

Page 2, line 12, replace "June 30" with "July 31"

Page 2, line 13, replace "three" with "two"

Page 2, line 14, replace "July" with "August"

Page 2, after line 17, insert:

"SECTION 5. A new section to chapter 54-52 of the North Dakota Century Code is created and enacted as follows:

Prior service retiree adjustment. Prior service retirees who are receiving benefits under this chapter on December 31, 1993, are entitled to receive an increase in benefits equal to one percent of the individual's present benefit, with the increased benefits payable beginning January 1, 1994. A prior service retiree is a former participating employee who receives a supplemental monthly payment from the retirement system based upon the original prior service credit system."

Page 2, line 18, replace "APPLICATION OF ACT. This Act applies to benefits payable" with "EFFECTIVE DATE. Sections 3 and 5 of this Act are effective for benefit payments on and after January 1, 1994. However, sections 3 and 5 of this Act do not become effective unless the public employees retirement board determines before January 1, 1994, with the advice of its actuary, that sections 3 and 5 of this Act can be implemented on an actuarially sound basis."

Page 2, remove line 19

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1079: Government and Veterans Affairs Committee (Sen. Tomac, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1079 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "subsections 1 and 2 of section"

Page 1, line 3, remove "28-32-06, subsection 2 of section 28-32-08,"

Page 1, line 4, after "subsections" insert "2," and after "4" insert a comma

Page 4, remove lines 15 through 29

Page 5, remove lines 1 through 29

Page 6, remove lines 1 through 5

Page 6, line 25, after the period insert "A bond or other undertaking is not required when filing fees have been waived by a district court pursuant to section 27-01-07 or when the costs of preparation and filing of the record of administrative agency proceedings have been waived by a district court pursuant to subsection 3 of section 28-32-17."

Page 6, line 26, after "Subsections" insert "2," and after "4" insert a comma

Page 6, after line 27, insert:

- "2. Within thirty days, or a longer time as the court by order may direct, after an appeal has been taken to the district court as provided in this chapter, and after payment by the appellant of the estimated cost of preparation and filing of the entire record of the proceedings before the agency, the administrative agency concerned shall prepare and file in the office of the clerk of the district court in which the appeal is pending the original or a certified copy of the entire record of proceedings before the agency, or an abstract of the record as may be agreed upon and stipulated by the parties. Upon receiving a copy of the notice of appeal and specifications of error pursuant to subsection 4 of section 28-32-15, the administrative agency shall notify the party appealing of the estimated costs of preparation and filing of the record. Thereafter, the party appealing shall pay the administrative agency the estimated costs required by this subsection. If the actual costs of preparation and filing of the entire record of the proceedings is greater than the estimated costs, the party appealing shall pay to the agency the difference. If the actual costs are less than the estimated costs, the agency shall pay to the party appealing the difference. Any payment for the costs of preparation and filing of the record must be paid into the general insurance recovery fund and is hereby appropriated as a refund to the agency for the purposes of defraying the costs of preparing and filing the record. An agency may contract with any person or another agency to prepare and file the record of any proceeding before the agency."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1097: Transportation Committee (Sen. Schoenwald, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1097 was placed on the Sixth order on the calendar.

Page 1, line 10, remove "under"

Page 1, line 21, remove the overstrike over "suspension" and after the first overstruck comma insert "for a violation requiring a license or privilege to drive suspension of at least ninety-one days or"

Page 2, line 1, remove the overstrike over the overstruck comma

Page 2, line 2, remove the overstrike over "suspended" and after the first overstruck comma insert "or"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1113: Agriculture Committee (Sen. Kelsh, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1113 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1120: Education Committee (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1120 was placed on the Sixth order on the calendar.

Page 2, line 6, replace "referral" with "placement"

Page 2, remove lines 21 through 29

Page 3, remove lines 1 through 6

Page 4, after line 16, insert:

"7. a. The placement agency shall provide written notice of a placement made under court order or in an emergency to the superintendent of the district of residence and the superintendent of the admitting district within five working days after the placement.

b. Except as provided in subdivision a, the placement agency shall provide written notice of a placement to the superintendent of the district of residence and the superintendent of the admitting district at least ten working days before the placement.

c. The placement agency shall afford the district of residence reasonable opportunity to participate in permanency planning for the child."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1136: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1136 was placed on the Sixth order on the calendar.

Page 2, line 16, remove the overstrike over "~~twenty-one~~"

Page 2, line 17, remove "fourteen"

Page 2, line 24, remove the overstrike over "~~twenty-one~~" and remove "fourteen"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1139: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1139 was placed on the Sixth order on the calendar.

Page 1, line 10, remove the overstrike over "~~en~~"

Page 1, line 11, after "~~annual~~" insert "a biennial" and remove the overstrike over "~~basis~~"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1142: Natural Resources Committee (Sen. Keller, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1142 was placed on the Sixth order on the calendar.

