

JOURNAL OF THE SENATE

Fifty-third Legislative Assembly

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Bismarck, March 17, 1993

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

The prayer was offered by Fr. David McCauley, Nativity Catholic Church, Fargo.

The roll was called and all members were present.

A quorum was declared by the President.

SIGNING OF BILLS AND RESOLUTIONS

The President signed the following enrolled bills: HB 1025, HB 1041, HB 1042, HB 1067, HB 1077, HB 1078, HB 1082.

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

MR. SPEAKER: The President has signed: HB 1025, HB 1041, HB 1042, HB 1067, HB 1077, HB 1078, HB 1082.

SIGNING OF BILLS AND RESOLUTIONS

The President signed the following enrolled bills: SB 2030, SB 2115, SB 2154, SB 2185, SB 2186, SB 2345, SB 2411.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2030, SB 2115, SB 2154, SB 2185, SB 2186, SB 2345, SB 2411.

SIGNING OF BILLS AND RESOLUTIONS

The President signed the following enrolled resolutions: SCR 4001, SCR 4010, SCR 4012, SCR 4021, SCR 4028, SCR 4030, SCR 4032, SCR 4035.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SCR 4001, SCR 4010, SCR 4012, SCR 4021, SCR 4028, SCR 4030, SCR 4032, SCR 4035.

SIGNING OF BILLS AND RESOLUTIONS

The President signed the following enrolled bills: HB 1049, HB 1243.

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

MR. SPEAKER: The President has signed: HB 1049, HB 1243.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1104, HB 1373.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1216, HB 1267, HB 1336, HB 1360.

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1228.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4011.

SIGNING OF BILLS AND RESOLUTIONS

The President signed the following enrolled bills: HB 1125, HB 1152, HB 1153, HB 1154, HB 1156, HB 1171, HB 1173, HB 1176, HB 1177, HB 1185, HB 1233, HB 1235, HB 1253, HB 1301, HB 1319, HB 1331.

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

MR. SPEAKER: The President has signed: HB 1125, HB 1152, HB 1153, HB 1154, HB 1156, HB 1171, HB 1173, HB 1176, HB 1177, HB 1185, HB 1233, HB 1235, HB 1253, HB 1301, HB 1319, HB 1331.

SIGNING OF BILLS AND RESOLUTIONS

The President signed the following enrolled bills: SB 2026, SB 2050, SB 2053, SB 2076, SB 2089, SB 2239, SB 2271, SB 2296, SB 2315, SB 2331, SB 2369, SB 2377, SB 2410, SB 2417, SB 2419, SB 2445, SB 2457, SB 2458, SB 2478, SB 2493, SB 2494, SB 2495, SB 2497.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2026, SB 2050, SB 2053, SB 2076, SB 2089, SB 2239, SB 2271, SB 2296, SB 2315, SB 2331, SB 2369, SB 2377, SB 2410, SB 2417, SB 2419, SB 2445, SB 2457, SB 2458, SB 2478, SB 2493, SB 2494, SB 2495, SB 2497.

SIGNING OF BILLS AND RESOLUTIONS

The President signed the following enrolled resolutions: SCR 4040, SCR 4042, SCR 4044, SCR 4045, SCR 4049.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SCR 4040, SCR 4042, SCR 4044, SCR 4045, SCR 4049.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Representative Herman Larson

REPORT OF CONFERENCE COMMITTEE

SCR 4019: Your conference committee (Sens. Kelsh, Tomac, Mutch and Reps. Rydell, Kelsch, Coats) recommends that the HOUSE RECEDE from the House amendments on SJ page 230, adopt amendments as follows, and place SCR 4019 on the Seventh order:

That the House recede from its amendments as printed on pages 277-278 of the House Journal and page 230 of the Senate Journal, and that Senate Concurrent Resolution No. 4019 be amended as follows:

Page 1, line 2, after "compensation" insert "and directing the Legislative Council to study legislative employee pay scales to determine if inequities exist and study the feasibility and desirability of providing additional compensation to legislative employees based on prior employment by the Legislative Assembly"

Page 3, line 17, replace "partial pay only" with "estimated partial pay"

Page 3, line 18, replace "partial pay only" with "estimated partial pay"

Page 3, line 19, replace "partial pay only" with "estimated partial pay"

Page 5, after line 29, insert:

"Irma Holstrom, Telephone Attendant

58.00"

Page 6, line 11, replace "partial pay only" with "estimated partial pay"

Page 6, line 12, replace "partial pay only" with "estimated partial pay"

Page 6, line 13, replace "partial pay only" with "estimated partial pay"

Page 6, line 14, replace "partial pay only" with "estimated partial pay" and replace "41.00" with "41.36"

Page 6, after line 14, insert:

"BE IT FURTHER RESOLVED, that each employee of the Fifty-third Legislative Assembly who was employed by the Fifty-second Legislative Assembly is entitled to any additional per day compensation as was granted by the Fifty-second Legislative Assembly; and

BE IT FURTHER RESOLVED, that each employee who was not employed by the Fifty-second Legislative Assembly, but was employed by the Legislative Assembly during a previous regular legislative session during which that employee was paid for at least 45 days, as either an employee of the Senate or the House, is entitled to receive any additional per day compensation, to which the employee would have been entitled if the employee had been employed by the Fifty-second Legislative Assembly, and to receive the additional compensation, which may not exceed five dollars per day, that employee must certify to the Legislative Council the year of each regular session during which that employee was employed as required by this resolution; and"

Page 6, line 17, replace the period with "; and

BE IT FURTHER RESOLVED, that the Legislative Council study legislative employee pay scales to determine if inequities exist and study the feasibility and desirability of providing additional compensation to legislative employees based on prior employment by the Legislative Assembly; and

BE IT FURTHER RESOLVED, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Fifty-fourth Legislative Assembly."

Renumber accordingly

SCR 4019 was placed on the Seventh order of business on the calendar.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4019: A concurrent resolution designating Senate and House employees and fixing their compensation and directing the Legislative Council to study legislative employee pay scales to determine if inequities exist and study the feasibility and desirability of providing additional compensation to legislative employees based on prior employment by the Legislative Assembly.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Marks; 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

SCR 4019 was declared adopted and the title was agreed to.

MOTION

SEN. WOGSLAND MOVED that the Senate resolve itself into a Confirmation Session, which motion prevailed.

REPORT OF SELECT COMMITTEE

MADAM PRESIDENT: Your Select Committee (Sen. Heinrich, Chairman) appointed to consider the nomination for the Gaming Commission, do advise and consent to the appointment of: Rick Maixner

SEN. HEINRICH MOVED that the report be adopted, which motion prevailed.

ROLL CALL

The question being "will the Senate advise and consent to the nomination of Rick Maixner for the State Gaming Commission" the roll was called and there were 48 YEAS, 1 NAY, 0 EXCUSED, 0 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; Marks; Mathern; Maxson; Mushik; Mutch; 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: Naaden

The Senate advises and consents to the nomination of Rick Maixner for the State Gaming Commission.

REPORT OF SELECT COMMITTEE

MADAM PRESIDENT: Your Select Committee (Sen. Kelly, Chairman) appointed to consider the nomination for the Gaming Commission, do advise and consent to the appointment of: Sonja Kosler

SEN. KELLY MOVED that the report be adopted, which motion prevailed.

ROLL CALL

The question being "will the Senate advise and consent to the nomination of Sonja Kosler for the State Gaming Commission" the roll was called and there were 48 YEAS, 1 NAY, 0 EXCUSED, 0 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; Marks; Mathern; Maxson; Mushik; Mutch; 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: Naaden

The Senate advises and consents to the nomination of Sonja Kosler for the State Gaming Commission.

MOTION

SEN. WOGSLAND MOVED that the Confirmation Session be dissolved, which motion prevailed.

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

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1046, HB 1072, HB 1080, HB 1094, HB 1105, HB 1109, HB 1112,

HB 1127, HB 1129, HB 1131, HB 1133, HB 1144, HB 1147, HB 1157, HB 1200, HB 1214, HB 1257, HB 1258, HB 1263, HB 1268, HB 1271, HB 1276, HB 1277, HB 1279, HB 1295, HB 1308, HB 1324, HB 1343, HB 1355, HB 1359, HB 1388.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2007, SB 2011, SB 2012, SB 2024, SB 2101, SB 2328, SB 2362, SB 2449, SB 2519, SB 2524, SCR 4031, SCR 4057.

