

JOURNAL OF THE SENATE

Fifty-third Legislative Assembly

* * * * *

Bismarck, February 4, 1993

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

The prayer was offered by Rev. Walt Geiszler, Good Shepherd United Methodist Church, Mandan.

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

A quorum was declared by the President.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2028, SB 2036, SB 2089, SB 2097, SB 2179, SB 2239, SB 2244, SB 2254, SB 2260, SB 2261, SB 2271, SB 2274, SB 2287, SB 2288, SB 2306, SB 2331, SB 2335, SB 2338, SB 2341, SB 2377, SB 2381, SB 2383, SB 2386, SB 2414, SB 2437, SB 2439.

CORRECTION AND REVISION OF THE JOURNAL

MADAM PRESIDENT: Your Committee on Correction and Revision of the Journal (Sen. Yockim, Chairman) has carefully examined the Journal of the Sixteenth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 233, line 39, replace "Allmaras" with "Austin"

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

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. DeMers, Chairman) appointed to consider the nomination for the State Board of Higher Education, do advise and consent to the appointment of: Paul Ebeltoft Jr.

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

ROLL CALL

The question being "will the Senate advise and consent to the nomination of Paul Ebeltoft Jr. for the State Board of Higher Education" and the roll was called and there were 47 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; 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; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: Graba

ABSENT AND NOT VOTING: Solberg

The Senate advises and consents to the nomination of Paul Ebeltoft Jr. for the State Board of Higher Education.

MOTION

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

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Clare Sandness
Former Senator Bruce Bakewell

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 1156, HB 1235, HB 1243, HB 1288, HB 1358, HB 1390.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2132.

CONSIDERATION OF AMENDMENTS

SB 2035: SEN. TOMAC (Finance and Taxation Committee) MOVED that the amendments on SJ page 324 be adopted and then be placed on the Eleventh order with DO NOT PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2072: SEN. SCHERBER (Education Committee) MOVED that the amendments on SJ page 324 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2181: SEN. KELSH (Education Committee) MOVED that the amendments on SJ page 325 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2293: SEN. DOTZENROD (Finance and Taxation Committee) MOVED that the amendments on SJ pages 325-326 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

MOTION

SEN. WOGSLAND MOVED that SB 2298 be moved to the bottom of the Sixth order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2303: SEN. W. STENEHJEM (Judiciary Committee) MOVED that the amendments on SJ page 327 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2399: SEN. KINNOIN (Finance and Taxation Committee) MOVED that the amendments on SJ pages 327-328 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2432: SEN. KELSH (Education Committee) MOVED that the amendments on SJ page 328 be adopted and then be placed on the Eleventh order with DO NOT PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2298: SEN. MAXSON (Judiciary Committee) MOVED that the amendments on SJ page 326 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2070: A BILL for an Act to create and enact a new section to chapter 54-52.2 of the North Dakota Century Code, relating to administration of the deferred compensation plan for public employees.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Solberg

SB 2070 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2429: A BILL for an Act to amend and reenact subsection 1 of section 22-01-01, sections 22-01-12, and 45-06-07 of the North Dakota Century Code, relating to the guaranty and enforcement of debt by stockholders and partners of business entities.

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, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Keller; Kelsh; Solberg

SB 2429 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that SB 2034, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

MOTION

SEN. MATHERN MOVED that SB 2223, which is on the Eleventh order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Mathern's motion, SB 2223 was rereferred.

MOTION

SEN. DOTZENROD MOVED that SB 2349 be returned to the Senate floor from the **Finance and Taxation Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. DOTZENROD REQUESTED the unanimous consent of the Senate to withdraw SB 2349. There being no objection, it was so ordered by the President.

MOTION

SEN. MATHERN MOVED that SB 2452 be returned to the Senate floor from the

Human Services Committee for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. MATHERN REQUESTED the unanimous consent of the Senate to withdraw SB 2452. There being no objection, it was so ordered by the President.