Page 7, line 19, replace "is" with "becomes", replace "on July 1, 1995, or" with "on the date the state engineer certifies to the governor and the secretary of state that the state has received approval from the United States environmental protection agency to assume the program under section 404 of the Clean Water Act and that"

Page 7, line 20, remove "on an earlier date if" and replace "are" with "have been"

Page 7, line 23, after the period insert "The secretary of state shall forward a copy of the state engineer's certification to the legislative council, with a notation indicating the effective date of this Act."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1158: Education Committee (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1158 was placed on the Sixth order on the calendar.

Page 1, line 1, remove the second "and"

Page 1, line 2, after "15-40.2-09" insert ", and 15-40.2-10"

Page 7, line 23, overstrike "for that"

Page 7, line 24, overstrike "elementary school", overstrike "determined" and insert immediately thereafter "provided", overstrike "this", and after "section" insert "15-40.1-06"

Page 9, line 15, after the period insert "However, the district of the pupil's residence is entitled to reduce the tuition payment to an out-of-state school by an amount commensurate to the tuition cost the district would be entitled as compensation for a student from the out-of-state district enrolled in its school."

Page 9, after line 20, insert:

"SECTION 4. AMENDMENT. Section 15-40.2-10 of the North Dakota Century Code is amended and reenacted as follows:

15-40.2-10. Reciprocal master agreements for pupil attendance in other states. The superintendent of public instruction shall enter into reciprocal master agreements with the appropriate state educational agencies or officers of bordering states in regard to the cost of educating elementary and high school pupils in the public schools or institutions in such bordering states. ~~Such reciprocal agreements shall provide for payment on a per-pupil basis from the state foundation aid program for pupils from this state attending schools in bordering states in a sum equal to payments received by the district of the pupil's residence from the state foundation aid program. The superintendent of public instruction, by certificate to the office of management and budget shall authorize payments from the appropriation for state payments to school districts pursuant to chapter 15-40.1 for the attendance of pupils in bordering states, and the office of management and budget, within the limits of legislative appropriations, shall make such payments. The balance of the tuition payment by the pupil's district of residence shall not exceed the amount established by reciprocal agreement less the amount paid from the state foundation aid program to the school district or institution in the bordering state. A school district may, upon approval of the superintendent of public instruction, enter into an agreement with a school district of a bordering state for the education of elementary and high school students. The agreement must provide for the payment of tuition at an amount agreed upon by the school district of residence and the school district of the bordering state. However, the tuition may not exceed the amount established under the reciprocal master agreement. For the purposes of foundation aid, a student attending school in a bordering state under such an agreement is deemed to be in attendance in the student's school district of residence. The~~

student's school district of residence is liable to the school district of the bordering state for payments as provided in the agreement."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1178: Government and Veterans Affairs Committee (Sen. Tomac, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1178 was placed on the Sixth order on the calendar.

Page 2, line 20, replace ", but no such withdrawal takes effect" with a period

Page 2, remove lines 21 through 23

Page 3, line 7, remove "include, but" and replace "not limited" with "restricted"

Page 4, line 13, after the second comma insert "or" and remove ", or"

Page 4, line 14, remove "other"

Page 4, line 17, remove "or incarceration"

Page 7, line 14, replace "general" with "state" and after "agreements" insert "except an agreement with a tribal government"

Page 8, line 6, after the third comma insert "section 37-01-12 applies."

Page 8, remove lines 7 and 8

Page 11, remove lines 5 through 16

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1180: Natural Resources Committee (Sen. Keller, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1180 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and" and after "26" insert ", and 39"

Page 1, line 10, overstrike "his" and insert immediately thereafter "the resident's"

Page 1, line 11, overstrike "him" and insert immediately thereafter "the resident"

Page 1, line 12, overstrike "him" and insert immediately thereafter "the resident"

Page 2, line 5, overstrike "Repealed by S.L. 1973, ch. 207, § 1."

Page 2, line 6, overstrike "6."

Page 2, line 9, replace "7." with "6."

Page 2, line 11, replace "8." with "7."

Page 2, line 16, overstrike "shall be" and insert immediately thereafter "are"

Page 2, line 23, replace "license" with "licensee"

Page 2, line 27, after the period insert "Only one nonrefundable application fee may be charged per application, regardless of the number of persons applying for a license on the application. A nonrefundable application fee may not be charged for an application in a subsequent drawing for the same species of big game for which the applicant has already paid a nonrefundable application fee."