HOUSE AMENDMENTS TO SENATE BILL NO. 2007

Page 1, line 10, replace "166,653" with "183,356"

Page 1, line 11, replace "5,440" with "4,896"

Page 1, line 14, replace "385,000" with "385,000"

Page 1, remove line 15

Page 1, line 16, replace "597,857" with "612,534"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 316 - INDIAN AFFAIRS COMMISSION

HOUSE - This amendment makes the following changes to Governor Sinner's executive budget recommendation to reflect Governor Schafer's recommended appropriations:

- The salaries and wages line item is increased by \$21,439 from the general fund for a salary increase for the executive director, decreased by \$1,152 from the general fund for reduced employee health insurance costs, and decreased by \$3,584 from the general fund to reflect Governor Schafer's salary increase recommendation for a net general fund increase in salaries and wages of \$16,703.
- The interagency legal fees line item of \$1,482 is deleted to reflect Governor Schafer's recommendation regarding legal fees charged by the Attorney General.

In addition to the changes made to reflect Governor Schafer's recommended appropriation, this amendment decreases the information services line item by \$544 from the general fund to reflect a 10 percent reduction.

In total, this amendment increases the appropriation to the Indian Affairs Commission by \$14,677 from the general fund.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2011

Page 1, line 6, after the second comma insert "and from special funds derived from federal funds and other income"

Page 1, after line 9, insert:

"Total all funds	\$350,000
Less estimated income	<u>56,000"</u>

Page 1, line 10, replace "350,000" with "294,000"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 665 - STATE FAIR ASSOCIATION

HOUSE - General fund support for premiums is reduced by \$56,000 and funding of \$56,000 from other funds to be generated by the State Fair for premiums is added.

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2012

Page 1, line 11, replace "359,511" with "351,669"

Page 1, line 12, replace "9,220" with "8,298"

Page 1, line 15, replace "1,643,014" with "1,580,479"

Page 1, line 16, replace "2,205,687" with "2,134,388"

Page 1, line 17, replace "1,571,107" with "1,583,107"

Page 1, line 18, replace "634,580" with "551,281"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 709 - COUNCIL ON THE ARTS

HOUSE - This amendment makes the following changes to the Senate version:

The salaries and wages line item is reduced by \$7,842 from the general fund to reflect Governor Schafer's salary increase recommendation for state employees.

The information services line item is reduced by \$922 from the general fund to reflect a 10 percent reduction in information services costs.

The grants line item is reduced by \$62,535 from the general fund from a total of \$1,643,014 to \$1,580,479 to remove general fund increases for grants included in the Senate version. A comparison of general fund grant programs is as follows:

	SENATE VERSION	HOUSE REDUCTION	HOUSE VERSION
ACCESS grants	\$ 72,748	\$(19,535)	\$ 53,213
Arts in education grants	78,000	(43,000)	35,000
Touring arts grants	<u>41,350</u>	<u>0</u>	<u>41,350</u>
Total general fund	\$192,098	\$(62,535)	\$129,563

Other funds are increased and general fund support is reduced by \$12,000 to provide that 20 percent of the folklorist position's salary and benefits be provided from other funds. The 1991 Legislative Assembly appropriated 50 percent of the folklorist position's salary and benefits from other funds.

In total, this amendment reduces the Senate version by \$71,299. General fund support is reduced by \$83,299 and funding from other funds is increased by \$12,000.

HOUSE AMENDMENTS TO SENATE BILL NO. 2024

Page 1, line 16, replace "two" with "four"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2101

Page 1, line 3, after "act" insert "; and to provide a civil penalty"

Page 1, line 7, after "records" insert "- Civil penalty"

Page 2, line 6, insert:

- "3. A person conducting an audit for unclaimed property is subject to the following penalty for violation of this section:
- a. The administrator and state employees conducting audits on the administrator's behalf are subject to the provisions, penalties, and exemptions provided in chapter 6-08.1 when auditing financial institutions as defined therein;
 - b. All other companies, persons, firms, or other entities performing audits for unclaimed property on behalf of the state or otherwise, may not disclose any confidential information concerning any financial institution or other holder to any person or other entity other than the administrator. Any company, person, firm, or entity who intentionally discloses information in violation of this section is liable to the person, institution, business, or entity that was audited in an amount equal to the greater of one thousand dollars or the actual damages caused by the disclosure of the information. Any person who discloses information in good faith reliance on any provision of this section is not liable for that disclosure."

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2328

Page 1, after line 15, insert:

"As used in this subsection, the term "reasonable interest" means the same rate of interest as paid on death proceeds left on deposit with the insurer. This provision does not apply if proof of death is filed more than one hundred eighty days after the date of death."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2362

Page 1, line 6, replace "organized for the purpose of counseling consumers with respect to" with "engaged in the business of debt adjusting as defined in section 13-06-01 and includes any nonprofit community service organization that is exempt from federal taxation under section 501(c)(3) of the Internal Revenue Code [26 U.S.C. 501(c)(3)] and which provides credit counseling services"

Page 1, remove line 7

Page 1, line 8, remove "creditors"

Page 2, line 23, replace "daily" with "monthly"

Page 3, line 2, replace "seventy-five" with "fifty"

Page 3, line 7, replace "remaining eighty-five percent" with "remainder"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2449

Page 1, line 5, replace the second "subsection" with "subsections 3 and"

Page 8, replace lines 5 through 28 with:

"SECTION 10. AMENDMENT. Subsections 3 and 4 of section 57-38-30.3 of the 1991 Supplement to the North Dakota Century Code are amended and reenacted as follows:

3. The adjusted federal income tax liability for a resident individual, estate, and trust must be determined by multiplying the federal income tax liability by a fraction, the numerator of which is the adjusted gross income taxable to this state and the denominator of which is the total adjusted gross income as reported on the federal income tax return. ~~Interest income from United States obligations and other income not taxable to this state because of federal statutes, United States, or state constitutional provisions and distributions described in subdivision c of subsection 4.2 of section 57-38-01 from a qualified investment fund~~ To the extent they are included in the taxpayer's federal adjusted gross income, the following amounts must be excluded from the numerator:
 - 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.

4. The adjusted federal income tax liability of a nonresident individual, estate, and trust must be determined by multiplying the federal income tax liability by a fraction, the numerator of which is the adjusted gross income derived from sources within this state and the denominator of which is the total adjusted gross income as reported on the federal income tax return. ~~Interest income from United States obligations and other income not taxable to this state because of federal statutes, United States, or state constitutional provisions and distributions described in subdivision c of subsection 4.2 of section 57-38-01 from a qualified investment fund~~ To the extent they are included in the taxpayer's federal adjusted gross income, the following amounts must be excluded from the numerator:
 - 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."

Re-number accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2519

Page 2, line 12, replace "September" with "July"

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

Re-number accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2524

Page 1, line 3, replace "; and to amend and reenact subsection 1 of section 11-17-04" with a period

Page 1, remove line 4

Page 1, remove lines 6 through 18

Page 2, remove the underscore under lines 1 through 6

Re-number accordingly

HOUSE AMENDMENTS TO SENATE CONCURRENT RESOLUTION NO. 4031

Page 1, line 17, after "ranchers" insert "to persons other than public warehousemen licensed under chapter 60-02"

Re-number accordingly

HOUSE AMENDMENTS TO SENATE CONCURRENT RESOLUTION NO. 4057

Page 1, line 2, after "Act" insert "and its relationship to existing North Dakota law"

Page 2, line 2, after "and" insert "its relationship to existing North Dakota law and"

Re-number accordingly

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

MADAM PRESIDENT: The House has passed unchanged: SB 2171, SB 2213, SB 2230, SB 2266, SB 2286, SB 2317, SCR 4005, SCR 4013, SCR 4015, SCR 4018, SCR 4025, SCR 4027, SCR 4037, SCR 4039, SCR 4046, SCR 4047, SCR 4050, SCR 4051, SCR 4053, SCR 4055, SCR 4056, SCR 4058, SCR 4061, SCR 4062, SCR 4063, SCR 4064, SCR 4066, SCR 4071.

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

MADAM PRESIDENT: The House has failed to pass: SB 2175, SB 2260, SB 2318.

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1510.

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

MADAM PRESIDENT: The House has failed to pass: SB 2347.

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

MADAM PRESIDENT: The House has amended and subsequently failed to pass: SB 2192.

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

MADAM PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2097.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2097

Page 1, line 1, after "Act" insert "to require the commissioner of labor to convene a wage conference committee;"

Page 1, line 12, replace "protection" with "fighting" and after "or" insert "sworn"

Page 1, line 13, replace "duties" with "officers"

Page 1, line 15, after the comma insert "the state and political subdivisions of the state."