MOTION

SEN. HEINRICH MOVED that SB 2424 be returned to the Senate floor from the **Education Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. HEINRICH REQUESTED the unanimous consent of the Senate to withdraw SB 2424. There being no objection, it was so ordered by the President.

MOTION

SEN. MATHERN MOVED that HB 1258 be returned to the Senate floor from the **Industry, Business and Labor Committee** and be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Sen. Mathern's motion, HB 1258 was rereferred.

MOTION

SEN. MATHERN MOVED that SCR 4020 be returned to the Senate floor from the **Finance and Taxation Committee** and be rereferred to the **Joint Constitutional Revision Committee**, which motion prevailed. Pursuant to Sen. Mathern's motion, SCR 4020 was rereferred.

SECOND READING OF SENATE BILL

SB 2343: A BILL for an Act to amend and reenact section 19-10-03.1 of the North Dakota Century Code, relating to the sale of alcohol-blended gasoline.

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 30 YEAS, 18 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Solberg

SB 2343 passed and the title was agreed to.

MOTION

SEN. KELLER MOVED that SB 2411, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2040: A BILL for an Act to amend and reenact section 65-05-01 of the North Dakota Century Code, relating to the time limit for filing a claim for workers' compensation.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Solberg

SB 2040 passed and the title was agreed to.

MOTION

SEN. WOGSLAND MOVED that SB 2080, which is on the Eleventh order, be rereferred to the Judiciary Committee, which motion prevailed. Pursuant to Sen. Wogsland's motion, SB 2080 was rereferred.

SECOND READING OF SENATE BILL

SB 2093: A BILL for an Act to amend and reenact subsection 1 of section 19-03.1-01.1, subsection 7 of section 19-03.1-05, subsection 5 of section 19-03.1-13, and subsections 4 and 5 of section 19-03.1-37 of the North Dakota Century Code, relating to controlled substances and controlled substances board membership.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Mushik; Solberg

SB 2093 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2150: A BILL for an Act to amend and reenact sections 12-47-12, 12-47-36, and subsection 1 of section 12.1-32-07 of the North Dakota Century Code, relating to the authority of the warden to make rules and regulations, confidentiality of inmates' records, and supervision of a probationer.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Mushik; Solberg

SB 2150 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2199: A BILL for an Act to amend and reenact sections 65-04-04.2, 65-04-17, and 65-07-03 of the North Dakota Century Code, relating to determination of weekly wage for workers compensation premium purposes, reporting of employer premiums, and calculation of the experience rating for employers.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Solberg

SB 2199 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2284: A BILL for an Act to authorize special agents of the federal bureau of investigation to make arrests.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 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; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Mutch; Solberg; Tallackson

SB 2284 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2294: A BILL for an Act to amend and reenact subsections 1 and 7 of section 14-15-11 and subsection 1 of section 14-15-16 of the North Dakota Century Code, relating to notice of a petition to adopt an adult.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Solberg

SB 2294 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2297: A BILL for an Act to amend and reenact section 12.1-05-03 of the North Dakota Century Code, relating to self-defense as an affirmative defense.

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, 48 NAYS, 0 EXCUSED, 1 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; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Solberg

SB 2297 lost.

SECOND READING OF SENATE BILL

SB 2354: A BILL for an Act to create and enact two new subsections to section 27-20-31 of the North Dakota Century Code, relating to the disposition of a delinquent child.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Solberg

SB 2354 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that SB 2339, which is on the Eleventh order, be

rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Mathern's motion, SB 2339 was rereferred.

MOTION

SEN. MATHERN MOVED that SB 2348, which is on the Eleventh order, be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Sen. Mathern's motion, SB 2348 was rereferred.