Page 3, line 8, overstrike "shall be" and insert immediately thereafter "is"

Page 3, line 27, overstrike "him" and insert immediately thereafter "that person"

Page 4, line 8, overstrike "his" and insert immediately thereafter "that person's"

Page 4, line 29, overstrike "shall"

Page 7, line 1, remove the overstrike over "~~eight~~" and remove "ten"

Page 7, line 23, remove "and" and after "26" insert ", and 39"

Page 8, line 4, overstrike "his" and insert immediately thereafter "that person's" and overstrike "of"

Page 8, after line 9, insert:

"39. For a nonresident short-term three-day fishing license, ~~eight~~ ten dollars."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1184: Education Committee (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1184 was placed on the Sixth order on the calendar.

Page 1, line 2, after the second comma insert "15-40.1-16.1,"

Page 4, line 26, replace "twenty" with "forty"

Page 4, line 27, remove "one-half" and replace ".80 kilometer" with "1.61 kilometers"

Page 5, after line 6, insert:

"SECTION 5. AMENDMENT. Section 15-40.1-16.1 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-40.1-16.1. Transportation aid for certain vocational education and special education programs. There must be paid from state funds to each school district an amount for transporting pupils to and from schools in other districts and to and from schools within school districts for vocational education courses offered through cooperative arrangements approved by the state board of vocational education. ~~Such~~ That amount must be the same amount for mileage and per day as is provided in subdivision a of subsection 1 of section 15-40.1-16. Payments must be made to school districts transporting pupils for special education programs approved by the superintendent of public instruction as follows:

1. School districts transporting nine or fewer pupils per vehicle are entitled to the payment provided in section

15-40.1-16 for vehicles having a capacity of nine or fewer pupils.

2. School districts transporting ten or more pupils per vehicle are entitled to the payment provided for in section 15-40.1-16 for schoolbuses having a capacity of ten or more pupils.

School districts entitled to transportation aid pursuant to this section ~~shall~~ must receive ~~such~~ aid for all miles [kilometers] traveled and for all pupils transported, regardless of whether ~~or not~~ such the pupils live within the incorporated limits of cities in which the schools in which they are enrolled are located. ~~Provided, however, that~~ However, no school district may receive more than one per-pupil payment for transportation regardless of the number of times any pupil is transported in any one day. Notwithstanding any other provisions of this section, the superintendent of public instruction shall, upon request, make the payments under this section ~~which that~~ are due to school districts participating in area vocational and technology centers or multidistrict special education programs, for the transportation of pupils in those centers and programs, directly to the respective area vocational and technology centers or multidistrict special education programs."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1187: Political Subdivisions Committee (Sen. Graba, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1187 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 5, replace "Two" with "A" and replace "sections" with "section"
- Page 1, line 6, replace "are" with "is"
- Page 1, line 7, replace "liability" with "or emergency instructions - Liability" and after the period insert "1."
- Page 1, line 14, replace "Emergency instructions liability." with "2."
- Page 1, line 16, replace "persons" with "person"
- Page 1, after line 20, insert:

"3. This section does not waive, limit, or modify any existing immunity or other defense of the state or any political subdivision, or any of its agencies, departments, commissions, boards, officers, or employees, nor does it create any claim for relief against any of these entities."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1193: Education Committee (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1193 was placed on the Sixth order on the calendar.

- Page 1, line 8, after "purchase" insert "equipment"
- Page 2, line 19, after "purchase" insert "equipment"

Page 2, line 21, after "purchase" insert "of equipment"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1203: Agriculture Committee (Sen. Kelsh, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1203 was placed on the Sixth order on the calendar.

Page 8, line 26, replace "third" with "tenth"

Page 9, line 4, replace "with" with "at a public hearing before"

Page 9, line 5, remove "chairman of the"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1208: Appropriations Committee (Sen. Tallackson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1208 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 repeal chapter 54-27.2 of the North Dakota Century Code, relating to the budget stabilization fund; and to provide for a transfer.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. REPEAL. Chapter 54-27.2 of the North Dakota Century Code is repealed.

SECTION 2. TRANSFER. On August 1, 1993, the state treasurer shall transfer the unobligated balance in the budget stabilization fund to the state general fund. Upon payment of all obligations, the state treasurer shall transfer any balance to the general fund in the state treasury. After July 31, 1993, the state treasurer shall deposit any moneys that would otherwise be deposited in the budget stabilization fund in the state general fund."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1211: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1211 was placed on the Sixth order on the calendar.

Page 1, line 3, after the third comma insert "10-23-05,"

Page 7, after line 27, insert:

"SECTION 9. AMENDMENT. Section 10-23-05 of the North Dakota Century Code is amended and reenacted as follows:

10-23-05. Miscellaneous charges. The secretary of state shall charge and collect for furnishing a certified copy of any document, instrument, or paper relating to a corporation, one dollar for every four pages, or fraction thereof, and ~~ten~~ fifteen dollars for the certificate and affixing the seal ~~thereto~~ to the certificate."