Page 1, line 16, remove "The term does"

Page 1, remove line 17

Page 2, after line 4, insert:

"SECTION 3. COMMISSIONER OF LABOR TO CONVENE WAGE CONFERENCE COMMITTEE. The commissioner of labor shall convene a wage conference committee by August 1, 1993."

Re-number accordingly

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2009, SB 2019, SB 2277, SB 2320, SB 2334, SB 2527, SB 2534.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2009

Page 1, line 1, after "to" insert "amend and reenact section 37-18-04 of the North Dakota Century Code, relating to duties of the commissioner of the department of veterans' affairs; and to"

Page 1, line 13, replace "4,149,663" with "4,035,579"

Page 1, line 14, replace "1,560,816" with "1,578,091"

Page 1, line 16, replace "321,851" with "321,851"

Page 1, remove line 17

Page 1, line 18, replace "6,226,898" with "6,126,044"

Page 1, line 19, replace "3,805,722" with "3,765,956"

Page 1, line 20, replace "2,421,176" with "2,360,088"

Page 2, line 2, replace "417,233" with "405,495"

Page 2, line 3, replace "4,000" with "3,600"

Page 2, line 4, replace "152,381" with "132,381"

Page 2, line 6, replace "100,000" with "75,000"

Page 2, remove line 7

Page 2, line 8, replace "679,664" with "618,526"

Page 2, line 9, replace "267,928" with "222,928"

Page 2, line 10, replace "411,736" with "395,598"

Page 2, line 11, replace "2,832,912" with "2,755,686"

Page 2, line 12, replace "4,073,650" with "3,988,884"

Page 2, line 13, replace "6,906,562" with "6,744,570"

Page 2, line 20, replace "\$267,928" with "\$222,928"

Page 2, after line 23, insert:

"SECTION 4. ADDITIONAL VETERANS' POSTWAR TRUST FUND EARNINGS - APPROPRIATION. Notwithstanding section 37-14-14, earnings of the veterans' postwar trust fund, in addition to the amounts appropriated in section 1 of this Act, are hereby appropriated to the administrative committee on veterans' affairs for veterans' programs administered by the veterans' home and department of veterans' affairs for the biennium beginning July 1, 1993, and ending June 30, 1995, and may be spent only upon authorization of the emergency commission.

SECTION 5. AMENDMENT. Section 37-18-04 of the 1991 Supplement to the North Dakota Century Code is amend and reenacted as follows:

37-18-04. Duties of commissioner. It is the duty of the commissioner to coordinate agencies or instrumentalities of the state set up to render service and benefits to returning veterans; to have charge of and implement programs and benefits authorized by statute; to assist or represent veterans or their widows, administrators, executors, guardians, or heirs, in processing claims; to advise and assist veterans in taking advantage of the provisions of the Servicemen's Readjustment Act of 1944 [Pub. L. 78-346; 58 Stat. 291], or any similar or related measures afforded by the federal government; to assist, supervise, advise, and direct the work of county service officers; to assist county service officers in the formation of county service to veterans' committees and to outline, assist, and direct the activities of such committees; to disseminate information and to do any and all things necessary and proper for the purpose of carrying out the intent and purposes of this chapter.

The department of veterans' affairs may accept and expend funds from any source, including federal or private sources and interest earnings from the veterans' postwar trust fund, to be used to assist veterans or qualified veterans' spouses in obtaining assistance and to pay other expenses authorized by law, incurred pursuant to hearings covered in section 37-19.1-04 or incurred in carrying out programs of benefit and service for resident North Dakota veterans as authorized by the administrative committee on veterans' affairs ~~or~~ with the approval of the emergency commission.

The department of veterans' affairs may receive from the United States government such records of veterans as the United States government may wish to turn over to the department of veterans' affairs and same shall keep and maintain such records as hereafter provided by this chapter."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 313 - VETERANS HOME

HOUSE - This amendment makes the following changes included in Governor Schafer's recommendations:

- The salaries and wages line item is reduced by \$114,084, \$57,043 of which is from the general fund. Of this reduction, \$83,359, \$41,680 of which is from the general fund, relates to Governor Schafer's salary increase recommendation for state employees and \$30,725, \$15,363 of which is from the general fund, relates to reduced employee health insurance costs.

- The interagency legal fees line item of \$4,045 from the general fund is deleted to reflect Governor Schafer's recommendation regarding legal fees charged by the Attorney General.
- The operating expenses line item is increased by \$17,275 of special funds for indirect cost allocation payments to the Office of Management and Budget.

A section is added providing that additional interest income from the veterans postwar trust fund may be spent only upon approval of the Emergency Commission.

In total, this amendment reduces funding for the Veterans Home by \$100,854, \$61,088 of which is from the general fund and \$39,766 of other funds.

DEPARTMENT 321 - DEPARTMENT OF VETERANS AFFAIRS

HOUSE - This amendment makes the following changes included in Governor Schafer's recommendations:

- The salaries and wages line item is decreased by \$11,738 from the general fund, of which \$2,688 is for reduced employee health insurance costs and \$9,050 is to reflect Governor Schafer's salary increase recommendation.
- The interagency legal fees line item of \$4,000 from the general fund is deleted to reflect Governor Schafer's recommendation regarding legal fees charged by the Attorney General.

This amendment also makes the following changes:

- The information services line item is reduced by \$400 from the general fund to reflect a 10 percent reduction in information services costs.
- The operating expenses line item is reduced by \$20,000 from the veterans postwar trust fund to delete funding provided for legal fees in veterans' preference cases.
- The grants line item is reduced by \$25,000 from the veterans postwar trust fund, from \$100,000 to \$75,000 relating to the veterans' unmet needs grant program.

Sections are added providing that additional income received by the Department of Veterans Affairs may be spent only upon approval of the Emergency Commission.

In total, this amendment reduces the Department of Veterans Affairs appropriation by \$16,138 from the general fund and \$45,000 from the veterans postwar trust fund.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2019

Page 1, line 10, replace "31,649,611" with "30,811,346"

Page 1, line 11, replace "7,691,072" with "8,078,952"

Page 1, line 14, replace "10,179,750" with "10,154,750"

Page 1, remove line 15

Page 1, line 16, replace "50,927,034" with "50,151,649"

Page 2, line 1, replace "\$200,000" with "\$175,000"

Page 2, after line 5, insert:

"SECTION 4. APPROPRIATION. In addition to the amount appropriated to job service North Dakota in section 1 of this Act, for the North Dakota work force 2000 program, there is hereby appropriated any additional income for the program from other funds which may become available to the agency for the biennium beginning July 1, 1993, and ending June 30, 1995."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 480 - JOB SERVICE NORTH DAKOTA

HOUSE - This amendment makes the following changes to Governor Sinner's executive budget recommendation to reflect Governor Schafer's recommended appropriations:

- The salaries and wages line item is decreased by \$859,232 from other funds, of which \$151,334 is for reduced employee health insurance costs, \$707,898 is to reflect the Schafer salary increase recommendation, and increased by \$20,967 from other funds to correct the Sinner compensation package, for a net decrease of \$838,265.
- The operating expenses line item is increased by \$300,000 from other funds and the interagency legal fees line item of \$300,000 is deleted to reflect Governor Schafer's recommendation regarding legal fees charged by the Attorney General.

In addition to the changes made to reflect Governor Schafer's recommended appropriations, this amendment makes the following changes:

- The operating expenses line item is increased by \$87,880 of other funds, of which \$42,971 is for Merit System payments to the Central Personnel Division of the Office of Management and Budget and \$44,909 is for indirect cost allocation payments to the Office of Management and Budget.
- The grants line item is decreased by \$25,000 of other funds to reflect a reduction of funds to be received from the Future Fund for the Work Force 2000 program.

This amendment also adds a section appropriating any additional other funds received by Job Service for the Work Force 2000 program for the biennium beginning July 1, 1993, and ending June 30, 1995.

In total, this amendment decreases the appropriation to Job Service North Dakota by \$775,385 of other funds.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2277

Page 1, line 16, remove "cause of death or"

Page 1, line 18, remove the overstrike over "~~as provided by regulation or~~"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2320

Page 1, line 4, remove "4-12.2-15,"

Page 1, line 5, after the fourth comma insert "and" and remove ", and 4-12.2-25"

Page 2, after line 6, insert:

"4. "Certificate of health" means a certificate issued upon the request of a beekeeper to verify normal standards of health set by the destination state."

Page 2, line 7, replace "4." with "5."

Page 2, line 12, replace "5." with "6."

Page 2, line 15, replace "6." with "7."

Page 2, line 17, replace "7." with "8."

Page 2, line 19, replace "8." with "9."

Page 2, line 21, replace "9." with "10."

Page 2, line 25, replace "10." with "11."