MOTION

SEN. SCHOENWALD MOVED that the Senate reconsider its action whereby SB 2352 failed to pass, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2352: A BILL for an Act to create and enact two new sections to chapter 15-39.1 of the North Dakota Century Code and a new subsection to section 21-10-06 of the North Dakota Century Code as amended by section 7 of chapter 667 of the 1989 Session Laws of North Dakota and section 5 of chapter 628 of the 1991 Session Laws of North Dakota, relating to the teachers' retiree health benefits fund; to amend and reenact sections 15-39.1-23, 15-39.1-28, 15-39.1-29, 15-39.1-30, and subdivision b of subsection 1 of section 57-15-14.2 of the North Dakota Century Code, relating to the teachers' retiree health benefits fund; to provide an appropriation; and to provide for application of this Act.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 26 YEAS, 22 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Evanson; Goetz; Graba; Heinrich; Holmberg; Jerome; Keller; Kelsh; Krauter; Lindaas; Lindgren; Lips; Marks; Mathern; Mushik; Nalewaja; O'Connell; Redlin; Robinson; Schoenwald; Stenehjem, W.; Tallackson; Thane; Wogsland; Yockim

NAYS: Andrist; Bowman; Dotzenrod; Freborg; Grindberg; Kelly; Kinnoin; Krebsbach; Langley; Maxson; Mutch; Naaden; Nelson; Nething; Sand; Scherber; Stenehjem, B.; Streibel; Tennefos; Tomac; Traynor; Urlacher

ABSENT AND NOT VOTING: Solberg

SB 2352 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2355: A BILL for an Act to amend and reenact section 29-17-34 of the North Dakota Century Code, relating to qualifications of jurors.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Solberg

SB 2355 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2356: A BILL for an Act to amend and reenact subsection 1 of section 27-09.1-07 and subsection 2 of section 27-09.1-08 of the North Dakota Century Code, relating to jury qualification forms and disqualification from jury service.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Solberg

SB 2356 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that SB 2360, which is on the Eleventh order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Mathern's motion, SB 2360 was rereferred.

MOTION

SEN. MATHERN MOVED that SB 2368, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2369: A BILL for an Act to amend and reenact subsection 3 of section 14-07.1-01, section 14-07.1-06, subdivision b of subsection 1 of section 14-07.1-11, and section 14-07.1-16 of the North Dakota Century Code, relating to the definition of a domestic violence program, eligibility for domestic violence prevention fund moneys, and arrest without warrant in domestic violence situations; and to provide a penalty.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Solberg

SB 2369 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2410: A BILL for an Act to amend and reenact section 54-44.1-13 of the North Dakota Century Code, relating to the date budget requests for the judicial and legislative branches are submitted.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Mushik; Nelson

ABSENT AND NOT VOTING: Solberg

SB 2410 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that SB 2448, which is on the Eleventh order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Mathern's motion, SB 2448 was rereferred.

MOTION

SEN. MATHERN MOVED that pursuant to Senate Rule 329, subsection 4, the final date for rereferrals to the **Appropriations Committee** be amended to read "twenty-fifth legislative day" instead of "twenty-third legislative day", which motion prevailed.

MOTION

SEN. DOTZENROD MOVED that SB 2292 be returned to the Senate floor from the **Finance and Taxation Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. DOTZENROD REQUESTED the unanimous consent of the Senate to withdraw SB 2292. There being no objection, it was so ordered by the President.

SECOND READING OF SENATE BILL

SB 2453: A BILL for an Act to amend and reenact subdivision b of subsection 2 of section 12.1-28-02 of the North Dakota Century Code, relating to disseminating information about a lottery.

MOTION

SEN. WOGSLAND MOVED that Senate Rule 401, subsection 2, be suspended, which motion prevailed.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 40 YEAS, 8 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Evanson; Graba; Marks; Nelson; Nething; Sand; Streibel; Tennefos

ABSENT AND NOT VOTING: Solberg

SB 2453 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2460: A BILL for an Act to amend and reenact section 16.1-01-04 of the North Dakota Century Code, relating to the qualifications of electors.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Solberg

SB 2460 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2508: A BILL for an Act relating to the funding of mandates by the superintendent of public instruction.