Page 15, remove lines 25 through 28

Page 16, line 11, after the underscored period insert "This section does not apply to fees submitted for filing in, or information obtained from, the computerized central notice system, to the computerized Uniform Commercial Code central filing data base, or to the computerized statutory liens data base."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1265: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1265 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1270: Natural Resources Committee (Sen. Keller, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1270 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1274: Human Services Committee (Sen. Mathern, Chairman) recommends **DO PASS** and **BE REREFERRED** to the Appropriations Committee (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1274 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1275: Judiciary Committee (Sen. Maxson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1275 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to provide for assistant attorneys general to be employed"

Page 1, line 2, remove "by state agencies and departments; and", replace "section" with "sections", and after "54-12-08" insert "and 65-02-06"

Page 1, line 3, remove "special"

Page 1, line 4, after "general" insert "employed by the workers compensation bureau"

Page 1, remove lines 6 through 21

Page 2, line 3, remove the overstrike over "~~Assistant and special~~" and remove "Special"

Page 2, line 7, remove the overstrike over "~~assistant or~~"

Page 2, line 21, remove the overstrike over "~~The attorney general may require payment for legal~~"

Page 2, remove the overstrike over lines 22 through 28

Page 2, line 29, remove the overstrike over "~~health and consolidated laboratories, and the state hospital.~~" and after the overstruck period insert "The workers compensation bureau may employ assistant attorneys general upon written appointment by the attorney general and pay from the North Dakota workers' compensation fund the salaries and expenses of the assistant attorneys general."

Page 2, after line 29, insert:

"SECTION 2. AMENDMENT. Section 65-02-06 of the 1991 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 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~~ attorneys general and pay from the fund the entire salary of the assistant attorneys general."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1313: Human Services Committee (Sen. Mathern, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1313 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1315: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1315 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "leasehold or possessory interests in" with "residential"

Page 1, line 11, replace "Any leasehold or possessory interest in residential" with "Residential"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1347: Political Subdivisions Committee (Sen. Graba, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1347 was placed on the Sixth order on the calendar.

Page 5, line 29, replace "in" with "for governor at the most recent gubernatorial"

Page 6, line 1, remove "the last preceding general"

Page 7, line 2, after the second "committee" insert ", with the approval of the governing body,"

Page 8, line 5, replace "in the last preceding general" with "for governor at the most recent gubernatorial"

Page 8, line 21, after the second "committee" insert ", with the approval of the governing body,"

Page 19, line 4, after "electors" insert "of the county"

Page 19, line 5, replace "in the county at the last preceding general" with "for governor at the most recent gubernatorial"

Page 19, line 29, after "electors" insert "of the county" and replace "in the" with "for governor at the most recent gubernatorial"

Page 20, line 1, remove "county at the last preceding general"

Page 23, line 29, replace "in the last preceding" with "for governor at the most recent gubernatorial"

Page 24, line 1, remove "general"

Page 24, line 10, after "electors" insert "of the county" and replace "in the county at the" with "for governor at the most recent gubernatorial"

Page 24, line 11, remove "last preceding general"

Page 32, line 29, replace "in the last preceding general" with "for governor at the most recent gubernatorial"

Page 40, line 26, after "electors" insert "of each county" and replace "in each county in the last" with "for governor at the most recent gubernatorial"

Page 40, line 27, remove "preceding general"

Page 45, line 10, remove ". A home rule charter"

Page 45, remove lines 11 through 19

Page 45, line 20, remove "the county is located"

Page 46, line 10, remove ". A home rule charter"

Page 46, remove lines 11 through 22

Page 46, line 23, remove "the office or jurisdiction of the county court or county judge"

Page 50, line 16, replace "in the last preceding" with "for governor at the most recent gubernatorial"

Page 50, line 17, remove "general"

Page 55, line 12, after "electors" insert "of the city" and replace "in the city in the last preceding" with "for governor at the most recent gubernatorial"

Page 55, line 13, remove "general"

Page 62, line 9, replace "in the" with "for governor at the most recent gubernatorial"

Page 62, line 10, remove "last preceding general"

Page 65, line 5, after "county" insert "voting for governor at the most recent gubernatorial election"

Page 73, line 4, replace "in the last preceding" with "for governor at the most recent gubernatorial"

Page 73, line 5, remove "general"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1357: Transportation Committee (Sen. Schoenwald, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1357 was placed on the Sixth order on the calendar.

Page 1, line 11, remove the overstrike over "~~two-year~~" and remove "three-year"

Page 1, line 20, remove "The reduction in premium charges may be applied"

Page 1, remove line 21

Page 2, remove lines 1 and 2

Page 2, line 3, remove "the delivery and transport is incidental to an operator's business."