Page 2, after line 27, insert:

"12. "Normal standards of health" include the percentages of American foulbrood and varroasis incidents."

Page 2, line 28, replace "11." with "13."

Page 4, line 8, remove the overstrike over "; ~~where the registrant is not the property owner, a copy~~"

Page 4, remove the overstrike over lines 9 through 13

Page 4, line 16, overstrike the period

Page 4, line 19, overstrike "3."

Page 4, line 21, remove "Before establishing and maintaining an apiary on"

Page 4, remove lines 22 through 29

Page 5, remove lines 1 through 4

Page 6, line 4, replace "The" with "Upon request, the"

Page 6, line 5, replace "provide" with "certification of breeding stock as European, and"

Page 6, line 6, after the first underscored comma insert "and shall"

Page 9, remove lines 22 through 26

Reumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2334

Page 1, line 1, after "reenact" insert "subsection 1 of section 4-10.4-08, section 4-28-07," and after "60-02-01" insert a comma

Page 1, line 3, after "to" insert "levies on certain agricultural commodities and to"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Subsection 1 of section 4-10.4-08 of the North Dakota Century Code is amended and reenacted as follows:

1. ~~Effective July 1, 1983,~~ a A tax at the rate of five mills per bushel [35.24 liters] must be levied and imposed upon all

barley grown in the state ~~and or~~ sold to a first purchaser. This tax is due upon any identifiable lot or quantity of barley.

SECTION 2. AMENDMENT. Section 4-28-07 of the North Dakota Century Code is amended and reenacted as follows:

4-28-07. Wheat tax levy. ~~There is hereby levied and imposed, effective July 1, 1983, a~~ A tax of five mills per bushel [35.24 liters] by weight must be levied and imposed upon all wheat grown in this state ~~and or~~ sold through commercial channels by a producer to a first purchaser, ~~such.~~ The tax to must be levied and assessed at the time of sale and deducted by the purchaser from the price paid, or in the case of a lien, pledge, or mortgage, deducted from the proceeds of the loan or claim secured, subject to adjustment at the time of settlement in the event the number of bushels [liters] are not accurately determined at the time of the lien, pledge, or mortgage. At the time of sale, the purchaser shall issue and deliver to the producer a record of the transaction in such manner as the commission may prescribe.

Any producer subject to the deduction provided in this chapter may, within sixty days following such deduction or final settlement, make application by personal letter to the wheat commission for a refund application blank. Upon the return of ~~said~~ the blank, properly executed by the producer, accompanied by a record of the deduction by the purchaser, the producer must be refunded the net amount of the deduction collected. If no request for refund has been made within the period prescribed above, then the producer is presumed to have agreed to such deduction. However, a producer, for any reason, having paid the tax more than once on the same wheat, upon furnishing proof of this to the commission, is entitled to a refund of the overpayment.

The commission, to inform the producer, shall develop and disseminate information and instructions relating to the purpose of the wheat tax and manner in which refunds may be claimed, and to this extent shall cooperate with governmental agencies, state and federal, and private businesses engaged in the purchase of wheat."

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2527

Page 1, line 3, remove "and" and after "26.1-08-06" insert ", and subsection 4 of section 26.1-08-12"

Page 3, after line 3, insert:

"SECTION 5. AMENDMENT. Subsection 4 of section 26.1-08-12 of the North Dakota Century Code is amended and reenacted as follows:

4. A person who obtains coverage pursuant to this section may not be covered for maternity during the first two hundred seventy days or any other preexisting condition during the first six months one hundred eighty days of coverage under the association plan if the person was diagnosed or treated for that condition during the ninety days immediately preceding the date of the application. Any person with coverage through the association plan due to a catastrophic condition or major illness who is also pregnant at the time of application is eligible for maternity benefits after the first one hundred eight days of coverage. This subsection does not apply to a person receiving nonelective procedures who has lost dependent status under a parent's or guardian's family or group policy ~~and who has had continuous coverage under a family or group policy that has been in effect for~~

the twelve-month period immediately preceding the filing of an application ~~for nonelective procedures~~ or to a person who is treated by nonelective procedures for a congenital or genetic disease."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2534

Page 2, replace line 2 with "The safety chain requirement of this section does not apply to:

1. A fifth-wheel coupling device; or
2. A vehicle towing an implement of husbandry or an implement of husbandry towing a vehicle, when operated at a speed not exceeding twenty-five miles [40.23 kilometers] per hour."

Renumber accordingly

SECOND READING OF HOUSE BILL

HB 1057: A BILL for an Act to amend and reenact sections 11-33-01, 11-33-20, 23-29-03, subsection 11 of section 23-29-04, subsection 3 of section 23-29-06, and section 23-29-07 of the North Dakota Century Code and to amend and reenact section 1 of chapter 283 of the 1991 Session Laws of North Dakota, relating to county power to regulate property, joint zoning authority over solid waste disposal facilities, definitions, powers and duties of the state department of health and consolidated laboratories, solid waste management district board membership, permits for solid waste management facilities and solid waste transporters, and to prohibit the state department of health and consolidated laboratories from issuing permits for the construction or operation of certain solid waste disposal facilities; 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Marks; 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

HB 1057 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1212: A BILL for an Act to create and enact a new section to chapter 41-09 of the North Dakota Century Code, relating to fees for filing documents in the Uniform Commercial Code central filing system; to amend and reenact subsections 5, 9, and 10 of section 41-09-42 of the North Dakota Century Code, relating to fees for obtaining information from the Uniform Commercial Code central filing system; and to provide an expiration date.

REQUEST

SEN. DOTZENROD REQUESTED that the Senate divide HB 1212, which request was granted.

DIVISION A: Section 1 and 3.

DIVISION B: Section 2.**ROLL CALL**

The question being on the final adoption of Division A of HB 1212, the roll was called and there were 21 YEAS, 28 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Lindgren; Mutch; Naaden; Nalewaja; Nelson; Nething; Sand; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Traynor; Urlacher

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

Division A of HB 1212 lost.

ROLL CALL

The question being on the final adoption of Division B of HB 1212, the roll was called and there were 44 YEAS, 5 NAYS, 0 EXCUSED, 0 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; Marks; Mathern; Mushik; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wogsland

NAYS: Maxson; Mutch; Stenehjem, B.; Tomac; Yockim

Division B of HB 1212 passed.

HB 1212: A BILL for an Act to amend and reenact subsections 5, 9, and 10 of section 41-09-42 of the North Dakota Century Code, relating to fees for obtaining information from the Uniform Commercial Code central filing system.

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, 4 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Krauter; Mutch; Tomac; Yockim

HB 1212 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1286: A BILL for an Act to amend and reenact section 27-05-27 and subsection 3 of section 29-15-21 of the North Dakota Century Code, relating to a demand for change of judge.

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

NAYS: Dotzenrod; Heinrich; Scherber; Tomac

ABSENT AND NOT VOTING: Freborg

HB 1286 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1417: A BILL for an Act to create and enact a new chapter to title 26.1 of the North Dakota Century Code, relating to bail bonds; 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Marks; 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

HB 1417 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1424: A BILL for an Act to amend and reenact subsection 3 of section 57-15-14.2 of the North Dakota Century Code, relating to the transfer of school district general funds and state school aid funds.

MOTION

SEN. GRINDBERG MOVED that Engrossed HB 1424 be amended as follows, which motion failed.

In addition to the amendments adopted by the Senate as printed on page 841 of the Senate Journal, Engrossed House Bill No. 1424 is further amended as follows:

Page 1, line 12, after "and" insert "any"

Page 1, line 13, after "15-40.1" insert "which exceed budgeted expenditures"

Page 1, line 14, after the underscored period insert "However, school districts may budget for planned transfers of funds from the general fund to the building fund in the school district, provided the transfers do not exceed five percent of the district's general fund budget."

Re-number accordingly

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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Marks; 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

HB 1424 passed and the title was agreed to.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Representative Mary Kay Sauter

SECOND READING OF HOUSE BILL

HB 1445: A BILL for an Act to amend and reenact section 23-29-07 of the North Dakota Century Code, relating to solid waste management facility permit conditions.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 26 YEAS, 23 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; DeMers; Dotzenrod; Graba; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Marks; Mathern; Maxson; Mushik; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Thane; Tomac; Wogsland; Yockim

NAYS: Andrist; Evanson; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Lindgren; Lips; Mutch; Naaden; Nalewaja; Nelson; Nething; Sand; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Traynor; Urlacher

HB 1445 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1304: A BILL for an Act to establish a board of electrology and to provide for the licensure of electrologists; to repeal chapter 43-38 of the North Dakota Century Code, relating to electrologists and electronic hair removal technicians; 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 46 YEAS, 3 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; 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: Andrist; Heinrich; Stenehjem, W.