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 18 YEAS, 30 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Freborg; Goetz; Kelsh; Kinnoin; Lindgren; Mutch; Naaden; Nelson; Nething; Sand; Stenehjem, B.; Streibel; Tennefos; Thane; Traynor; Urlacher

NAYS: DeMers; Dotzenrod; Evanson; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Krauter; Krebsbach; Langley; Lindaas; Lips; Marks; Mathern; Maxson; Mushik; Nalewaja; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Stenehjem, W.; Tallackson; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Solberg

SB 2508 lost.

MOTION

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

MOTION

SEN. MATHERN MOVED that the Senate be on the Fifth, Ninth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Friday, February 5, 1993, which motion prevailed.

REPORT OF STANDING COMMITTEE

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

Page 1, line 3, after the semicolon insert "to authorize the industrial commission to issue and sell bonds for capital repair projects and special assessment costs;"

Page 1, line 16, replace "\$1,888,017" with "\$1,786,518"

Page 1, line 21, replace "continency" with "contingency"

Page 2, remove line 7

Page 2, line 11, replace "\$15,139,186" with "\$14,287,687"

Page 2, line 13, replace "\$10,189,766" with "\$9,338,267"

Page 2, line 19, replace "317,354" with "147,354"

Page 2, line 20, replace "\$17,311,012" with "\$17,141,012"

Page 2, line 22, replace "\$8,977,882" with "\$8,807,882"

Page 2, line 25, replace "\$3,638,716" with "\$3,703,995"

Page 2, line 28, replace "41,333" with "35,832"

Page 2, line 29, replace "\$4,979,993" with "\$5,039,771"

Page 3, line 2, replace "\$2,940,337" with "\$3,000,115"

Page 3, line 8, replace "150,880" with "140,380"

Page 3, line 9, replace "\$5,859,180" with "\$5,848,680"

Page 3, line 11, replace "\$2,869,427" with "\$2,858,927"

Page 3, line 14, replace "\$94,014,883" with "\$93,351,348"

Page 3, line 15, replace "26,257,230" with "27,032,230"

Page 3, line 17, replace "2,000,000" with "1,781,290"

Page 3, line 19, replace "\$126,257,305" with "\$126,150,060"

Page 3, line 21, replace "\$77,143,242" with "\$77,035,997"

Page 3, after line 26, insert:

"Special initiatives

120,000"

Page 3, line 27, replace "1,370,940" with "1,190,940"

Page 3, line 28, replace "\$100,029,763" with "\$99,969,763"

Page 4, line 1, replace "\$60,787,724" with "\$60,727,724"

Page 4, line 4, replace "\$19,354,243" with "\$19,225,213"

Page 4, line 6, replace "1,047,057" with "1,268,544"

Page 4, after line 6, insert:

"Special initiatives

100,000"

Page 4, line 7, replace "386,782" with "211,782"

Page 4, line 8, replace "\$26,170,257" with "\$26,187,714"

Page 4, line 10, replace "\$19,154,619" with "\$19,172,076"

Page 4, after line 15, insert:
 "Special initiatives" 50,000"

Page 4, line 16, replace "245,899" with "218,133"

Page 4, line 17, replace "\$15,352,378" with "\$15,374,612"

Page 4, line 19, replace "\$9,753,265" with "\$9,775,499"

Page 4, line 22, replace "\$7,030,042" with "\$7,111,659"

Page 4, after line 24, insert:
 "Special initiatives" 150,000"

Page 4, line 25, replace "80,000" with "75,000"

Page 4, line 26, replace "\$9,089,878" with "\$9,316,495"

Page 4, line 28, replace "\$6,467,419" with "\$6,694,036"

Page 5, line 5, replace "670,688" with "645,668"

Page 5, line 6, replace "\$32,101,305" with "\$32,076,305"

Page 5, line 8, replace "\$18,324,738" with "\$18,299,738"

Page 5, line 11, replace "\$9,168,836" with "\$9,308,738"

Page 5, line 14, replace "250,000" with "200,000"

Page 5, line 15, replace "250,000" with "400,000"

Page 5, line 16, replace "\$12,125,296" with "\$12,365,198"

Page 5, line 18, replace "\$8,658,756" with "\$8,898,658"