Page 2, line 6, after the period insert "A driver fifty-five years of age or older who successfully completes an approved motor vehicle accident prevention course is entitled to a three-year insurance premium reduction. The reduction may be applied only to a private passenger motor vehicle or a pickup truck or van that has a gross vehicle weight of less than ten thousand pounds [4535.92 kilograms] and which is not used for delivering or transporting goods or materials unless the delivery and transport is incidental to an operator's business."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1363: Judiciary Committee (Sen. Maxson, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1363 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1364: Human Services Committee (Sen. Mathern, Chairman) recommends **DO PASS** and **BE REREFERRED** to the Appropriations Committee (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1364 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1375: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1375 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1376: Political Subdivisions Committee (Sen. Graba, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1376 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 40-55-01 of the North Dakota Century Code, relating to the power of a county commission to act on behalf of an unorganized township for a public recreation system.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 40-55-01 of the North Dakota Century Code is amended and reenacted as follows:

1. "Governing body" as ~~herein~~ used in this chapter means city council, board of trustees or commissioners of any city or township, the board of county commissioners on behalf of any unorganized township, the trustees of any school district, and the commissioners of any park district in North Dakota.
2. "Municipality" as used in this chapter refers to and means any city or organized or unorganized township in North Dakota."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1378: Judiciary Committee (Sen. Maxson, Chairman) recommends DO NOT PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1378 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1393: Human Services Committee (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1393 was placed on the Sixth order on the calendar.

Page 3, line 11, after "violence" insert "unless those costs would place an undue financial hardship on that parent"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1400: Natural Resources Committee (Sen. Keller, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1400 was placed on the Sixth order on the calendar.

Page 9, line 2, remove "of the"

Page 9, line 3, remove "tourism division"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1429: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1429 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "and an income tax credit for"

Page 1, line 4, remove "alternative fuel refueling station equipment" and remove "and"

Page 1, line 5, after "date" insert "; and to provide an expiration date"

Page 1, line 10, remove "and refueling station equipment"

Page 2, after line 18, insert:

"SECTION 3. EXPIRATION DATE. This Act is effective through December 31, 1997, and after that date is ineffective."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1435: Education Committee (Sen. Heinrich, Chairman) recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1435 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1436: Agriculture Committee (Sen. Kelsh, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1436 was placed on the Sixth order on the calendar.

Page 1, line 21, remove "farm labor," and remove the second underscored comma

Page 2, line 1, replace "or" with an underscored comma and after "guardian" insert ", or grandparent"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1445: Natural Resources Committee (Sen. Keller, Chairman) recommends DO PASS (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1445 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1450: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1450 was placed on the Sixth order on the calendar.

Page 2, line 9, replace "The" with "To the extent they are included in the taxpayer's federal adjusted gross income, the"

Page 2, replace lines 10 through 14 with:

- "a. Interest income from obligations of the United States and income exempt from state income tax under federal statute or United States or North Dakota constitutional provisions.
- b. The portion of a distribution from a qualified investment fund described in subsection 4.2 of section 57-38-01 which is attributable to investments by the qualified investment fund in obligations of the United States, obligations of North Dakota or its political subdivisions, and any other obligation the interest from which is exempt from state income tax under federal statute or United States or North Dakota constitutional provisions."

Page 3, line 1, replace "The" with "To the extent they are included in the taxpayer's federal adjusted gross income, the"

Page 3, replace lines 3 through 7 with:

- "a. Interest income from obligations of the United States and income exempt from state income tax under federal statute or United States or North Dakota constitutional provisions.
- b. The portion of a distribution from a qualified investment fund described in subsection 4.2 of section 57-38-01 which is attributable to investments by the qualified investment fund in obligations of the United States, obligations of North Dakota or its political subdivisions, and any other obligation the interest from which is exempt from state income tax under federal statute or United States or North Dakota constitutional provisions."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1463: Government and Veterans Affairs Committee (Sen. Tomac, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO

PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1463 was placed on the Sixth order on the calendar.

Page 2, line 2, replace "chapter" with "chapters 34-06 and"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1468: Agriculture Committee (Sen. Kelsch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1468 was placed on the Sixth order on the calendar.

Page 1, line 7, after "of" insert "clean, untreated"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1474: Education Committee (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1474 was placed on the Sixth order on the calendar.

Page 1, line 16, remove "If disciplinary"

Page 1, remove lines 17 through 19

Page 1, line 20, remove "44-04-18."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1475: Education Committee (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1475 was placed on the Sixth order on the calendar.

Page 1, line 9, after "No" insert "person while acting in an official capacity as an"

Page 1, line 11, after the period insert "This section does not apply to the distribution of a birth control device by an employee or agent to a child of that employee or agent."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1485: Government and Veterans Affairs Committee (Sen. Tomac, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1485 was placed on the Sixth order on the calendar.