HB 1304 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1118: A BILL for an Act to repeal chapter 43-38 of the North Dakota Century Code, relating to electrologists and electronic hair removal technicians.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 49 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

NAYS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; 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

HB 1118 lost.

SECOND READING OF HOUSE BILL

HB 1323: A BILL for an Act to create and enact section 54-27-19.2 of the North Dakota Century Code, relating to the reporting of the number of motor vehicles registered under tribal authority on an Indian reservation for the purpose of calculating each county's share of highway tax distribution fund; 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Marks; 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

HB 1323 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1335: A BILL for an Act to amend and reenact section 65-05-09.1 of the North Dakota Century Code, relating to social security offset against workers' compensation benefits.

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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Marks; 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

HB 1335 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1438: A BILL for an Act to establish a statewide open enrollment program allowing elementary and high school students to attend school in a district other than their school district of residence.

MOTION

SEN. SOLBERG MOVED that Engrossed HB 1438 be amended as follows, which motion failed on a verification vote.

In lieu of the amendments adopted by the Senate as printed on pages 934-935 of the Senate Journal, Engrossed House Bill No. 1438 is amended as follows:

Page 1, line 6, after "a" insert "North Dakota"

Page 1, line 19, after the period insert "Notice of intent to enroll in the admitting district obligates the student to attend the admitting district during the following school year, unless the school boards of the resident and the admitting districts agree in writing to allow the student to transfer back to the resident district, or the student's parents or guardians change residence to another district."

Page 2, line 2, after the period insert "A child placed at a group or residential care facility or a residential treatment center in accordance with section 15-40.2-08 is not eligible for open enrollment under this section."

Page 2, line 5, replace "will result" with "fails to meet the standards established in section 6 of this Act"

Page 2, remove line 6

Page 2, line 7, remove "than ten percent of the average daily membership the previous school year"

Page 2, line 29, after "is" insert "approved"

Page 3, line 1, remove "grant the"

Page 3, remove lines 2 and 3

Page 3, line 4, remove "the district of residence shall"

Page 3, line 7, replace "per-pupil" with "per student"

Page 3, replace lines 10 through 16 with:

"SECTION 5. Open enrollment - Transportation. The district of residence of a student participating in open enrollment under this Act has no obligation to provide transportation. However, the district of residence may enter into a transportation arrangement with the admitting district as provided in section 15-34.2-02."

Page 3, line 17, replace "Guidelines" with "Standards"

Page 3, line 18, replace "guidelines" with "standards"

Page 3, line 19, replace "guidelines" with "standards"

Page 3, line 21, replace "guidelines" with "standards"

Page 3, line 23, after the period insert "The school board of the admitting district may determine that the district may not accept applications for open enrollment under this Act."

Renumber accordingly

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, 7 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Bowman; Jerome; Krauter; O'Connell; Streibel; Thane; Tomac

HB 1438 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1365: A BILL for an Act to create and enact four new sections to chapter 15-40.2 of the North Dakota Century Code, relating to the enrollment of nonresident students.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 22 YEAS, 27 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Evanson; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Langley; Lindgren; Maxson; Mutch; Naaden; Nalewaja; Nelson; Nething; Sand; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Traynor; Urlacher

NAYS: Andrist; Bowman; DeMers; Dotzenrod; Graba; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Lindaas; Lips; Marks; Mathern; Mushik; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Tallackson; Thane; Tomac; Wogsland; Yockim

HB 1365 lost.

MOTION

SEN. MATHERN MOVED that HB 1240 be placed at the top of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1240: A BILL for an Act to create and enact a new subsection to section 23-11-11 of the North Dakota Century Code, relating to the powers of housing authorities; and to amend and reenact section 54-17-07.6 of the North Dakota Century Code, relating to the acceptance of grants, contributions, loans, and other aid by the state housing finance agency.

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 34 YEAS, 15 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: DeMers; Dotzenrod; Evanson; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nething; Robinson; Sand; Scherber; Solberg; Stenehjem, B.; Streibel; Tennefos; Tomac; Urlacher; Wogsland

NAYS: Andrist; Bowman; Freborg; Goetz; Holmberg; Krauter; Nelson; O'Connell; Redlin; Schoenwald; Stenehjem, W.; Tallackson; Thane; Traynor; Yockim

HB 1240 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that HB 1274, HB 1313, HB 1364, and HB 1435 be rereferred to the Appropriations Committee, which motion prevailed. Pursuant to Sen. Mathern's motion, HB 1274, HB 1313, HB 1364, and HB 1435 was rereferred.

MOTION

SEN. MATHERN MOVED that HB 1062 be rereferred to the Judiciary Committee, which motion prevailed. Pursuant to Sen. Mathern's motion, HB 1062 was rereferred.

MOTION

SEN. MATHERN MOVED that the vote by which HB 1057, HB 1212, HB 1240, HB 1286, HB 1304, HB 1323, HB 1335, HB 1417, HB 1424, HB 1438, and HB 1445 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

MOTION

SEN. MATHERN MOVED that the vote by which HB 1118 and HB 1365 failed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

MOTION

SEN. MATHERN MOVED that Senate Rule 507 be amended to read "fifty-fifth" legislative day instead of "forty-eighth" legislative day, which motion prevailed.

MOTION

SEN. MATHERN MOVED that the Senate stand in recess until 3:35 p.m., which motion prevailed.

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

SIGNING OF BILLS AND RESOLUTIONS

The President signed the following enrolled bills: SB 2187, SB 2215, SB 2242, SB 2253, SB 2257, SB 2273, SB 2284, SB 2324, SB 2341, SB 2357, SB 2388, SB 2414, SB 2436, SB 2437, SB 2438, SB 2446, SB 2461, SB 2464, SB 2469.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2187, SB 2215, SB 2242, SB 2253, SB 2257, SB 2273, SB 2284, SB 2324, SB 2341, SB 2357, SB 2388, SB 2414, SB 2436, SB 2437, SB 2438, SB 2446, SB 2461, SB 2464, SB 2469.

MOTION

SEN. MATHERN MOVED that HB 1019, HB 1023, and HB 1208 be moved to the bottom of the Sixth order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1075: SEN. KREBSBACH (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 956-958 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1079: SEN. W. STENEHJEM (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 958-959 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 does not concur in the Senate amendments to HB 1155, HB 1168, HB 1181, HB 1222, HB 1225, and HB 1256 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1155: Reps. Soukup; Sveen; Kilichowski
 HB 1168: Reps. Tollefson; Soukup; Kilichowski
 HB 1181: Reps. Christopherson; Gorder; Bodine
 HB 1222: Reps. Bernstein; Kempenich; Stenson
 HB 1225: Reps. D. Olsen; Henegar; Brodshaug
 HB 1256: Reps. Kelsch; Kretschmar; Grumbo

CONSIDERATION OF AMENDMENTS

HB 1097: SEN. B. STENEHJEM (Transportation Committee) MOVED that the amendments on SJ page 959 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1120: SEN. SCHERBER (Education Committee) MOVED that the amendments on SJ pages 959-960 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

MOTION

SEN. MATHERN MOVED that HB 1120 be rereferred to the Appropriations Committee, which motion prevailed. Pursuant to Sen. Mathern's motion, HB 1120 was rereferred.

CONSIDERATION OF AMENDMENTS

HB 1136: SEN. KREBSBACH (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 960 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1139: SEN. STREIBEL (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 960 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1142: SEN. MATHERN (Natural Resources Committee) MOVED that the amendments on SJ pages 960-961 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1158: SEN. KELSH (Education Committee) MOVED that the amendments on SJ pages 961-962 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1178: SEN. EVANSON (Government and Veterans Affairs Committee) MOVED that

the amendments on SJ page 962 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

MOTION

SEN. MATHERN MOVED that HB 1180 be moved to the bottom of the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1184: SEN. O'CONNELL (Education Committee) MOVED that the amendments on SJ pages 963-964 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1187: SEN. TRAYNOR (Political Subdivisions Committee) MOVED that the amendments on SJ page 964 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1193: SEN. HEINRICH (Education Committee) MOVED that the amendments on SJ pages 964-965 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

MOTION

SEN. MATHERN MOVED that HB 1193 be rereferred to the Appropriations Committee, which motion prevailed. Pursuant to Sen. Mathern's motion, HB 1193 was rereferred.