Page 5, line 21, replace "\$3,312,982" with "\$3,360,307"

Page 5, after line 23, insert:
 "Special initiatives" 100,000"

Page 5, line 25, replace "\$4,385,669" with "\$4,532,994"

Page 5, line 27, replace "\$3,005,353" with "\$3,152,678"

Page 6, line 10, replace "\$44,007,591" with "\$43,509,497"

Page 6, line 11, replace "15,973,972" with "16,459,089"

Page 6, line 12, replace "1,747,887" with "1,847,887"

Page 6, line 13, replace "\$61,729,450" with "\$61,816,473"

Page 6, line 14, replace "36,109,001" with "35,685,093"

Page 6, line 15, replace "\$25,620,449" with "\$26,131,380"

Page 6, line 18, replace "\$17,334,055" with "\$16,938,622"

Page 6, line 21, replace "\$25,945,983" with "\$25,550,550"

Page 6, line 23, replace "\$203,246,718" with "\$208,795,402"

Page 6, line 24, replace "\$458,459,665" with "\$464,008,349"

Page 6, line 26, after the second comma insert "and" and remove "and special"

Page 6, line 27, remove "initiatives"

Page 7, line 3, after the first comma insert "and" and remove "and special initiatives"

Page 7, line 9, replace "and can be spent only upon" with ". Any excess estimated income up to the following amounts may be spent subject to board of higher education approval:

INSTITUTION	AMOUNT
Bismarck State College	\$ 166,663
University of North Dakota - Lake Region	40,793
University of North Dakota - Williston	59,795
University of North Dakota	982,281
North Dakota State University	784,841
North Dakota State College of Science	140,313
Dickinson State University	111,982
Mayville State University	52,449
Minot State University	275,531
Valley City State University	69,331
North Dakota State University - Bottineau	27,606
North Dakota Forest Service	13,261
University of North Dakota Medical Center	713,702
Medical Center Rehabilitation Hospital	<u>511,011</u>
Total	\$3,949,559

Any additional excess estimated income can be spent only upon"

Page 7, line 24, replace "32" with "3" and replace "1989" with "1991"

Page 7, line 27, replace "1995" with "1993" and replace "1997" with "1995"

Page 8, after line 5, insert:

SECTION 8. LEGISLATIVE INTENT. The legislative assembly recognizes the appropriations in section 1 may be insufficient to provide for both full funding of faculty and staff positions and for 1994-95 salary adjustments. Therefore, it intends that the board of higher education take such action as it considers necessary to allocate the funding to maintain quality academic programs.

SECTION 9. TRAINING - SALARIES. The \$1,034,376 included in the institutions appropriations for training funding in section 1 may be used within each institution as determined appropriate by the board of higher education and the institutions for 1994-95 salary adjustments.

SECTION 10. PROJECT AUTHORIZATION - APPROPRIATION. The industrial commission, acting as the state building authority, shall arrange for the funding of the projects authorized in this section, hereby declared to be in the public interest, through the issuance of loan notes under North Dakota Century Code chapter 54-17.2, during the biennium beginning July 1, 1993, and ending June 30, 1995. The industrial commission may offer loan notes issued under this section for sale only to the Bank of North Dakota at a price that is as representative as possible of the current market interest rates for

comparable loan notes purchased by the Bank of North Dakota. The proceeds of the loan notes and other available funds are hereby appropriated during the biennium beginning July 1, 1993, and ending June 30, 1995, to the institutions under the control of the board of higher education for the following capital repair projects and special assessment costs:

NAME OF AGENCY, DEPARTMENT, OR INSTITUTION	CONSTRUCTION/ ACQUISITION FUNDS	SPECIAL ASSESSMENTS
Bismarck State College	\$ 81,344	\$ 268,468
UND-Lake Region	76,561	5,141
UND-Williston		17,169
University of North Dakota	1,550,165	507,022
North Dakota State University	1,360,330	675,803
State College of Science	486,589	189,850
Dickinson State University	184,183	62,132
Mayville State University	249,808	
Minot State University	227,259	
Valley City State University	169,261	142,440
NDSU-Bottineau	<u>114,500</u>	
Total	\$4,500,000	<u>\$1,868,025</u>