Page 2, line 9, overstrike "between group policies"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1491: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1491 was placed on the Sixth order on the calendar.

Page 1, line 1, after "chapter" insert "34-05, a new section to chapter"

Page 1, line 3, after "to" insert "determining an independent contractor's status and to"

Page 1, after line 8, insert:

"SECTION 1. A new section to chapter 34-05 of the North Dakota Century Code is created and enacted as follows:

Independent contractors - Determination made by commissioner. A person beginning work or working as an independent contractor may apply to the commissioner to receive verification of independent contractor status. The commissioner, upon receiving an application, shall review the circumstances of the applicant's job and other relevant information. When the information supports a finding under the "common law" test that the applicant will be working or is working as an independent contractor, the commissioner shall issue a determination to verify the status of the applicant as an independent contractor and shall issue the independent contractor an identification number that will be invalid if the applicant's job changes. If the applicant's job changes, the applicant may reapply for a determination to verify independent contractor status."

Page 1, line 12, after "contractor" insert "who has a valid identification number issued under section 1 of this Act"

Page 2, line 6, after "contractor" insert "who has a valid identification number issued under section 1 of this Act"

Page 3, line 2, after "contractor" insert "who has a valid identification number issued under section 1 of this Act"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1497: Government and Veterans Affairs Committee (Sen. Tomac, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1497 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections 44-04-18 and"

Page 1, line 2, after "to" insert "copying of open records and"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 44-04-18 of the North Dakota Century Code is amended and reenacted as follows:

44-04-18. Access to public records - Penalty.

1. Except as otherwise specifically provided by law, all records of public or governmental bodies, boards, bureaus, commissions or agencies of the state or any political subdivision of the state, or organizations or agencies supported in whole or in part by public funds, or expending public funds, shall be public records, open and accessible for inspection during reasonable office hours.
2. Upon request for a copy of specific public records, any entity subject to subsection 1 shall furnish the requester one copy of the public records requested. The entity may charge a reasonable fee for making the copy. Fees received under this subsection are public moneys and must be deposited as provided by law. An entity may require payment before making the copy. If the entity is not authorized to use the

fees to cover the cost of providing the copy, the entity may make arrangements for the copy to be provided by another entity, public or private, and the requester shall pay the fee to that other entity.

3. Violations of this section shall be punishable as an infraction."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1498: Education Committee (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1498 was placed on the Sixth order on the calendar.

Page 1, line 22, remove the overstrike over "~~twenty-eight~~" and remove "~~thirty-three~~"

Page 2, line 27, replace "five-year" with "eight-year"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1504: Natural Resources Committee (Sen. Keller, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1504 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "group health care coverage and"

Page 1, line 2, replace "a" with "three" and replace "section" with "sections"

Page 1, line 3, after the first "to" insert "copayments and deductibles, children's preventive health services, and" and after the semicolon insert "to amend and reenact section 26.1-36-37.1 of the North Dakota Century Code, relating to a standard health insurance proof of loss form;"

Page 1, line 7, underscore "Definitions. As used in this Act, unless the context" and after "in" insert "sections 1 through 12 and section 17 of"

Page 1, underscore lines 8 through 20

Page 2, underscore lines 1 through 29

Page 3, underscore lines 1 through 28

Page 4, underscore lines 1 through 28

Page 5, underscore lines 1 through 28

Page 6, underscore lines 1 through 29

Page 7, underscore lines 1 through 10

Page 7, line 11, underscore "Applicability and scope."

Page 7, underscore lines 12 through 29

Page 7, line 12, replace "This" with "Sections 1 through 12 and section 17 of this" and replace "applies" with "apply"

Page 7, line 26, after "by" insert "sections 1 through 12 and section 17 of"

Page 8, underscore lines 1 through 26

Page 8, line 3, after "of" insert "sections 1 through 12 and section 17 of"

Page 8, line 27, underscore "Establishment of classes of business."

Page 9, underscore lines 1 through 22

Page 9, line 23, underscore "Restrictions relating to premium rates."

Page 9, underscore lines 24 through 28

Page 9, line 24, after "to" insert "sections 1 through 12 and section 17 of"

Page 10, underscore lines 1 through 28

Page 11, underscore lines 1 through 29

Page 12, underscore lines 1 through 29

Page 13, underscore lines 1 through 28

Page 14, underscore lines 1 through 28

Page 15, underscore lines 1 through 10

Page 15, line 6, after "of" insert "sections 1 through 12 and section 17 of"

Page 15, line 11, underscore "Renewability of coverage."

Page 15, underscore lines 12 through 28

Page 15, line 12, after "to" insert "sections 1 through 12 and section 17 of"

Page 16, underscore lines 1 through 21

Page 16, line 22, underscore "Availability of coverage."