CONSIDERATION OF AMENDMENTS

HB 1203: SEN. BOWMAN (Agriculture Committee) MOVED that the amendments on SJ page 965 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1211: SEN. DOTZENROD (Finance and Taxation Committee) MOVED that the amendments on SJ pages 965-966 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1275: SEN. W. STENEHJEM (Judiciary Committee) MOVED that the amendments on SJ pages 966-967 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1315: SEN. TOMAC (Finance and Taxation Committee) MOVED that the amendments on SJ page 967 be adopted and then be placed on the Fourteenth order with **DO NOT PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1347: SEN. LINDGREN (Political Subdivisions Committee) MOVED that the amendments on SJ pages 967-968 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1357: SEN. O'CONNELL (Transportation Committee) MOVED that the amendments on SJ pages 968-969 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1376: SEN. ANDRIST (Political Subdivisions Committee) MOVED that the amendments on SJ page 969 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1393: SEN. LINDGREN (Human Services Committee) MOVED that the amendments on SJ page 970 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1400: SEN. NALEWAJA (Natural Resources Committee) MOVED that the amendments on SJ page 970 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1429: SEN. KINNOIN (Finance and Taxation Committee) MOVED that the amendments on SJ page 970 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

MOTION

SEN. MATHERN MOVED that HB 1436 be moved to the bottom of the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1450: SEN. TOMAC (Finance and Taxation Committee) MOVED that the amendments on SJ page 971 be adopted and then be placed on the Fourteenth order with DO NOT PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1463: SEN. EVANSON (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 971-972 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1468: SEN. KINNOIN (Agriculture Committee) MOVED that the amendments on SJ page 972 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

MOTION

SEN. MATHERN MOVED that HB 1474, HB 1475, and HB 1498 be moved to the bottom of the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1485: SEN. W. STENEHJEM (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 972 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1491: SEN. MUTCH (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 972-973 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1497: SEN. W. STENEHJEM (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 973-974 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1504: SEN. KRAUTER (Natural Resources Committee) MOVED that the amendments on SJ pages 974-978 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HCR 3019: SEN. SAND (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 979 be adopted and then be placed on the Tenth order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HCR 3039: SEN. BOWMAN (Agriculture Committee) MOVED that the amendments on SJ page 979 be adopted and then be placed on the Tenth order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HCR 3041: SEN. HEINRICH (Government and Veterans Affairs Committee) MOVED

that the amendments on SJ page 979 be adopted and then be placed on the Tenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HCR 3043: SEN. GRABA (Political Subdivisions Committee) MOVED that the amendments on SJ page 980 be adopted and then be placed on the Tenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HCR 3048: SEN. EVANSON (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 980 be adopted and then be placed on the Fourteenth order with **DO NOT PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HCR 3050: SEN. NALEWAJA (Natural Resources Committee) MOVED that the amendments on SJ pages 980-981 be adopted and then be placed on the Tenth order with **DO PASS**, which motion prevailed.

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

MADAM PRESIDENT: The House has amended and subsequently failed to pass: SB 2364, SB 2430.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SCR 4048, SCR 4052, SCR 4060, SCR 4065, SCR 4070.

HOUSE AMENDMENTS TO SENATE CONCURRENT RESOLUTION NO. 4048

Page 1, line 2, after "state" insert "and other existing"

Page 2, line 2, after the second "state" insert "and other existing"

Re-number accordingly

HOUSE AMENDMENTS TO SENATE CONCURRENT RESOLUTION NO. 4052

Page 1, line 5, remove "a"

Page 1, line 6, remove "significant percentage of"

Re-number accordingly

HOUSE AMENDMENTS TO SENATE CONCURRENT RESOLUTION NO. 4060

Page 1, line 1, replace "licensure" with "the statutory definition of home health agency and home health services"

Page 1, remove line 2

Page 1, line 3, remove "practicing in a home health care setting" and remove the first "to" and after the second "to" insert "the"

Page 1, line 4, after "problems" insert "and confusion" and replace "different" with "state registry"

Page 1, line 9, replace "certification" with "competency evaluation"

Page 1, replace lines 12 through 17 with:

"WHEREAS, the definition of "home health agency" as contained in North Dakota Administrative Code Section 33-03-10-01 (4) and (6) does not encompass all providers of home health services;"

Page 1, line 20, replace "licensure requirements of state" with "the statutory definition of home health agency and home health services"

Page 1, remove line 21

Page 1, line 22, remove "setting, to" and after "problems" insert "and confusion"

Page 1, line 23, replace "different" with "state registry"

Renumber accordingly

HOUSE AMENDMENTS TO SENATE CONCURRENT RESOLUTION NO. 4065

Page 1, line 2, replace the first "and" with a comma and after "county" insert ", and city"

Page 1, line 3, after "counties" insert "and cities" and after "county" insert "and city"

Page 1, line 5, after "county" insert "and city"

Page 1, line 7, replace "county" with "local government"

Page 1, line 8, after "county" insert "or city"

Page 1, line 12, after "counties" insert "or cities"

Page 1, line 16, remove "subsequent"

Page 1, line 17, after "county" insert "and city"

Page 1, line 19, after "counties" insert "and cities" and after "county" insert "or city"

Page 1, line 22, after "counties" insert "and cities"

Page 2, line 5, replace "and" with a comma and after "county" insert ", and city"

Page 2, line 7, after "counties" insert "and cities" and after "county" insert "and city"

Renumber accordingly

HOUSE AMENDMENTS TO SENATE CONCURRENT RESOLUTION NO. 4070

Page 1, line 2, after "for" insert "governmental units and"

Page 1, line 13, after "of" insert "governmental and"

Page 2, line 4, after "for" insert "governmental units and"

Page 2, line 6, replace "expand" with "expend"

Renumber accordingly

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

MADAM PRESIDENT: The House has failed to pass: SB 2272, SB 2353, SB 2467.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2195, SB 2206, SB 2219, SB 2340, SB 2358, SB 2373, SB 2385, SB 2387, SB 2393, SB 2398, SB 2401, SB 2423, SB 2439, SB 2444, SB 2460, SCR 4033, SCR 4054, SCR 4059, SCR 4067.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MAXSON MOVED that the Senate do not concur in the House amendments to SB 2042 as printed on SJ pages 849-850 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2042: Sens. Maxson, Traynor, W. Stenehjem.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LANGLEY MOVED that the Senate do not concur in the House amendments to Engrossed SB 2082 as printed on SJ page 834 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2082: Sens. Krauter, Keller, Mutch.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. GRABA MOVED that the Senate do not concur in the House amendments to Engrossed SB 2327 as printed on SJ page 892 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2327: Sens. Jerome, Lindgren, Andrist.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HEINRICH MOVED that the Senate do not concur in the House amendments to SB 2379 as printed on SJ page 860 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2379: Sens. Scherber, O'Connell, Grindberg.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LANGLEY MOVED that the Senate do not concur in the House amendments to Engrossed SB 2095 as printed on SJ page 852 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2095: Sens. Schoenwald, Keller, Krebsbach.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MATHERN MOVED that the Senate do not concur in the House amendments to Engrossed SB 2028 as printed on SJ pages 859-860 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2028: Sens. Graba, Jerome, Nalewaja.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MATHERN MOVED that the Senate do not concur in the House amendments to SB 2048 as printed on SJ page 815 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2048: Sens. Jerome, Graba, Bowman.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. SCHOENWALD MOVED that the Senate do not concur in the House amendments

to SB 2131 as printed on SJ page 766 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2131: Sens. O'Connell, Schoenwald, B. Stenehjem.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DOTZENROD MOVED that the Senate do not concur in the House amendments to SB 2051 as printed on SJ pages 765-766 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2051: Sens. Tomac, Kinnoin, Tennesfos.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DOTZENROD MOVED that the Senate do not concur in the House amendments to SB 2468 as printed on SJ page 817 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2468: Sens. Tomac, Kinnoin, Tennesfos.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DOTZENROD MOVED that the Senate do not concur in the House amendments to Engrossed SB 2120 as printed on SJ page 787 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2120: Sens. Tomac, Kinnoin, Tennesfos.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MATHERN MOVED that the Senate do not concur in the House amendments to Engrossed SB 2359 as printed on SJ page 912 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2359: Sens. Jerome, Graba, Nalewaja.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DOTZENROD MOVED that the Senate do not concur in the Senate amendments to Engrossed SB 2293 as printed on SJ page 815 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2293: Sens. Dotzenrod, Tomac, Tennesfos.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. SCHOENWALD MOVED that the Senate do not concur in the House amendments to SB 2174 as printed on SJ page 911 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2174: Sens. O'Connell, Schoenwald, Tennesos.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MAXSON MOVED that the Senate do not concur in the House amendments to Engrossed SB 2144 as printed on SJ pages 927-928 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2144: Sens. Maxson, W. Stenehjem, Andrist.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LANGLEY MOVED that the Senate do not concur in the House amendments to SB 2108 as printed on SJ pages 890-891 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2108: Sens. Schoenwald, Keller, Mutch.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELSH MOVED that the Senate do not concur in the House amendments to Engrossed SB 2088 as printed on SJ page 814 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2088: Sens. Marks, Kinnoin, Freborg.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LANGLEY MOVED that the Senate do not concur in the House amendments to SB 2083 as printed on SJ page 890 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2083: Sens. Keller, Krauter, Krebsbach.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MATHERN MOVED that the Senate do not concur in the House amendments to Engrossed SB 2027 as printed on SJ page 889 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2027: Sens. Graba, Mathern, B. Stenehjem.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the Senate amendments to Engrossed SB 2022 as printed on SJ pages 910-911 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2022: Sens. Redlin, Lindaas, Holmberg.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. HEINRICH MOVED that the President appoint a committee of three to act

with a like committee from the House as a Conference Committee on HB 1089, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1089: Sens. O'Connell, Kelsh, Freborg.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. MATHERN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1096, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1096: Sens. Mathern, Graba, Bowman.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. GRABA MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1188, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1188: Sens. Dotzenrod, Lindgren, Traynor.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. HEINRICH MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1300, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1300: Sens. Heinrich, Scherber, Evanson.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. MATHERN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1344, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1344: Sens. Graba, Jerome, Nalewaja.

MOTION

SEN. MATHERN MOVED that HCR 3068 be moved to the bottom of the Tenth order, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR

HCR 3003: A concurrent resolution urging state agencies to work together to assist young at-risk children and their families.

HCR 3015: A concurrent resolution directing the Legislative Council to study tax preferences under existing law, with emphasis on prevention of unfair competitive advantages to entities receiving tax preferences.

HCR 3030: A concurrent resolution opposing the enactment of legislation providing for sanctions dealing with an individual's driver's license as a consequence of the individual's conviction of any drug-related offense.

HCR 3031: A concurrent resolution encouraging the Department of Human Services to refer medical assistance recipients to public health programs for certain medical services.

HCR 3034: A concurrent resolution commending the United Nations for adopting its Convention on the Rights of the Child and urging Congress to consider the issues raised in the convention.

HCR 3036: A concurrent resolution expressing support for the development of the Central North American Trade Corridor.

- HCR 3045:** A concurrent resolution directing the Legislative Council to study the tax structure, particularly the balance among the various tax systems in North Dakota.
- HCR 3046:** A concurrent resolution directing the Legislative Council to study the need for and development of a statewide trauma care system in this state.
- HCR 3052:** A concurrent resolution directing the Legislative Council to study the imposition of state income taxes for individuals, estates, and trusts.
- HCR 3053:** A concurrent resolution directing the Legislative Council to study the imposition and administration of sales, use, motor vehicle excise, and aircraft excise taxes.
- HCR 3056:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of implementing a funding program for child care licensing reforms, child abuse prevention, and child injury prevention through the purchase of personalized motor vehicle license plates.
- HCR 3057:** A concurrent resolution directing the Legislative Council to study the problems and resources available to meet the needs of North Dakota youth age 17 through 21 who are released from the state foster care or court system.
- HCR 3058:** A concurrent resolution directing the Legislative Council to study the provision of services to blind and visually impaired children and adults.
- HCR 3059:** A concurrent resolution directing the Legislative Council to study state laws affecting the relationship between local housing authorities and the North Dakota Housing Finance Agency.
- HCR 3061:** A concurrent resolution directing the Legislative Council to study and establish procedures necessary to implement annual sessions of the Legislative Assembly beginning in 1995 and 1996.
- HCR 3066:** A concurrent resolution directing the Legislative Council to study products liability statutes as they relate to the aircraft industry.
- HCR 3069:** A concurrent resolution directing the Legislative Council to study the substantive criminal laws of North Dakota.

ROLL CALL

The question being on the final adoption of the resolutions, which have been read, the roll was called and there were 33 YEAS, 0 NAYS, 0 EXCUSED, 16 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Dotzenrod; Evanson; Freborg; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Lindgren; Marks; Mathern; Maxson; Mutch; Nalewaja; Nelson; O'Connell; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tomac; Traynor; Urlacher; Wogsland

ABSENT AND NOT VOTING: DeMers; Goetz; Kelly; Krebsbach; Langley; Lindaas; Lips; Mushik; Naaden; Nething; Redlin; Robinson; Tallackson; Tennefos; Thane; Yockim

HCR 3003, HCR 3015, HCR 3030, HCR 3031, HCR 3034, HCR 3036, HCR 3045, HCR 3046, HCR 3052, HCR 3053, HCR 3056, HCR 3057, HCR 3058, HCR 3059, HCR 3061, HCR 3066, and HCR 3069 were declared adopted and the titles were agreed to.

REQUEST

SEN. MATHERN REQUESTED that the records show that the members of the **Appropriations Committee** (Tallackson, Mushik, DeMers, Kelly, Lindaas, Redlin, Robinson, Yockim, Goetz, Holmberg, Lips, Naaden, Nething and Thane) are excused as they are in a committee meeting, which request was granted.

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 8:00 a.m., Thursday, March 18, 1993, which motion prevailed.

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 1064: Human Services Committee (Sen. Mathern, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1064 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "and also means a" with a period

Page 1, remove lines 13 through 15

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1084: Human Services Committee (Sen. Mathern, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1084 was placed on the Sixth order on the calendar.

Page 4, after line 19, insert:

3. A transfer made or an obligation incurred by a debtor to an organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code [26 U.S.C. 501(c)(3)] may not be treated as fraudulent as to a medical creditor under this Act.
4. For purposes of subdivision b of subsection 1, a debtor contemplates receiving medical care if the medical care is for the remediation of an illness or condition that exists at the time the transfer is made or obligation incurred."

Page 5, line 21, remove "or a medical creditor"

Page 5, line 24, replace "the" with "a"

Page 6, line 3, remove "the debtor or" and remove ", or both,"

Page 6, line 8, remove "a medical creditor has obtained a judgment on its claim against"

Page 6, line 9, remove "the debtor, or if"

Page 6, line 10, remove "the medical creditor or"

Page 6, line 19, remove "or medical creditor"

Page 6, line 21, remove "or medical creditor"

Page 6, line 23, replace "the" with "a" and after "claim" insert "for medical care furnished or likely to be furnished"

Page 7, line 16, replace "four" with "six" and replace "; provided" with a period

Page 7, remove lines 17 through 19

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1091: Agriculture Committee (Sen. Kelsh, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1091 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and"

Page 1, line 4, after "consumption" insert "; and to provide an effective date"

Page 1, line 14, after "from" insert "free"

Page 1, line 16, after the underscored period insert "A person who brings cattle into this state from other free states that reciprocate shall prove that the cattle were located in that state for a period of at least sixty days."

Page 2, after line 10, insert:

"SECTION 3. EFFECTIVE DATE. Section 1 of this Act becomes effective on August 1, 1994."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1138: 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 1138 was placed on the Sixth order on the calendar.

Page 2, line 1, replace "and" with ". A dispute resolution decision under this section requested by a medical provider concerning payment for medical treatment already provided or a request for diagnostic tests or treatment" and after the underscored period insert "A dispute resolution decision under this section requested by an employee is reviewable by a court only if medical treatment has been denied to the employee. A dispute resolution decision under this section requested by an employer is reviewable by a court only if medical treatment is awarded to the employee. The dispute resolution decision may be reversed only if the court finds that there has been an abuse of discretion by the dispute resolution panel."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1163: 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 1163 was placed on the Sixth order on the calendar.

Page 1, line 20, overstrike ", or failure to act"

Page 1, line 21, overstrike "ninety" and insert immediately thereafter "sixty"

Page 2, line 8, after "2." insert "The dispute is referred to binding arbitration under section 65-02-17;

3."

Page 2, line 10, replace "3." with "4."

Page 2, line 12, replace "4." with "5."

Page 2, line 16, replace "5." with "6."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1165: 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 1165 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "subsection" with "subsections 4 and"

Page 1, line 5, replace "Subsection" with "Subsections 4 and"

Page 1, line 6, replace "is" with "are"

Page 1, after line 7, insert:

"4. The bureau shall make its informal decision on the claim after filing of the claim and the physician's certificate. The bureau shall issue a notice of decision, including a short summary indicating the reason for decision, and shall serve the notice on the parties by mailing a copy to ~~them~~ the parties by regular mail. The bureau is not required to make findings of fact and conclusions of law when it makes an informal decision. Any party may, within thirty days of the date of mailing of notice of initial award, request reconsideration by filing a written request for reconsideration. The request may be accompanied by affidavits, medical records, or other evidence not previously submitted to the bureau. No later than ~~ninety~~ sixty days following filing of a request for reconsideration, the bureau shall issue an order conforming to the requirements of chapter 28-32. Following issuance of an order, any party may request rehearing or file an appeal in accordance with chapter 28-32. If a timely request for reconsideration is not filed, the decision of the bureau is final, subject only to reopening of the claim under section 65-05-04. The provisions of section 65-10-01, relating to appeals from decision of the bureau, apply only when the bureau issues an order following a timely request for reconsideration."