Page 16, underscore lines 23 through 29

Page 17, underscore lines 1 through 29

Page 17, line 4, after "with" insert "sections 1 through 12 and section 17 of"

Page 18, underscore lines 1 through 29

Page 18, line 17, after "of" insert "sections 1 through 12 and section 17 of"

Page 19, underscore lines 1 through 29

Page 20, underscore lines 1 through 29

Page 21, underscore lines 1 through 29

Page 22, underscore lines 1 through 3

Page 22, line 4, underscore "Small employer carrier reinsurance program."

Page 22, underscore lines 5 through 29

Page 23, underscore lines 1 through 28

Page 24, underscore lines 1 through 29

Page 24, line 15, after "of" insert "sections 1 through 12 and section 17 of"

Page 24, line 26, after "under" insert "sections 1 through 12 and section 17 of"

Page 25, underscore lines 1 through 29

Page 26, underscore lines 1 through 29

Page 26, line 3, after "under" insert "sections 1 through 12 and section 17 of"

Page 27, underscore lines 1 through 28

Page 27, line 13, after "under" insert "sections 1 through 12 and section 17 of"

Page 28, underscore lines 1 through 28

Page 29, underscore lines 1 through 28

Page 30, underscore lines 1 through 28

Page 31, underscore lines 1 through 29

Page 31, line 23, after "by" insert "sections 1 through 12 and section 17 of"

Page 32, underscore lines 1 through 25

Page 32, line 8, after "in" insert "sections 1 through 12 and section 17 of"

Page 32, line 15, replace "the provisions" with "sections 1 through 12 and section 17"

Page 32, line 16, after "of" insert "sections 1 through 12 and section 17 of"

Page 32, line 25, replace "all provisions" with "sections 1 through 12 and section 17"

Page 32, line 26, underscore "Health benefit plan committee."

Page 32, underscore lines 27 through 29

Page 33, underscore lines 1 through 26

Page 33, line 27, underscore "Periodic market evaluation. In consultation with members"

Page 33, underscore lines 28 and 29

Page 33, line 28, after the second "of" insert "sections 1 through 12 and section 17 of"

Page 34, underscore lines 1 through 8

Page 34, line 1, after "of" insert "sections 1 through 12 and section 17 of"

Page 34, line 5, after "of" insert "sections 1 through 12 and section 17 of"

Page 34, line 9, underscore "Waiver of certain state laws. Any law requiring the"

Page 34, underscore lines 10 through 13

Page 34, line 13, after "under" insert "sections 1 through 12 and section 17 of"

Page 34, line 14, underscore "Standards to assure fair marketing."

Page 34, underscore lines 15 through 29

Page 35, underscore lines 1 through 28

Page 36, underscore lines 1 through 15

Page 36, line 16, underscore "Restoration of terminated coverage. The commissioner may"

Page 36, underscore lines 17 through 23

Page 36, after line 23, insert:

"SECTION 13. Group health care coverage - Cooperative agreement allowed. The commissioner of insurance shall adopt rules to enable groups to form a cooperative that would allow those groups to purchase group health insurance coverage as one entity.

SECTION 14. A new section to chapter 26.1-36 of the North Dakota Century Code is created and enacted as follows:

Copayments and deductibles - When prohibited. An insurance company, nonprofit health service corporation, or health maintenance organization may not deliver, issue, execute, or renew any health insurance policy, health service contract, or evidence of coverage on an individual, group, blanket, franchise, or association basis which requires copayments or deductibles for prenatal care.

SECTION 15. A new section to chapter 26.1-36 of the North Dakota Century Code is created and enacted as follows:

Health insurance policy and health service contract - Children's preventive health care coverage.

1. An insurance company, nonprofit health service corporation, or health maintenance organization may not deliver, issue, execute, or renew any health insurance policy, health service contract, or evidence of coverage which provides coverage for a family member of the insured person on a group, blanket, franchise, or association basis unless the policy, contract, or evidence of coverage provides coverage for routine periodic physical examinations for the covered person from birth through the age of sixteen, unless specifically rejected in writing by the contractholder. The benefits for children's preventive health care services on a periodic basis must include eighteen visits from birth through the age of sixteen at approximately the following intervals: birth, two months, four months, six months, nine months, twelve months, fifteen months, eighteen months, two years, three years, four years, five years, six years, eight years, ten years, twelve years, fourteen years, and sixteen years. Services may be covered only to the extent they are provided by, or under the supervision of, one physician during a visit.

2. For purposes of this section:

- a. "Children's preventive health care services" means physician-delivered or physician-supervised services for eligible dependents from birth through the age of sixteen, including medical history, physical examination, developmental assessment, anticipatory guidance, and appropriate immunizations and laboratory tests, in keeping with prevailing medical standards.
- b. "Periodic physical examinations" means the routine tests and procedures for the purpose of detection of abnormalities or malfunctions of bodily systems and parts according to accepted medical practice.