Page 1, line 10, remove the overstrike over "~~or denies~~"

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1179: Human Services Committee (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1179 was placed on the Sixth order on the calendar.

Page 1, line 1, after "enact" insert "a new subsection to section 50-06-05.1,"

Page 1, line 3, after "to" insert "a transitional living program and"

Page 1, after line 12, insert:

"SECTION 1. A new subsection to section 50-06-05.1 of the 1991 Supplement to the North Dakota Century Code is created and enacted as follows:

To administer, allocate, and distribute any funds made available for the payment of transitional living services, to develop standards and conduct needs assessments regarding transitional living services, to develop and evaluate pilot projects offering transitional living services, and to apply for and administer federal and other funds that may be made available to undertake any of the activities described in this subsection. For purposes of this subsection, "transitional living services" include housing, supervision, and supportive services intended and designed to assist persons who have received foster care services and who have reached age seventeen, but who have not reached age twenty-one, to achieve independence and self-sufficiency."

Page 2, line 8, after the second underscored comma insert "transitional living program,"

Page 3, line 5, after the second underscored comma insert "transitional living program,"

Page 3, after line 13, insert:

"9. "Transitional living program" means a program providing transitional housing, supervision, and a wide range of supportive services to assist youth ages seventeen through twenty-one years who will be emancipating out of the foster care system in making a more natural transition from foster care to independence and self-sufficiency."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1326: Human Services Committee (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1326 was placed on the Sixth order on the calendar.

Page 2, line 13, remove "private"

Page 3, line 4, replace "Conducting and contracting" with "Contracting" and remove "conducting and"

Page 3, line 5, remove "contracting for"

Page 3, remove lines 9 through 17

Page 4, line 6, remove "for approval or disapproval"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1349: Human Services Committee (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1349 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "; and to" with a period

Page 1, remove lines 4 and 5

Page 1, line 10, remove the overstrike over "A" and remove "There is no limitation of time within which a"

Page 1, line 11, remove "must be commenced"

Page 1, line 13, remove the overstrike over "~~must be commenced in the~~"

Page 1, line 14, remove the overstrike over "~~proper court within seven years after the commission of the offense~~" and after "offense" insert "or, if the victim failed to report the offense within this limitation period, within three years after the offense was reported to law enforcement authorities. A victim shall report a violation of sections 12.1-20-03 through 12.1-20-08 or section 12.1-20-11 to law enforcement authorities within ten years of the date the victim knew or had reason to know of the violation"

Page 1, remove lines 15 and 16

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1366: Human Services Committee (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1366 was placed on the Sixth order on the calendar.

Page 9, line 26, remove "the following"

Page 10, line 2, replace the underscored colon with "adopted by the department"

Page 10, remove lines 3 through 23

Page 10, line 24, remove "this section"

Page 10, line 25, remove "Shall issue a certificate of need to an applicant under"

Page 10, remove lines 26 through 28

Page 11, line 1, remove "3."

Page 11, line 11, remove the overstrike over "~~3.~~" and remove "4."

Page 11, line 17, remove the overstrike over "~~4.~~" and remove "5."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1374: 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). HB 1374 was placed on the Sixth order on the calendar.

Page 1, line 2, after "Code" insert "or in the alternative to amend and reenact section 10-06.1-10 of the North Dakota Century Code as created in section 2 of Senate Bill No. 2223, as approved by the fifty-third legislative assembly"

Page 1, line 5, replace "Section" with "If Senate Bill No 2223 does not become effective, section"

Page 1, line 18, replace "farmland or" with "land from interest derived from state, federal, and private sources held in its trust fund"

Page 1, line 19, remove "ranchland"

Page 2, line 1, overstrike "solely"

Page 2, line 3, overstrike "incidental to and"

Page 2, line 5, overstrike "the" and after "use" insert ", and"

Page 3, after line 9, insert:

"SECTION 2. AMENDMENT. Section 10-06.1-10 of the North Dakota Century Code as created by Senate Bill No. 2223, as approved by the fifty-third legislative assembly, is amended and reenacted as follows:

10-06.1-10. Acquisition of certain farmland or ranchland by certain nonprofit organizations. A nonprofit organization may acquire farmland or ranchland only in accordance with the following:

1. Unless it is permitted to own farmland or ranchland under section 10-06.1-09, the nonprofit organization must have been either incorporated in this state or issued a certificate of authority to do business in this state before January 1, 1985, or, before January 1, 1987, have been incorporated in this state if the nonprofit organization was created or authorized under Public Law No. 99-294 [100 Stat. 418]. A nonprofit organization created or authorized under Public Law No 99-294 [100 Stat. 418] may acquire no more than twelve thousand acres [4856.228 hectares] of land from interest derived from state, federal, and private sources held in its trust fund.
2. The land may be acquired only for the purpose of conserving natural areas and habitats for biota, and, after acquisition:
 - a. The land must be maintained and managed ~~solely~~ for the purpose of conserving natural area and habitat for biota.
 - b. Any agricultural use of the land is ~~incidental to and~~ in accordance with the management of the land for conservation and ~~the agricultural use,~~ and is by a sole proprietorship or partnership, or a corporation or limited liability company allowed to engage in farming or ranching under section 10-06.1-12.
 - c. If any parcel of the land is open to hunting, it must be open to hunting by the general public.

- d. The nonprofit organization must fully comply with all state laws relating to the control of noxious and other weeds and insects.
3. Before any farmland or ranchland may be purchased by any nonprofit organization for the purpose of conserving natural areas and habitats for biota, the governor must approve the proposed acquisition. A nonprofit organization that desires to purchase farmland or ranchland for the purpose of conserving natural areas and habitats for biota shall first submit a proposed acquisition plan to the agriculture commissioner who shall convene an advisory committee consisting of the director of the parks and outdoor recreation sites division, the state engineer, the commissioner of agriculture, the state forester, the director of the game and fish department, the president of the North Dakota farmers union, the president of the North Dakota farm bureau, and the manager of the Garrison Diversion Conservancy District for acquisition plans containing lands within the Garrison Diversion Conservancy District, or their designees. The advisory committee shall review hold a public hearing with the board of county commissioners concerning the proposed acquisition plan and shall make recommendations to the governor within thirty forty-five days after receipt of the proposed acquisition plan. The governor shall approve or disapprove any proposed acquisition plan, or any part thereof, within thirty days after receipt of the recommendations from the advisory committee.
4. Land acquired in accordance with this section may not be conveyed to the United States or any agency or instrumentality of the United States.
5. On failure to qualify to continue ownership under subsection 2, the land must be disposed of within five years of that failure to qualify."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1394: Human Services Committee (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1394 was placed on the Sixth order on the calendar.

Page 1, line 2, after "signature" insert "and to the recording of medical records"

Page 1, after line 8, insert:

"SECTION 2. Medical records recording. The recording of hospital medical records by an electronic image system or reproduction process is considered a photographic process. The making or recording of hospital medical records by electronic data processing systems is considered an original written record, and printout or other types of retrieved information in written or printed form must be treated as original records in all courts or administrative agencies for the purpose of its admissibility into evidence."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1490: Human Services Committee (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS,

2 NAYS, 0 ABSENT AND NOT VOTING). HB 1490 was placed on the Sixth order on the calendar.

Page 1, line 17, replace "or deliver such" with "on-site and off-site"

Page 1, line 18, remove "such of" and replace "as in its judgment will" with "to"

Page 1, line 20, remove "so"

Page 1, line 21, remove "or delivered" and remove "so"

Page 2, line 24, after "from" insert "on-site and off-site"

Page 3, line 5, remove "or delivered"

Page 3, line 8, remove "or delivered"

Page 5, line 7, after the underscored period insert "This section does not apply to the protection and advocacy project."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3002: Joint Constitutional Revision Committee (Sen. O'Connell, Chairman) recommends DO PASS (7 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HCR 3002 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3037: Agriculture Committee (Sen. Kelsh, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HCR 3037 was placed on the Tenth order on the calendar.

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

CAROL SIEGERT, Secretary