3. Copayments and deductibles may not be imposed for visits under this section.

4. This section does not apply to a disability income, specified disease, medicare supplement, hospital indemnity, or accident only policy.

SECTION 16. AMENDMENT. Section 26.1-36-37.1 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

26.1-36-37.1. Standard health insurance proof of loss form - Claim payment time limits. The commissioner shall prescribe by rule a standard health insurance proof of loss and claim form for use in filing proof of loss and a claim for all health care services. For purposes of this section, "health care service" means any service included in providing an individual with medical, dental, or hospital care or any service incident to providing medical, dental, or hospital care as well as any service provided to prevent, alleviate, care, or heal human illness or injury. After receipt of a health insurance proof of loss form, the insurer shall, within fifteen business days, pay the claim or that portion of the claim that is not contested, deny the claim, or make an initial request for additional information. If a claim or a portion of a claim is contested, the insured or the insured's assignee must be notified in writing that the claim is contested and the reasons for the contest. Nothing in this notification precludes the insurer from denying the claim in whole or in part, for other reasons at a later date. Within fifteen business days of the receipt of the information initially requested, the insurer shall pay or deny the claim."

Page 36, underscore lines 26 through 29

Page 37, underscore lines 1 through 7

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3008: Natural Resources Committee (Sen. Keller, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3008 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3009: Government and Veterans Affairs Committee (Sen. Tomac, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3009 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3014: Joint Constitutional Revision Committee (Sen. O'Connell, Chairman) recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (9 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HCR 3014 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3019: Government and Veterans Affairs Committee (Sen. Tomac, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3019 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "both" with "the public," and after "veterans" insert a comma

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3022: Natural Resources Committee (Sen. Keller, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3022 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3024: Government and Veterans Affairs Committee (Sen. Tomac, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3024 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3028: Natural Resources Committee (Sen. Keller, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3028 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3029: Agriculture Committee (Sen. Kelsh, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HCR 3029 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3039: Agriculture Committee (Sen. Kelsh, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3039 was placed on the Sixth order on the calendar.

Page 1, line 10, replace the first "and" with "which" and after "inadequate" insert "and will continue to fall with the proposed federal BTU tax"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3041: Government and Veterans Affairs Committee (Sen. Tomac, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3041 was placed on the Sixth order on the calendar.

Page 1, line 12, after "may" insert "or may not"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3042: Political Subdivisions Committee (Sen. Graba, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (6 YEAS, 0 NAYS, 1 ABSENT

AND NOT VOTING). HCR 3042 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3043: Political Subdivisions Committee (Sen. Graba, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3043 was placed on the Sixth order on the calendar.

Page 1, line 19, replace "number" with "ratio"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3047: Agriculture Committee (Sen. Kelsh, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3047 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3048: Government and Veterans Affairs Committee (Sen. Tomac, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3048 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "privilege for state agencies" with "process and the process of drafting fiscal notes"

Page 1, line 4, remove "as a means to provide an efficient method to allow the introduction"

Page 1, line 5, remove "of routine and housekeeping legislation required by state agencies"

Page 1, line 10, remove "instead of the"

Page 1, remove line 11

Page 1, line 12, remove "introduction privilege was extended"

Page 1, after line 12, insert:

"WHEREAS, fiscal notes have been crucial to the consideration of bills, but often subject to dispute as to accuracy; and"

Page 2, line 1, replace "privilege for" with "process and the process of drafting fiscal notes; and"

Page 2, remove lines 2 through 4

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3049: Agriculture Committee (Sen. Kelsh, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3049 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3050: Natural Resources Committee (Sen. Keller, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3050 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "what" and after "changes" insert "that"

Page 1, line 3, replace "in the state" with ", including the issuance of gratis permits"

Page 1, line 20, after "landowners" insert ", including the issuance of gratis permits"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3054: Natural Resources Committee (Sen. Keller, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3054 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3055: Natural Resources Committee (Sen. Keller, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3055 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3060: Political Subdivisions Committee (Sen. Graba, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3060 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3063: Government and Veterans Affairs Committee (Sen. Tomac, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3063 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3064: Government and Veterans Affairs Committee (Sen. Tomac, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HCR 3064 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3065: Government and Veterans Affairs Committee (Sen. Tomac, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HCR 3065 was placed on the Tenth order on the calendar.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3002: A concurrent resolution for the amendment of sections 3 and 4 of article IV of the Constitution of North Dakota, relating to the terms of state representatives; and to provide an effective date. Was read the first time and referred to the Joint Constitutional Revision Committee.

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

CAROL SIEGERT, Secretary