The industrial commission shall issue loan notes authorized under this section with the condition that lease rental payments need not begin until July 1, 1995. This authority of the industrial commission to issue loan notes ends on June 30, 1995, but the industrial commission may continue to exercise all other powers granted to it under chapter 54-17.2 and this Act to comply with any covenants entered into before that date."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 215 - NORTH DAKOTA UNIVERSITY SYSTEM

SENATE - This amendment eliminates the special initiative of \$750,000 in the North Dakota University System budget and allocates \$670,000 as follows for a net general fund savings of \$80,000:

North Dakota University System office	\$ 0
Mayville State University	150,000
Valley City State University	150,000
State College of Science	100,000
North Dakota State University	120,000
Dickinson State University	50,000
NDSU-Bottineau	<u>100,000</u>
Total	\$670,000

In addition, the salaries and wages line item for the North Dakota University System is reduced by \$50,000 from the general fund. This amendment also authorizes each institution of higher education to spend excess estimated income up to two percent of its estimated income line item by institution subject to Board of Higher Education approval and that any additional excess estimated income can be spent only upon authorization of the Emergency Commission. Previously Section 3 of Senate Bill No. 2003 provided that all excess estimated income can be spent only upon authorization of the Emergency Commission.

The following general fund changes are made to the appropriations contained in Senate Bill No. 2003:

PROPOSED GENERAL FUND CHANGES TO SENATE BILL NO. 2083

	1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.
	1993-95 SINKER EXECUTIVE BUDGET	SALARIES AND WAGES ADJUSTMENT TO 24/94	HEALTH INSURANCE ADJUSTMENT	ADD FUNDS TO FULLY FUND ALL FACULTY POSITIONS RECOMMENDED	OTHER SALARY ADJUSTMENTS	LESS OTHER SALARY REDUCTIONS ²	ALLOCATE SPECIAL INITIATIVES	OTHER ADJUSTMENTS	TOTAL NET GENERAL FUND CHANGES BEFORE SPECIAL ASSESSMENTS REDUCTIONS	LESS SPECIAL ASSESSMENT REDUCTIONS	SENATE RECOMMENDATION
North Dakota	\$ 18,189,768	\$ (44,587)	\$ (6,912)				\$ (679,888)	\$ (138,888) ³	\$ (811,499)		\$ 9,339,267
University System											
Bismarck State College	8,877,882	(294,427)	(56,822)		\$ 351,259				0	\$(178,888)	8,887,882
UND-Lake Region	2,946,337	(86,682)	(18,432)	\$ 95,715	189,888	\$(31,322)			65,279	(5,591)	3,099,115
UND-Hillston	2,849,427	(95,738)	(19,969)	32,948	82,388				0	(18,588)	2,859,267
University of North Dakota	77,143,242	(2,891,828)	(362,112)	1,833,988	0	(53,483)		775,888 ⁴	111,465	(216,718)	77,835,267
North Dakota State University	89,787,724	(1,689,577)	(342,528)	1,374,165	649,948		128,888		128,888	(188,888)	89,727,724
State College of Science	19,154,818	(449,236)	(181,328)	187,859	317,888	(82,343)	168,888	221,488 ⁵	192,457	175,888	19,172,876
Dickinson State University	9,753,285	(249,374)	(51,872)	188,218	129,188	(16,958)	58,888		58,888	(27,768)	9,775,488
Mayville State University	6,467,418	(153,653)	(34,944)	335,828	45,725	(111,131)	158,888		231,617	(5,888)	6,694,838
Minnot State University	18,324,738	(569,993)	(117,584)	181,938	595,567				0	(25,888)	18,298,738
Valley City State University	6,658,756	(283,748)	(44,828)	272,875	255,888	(139,887)	158,888		289,982	(58,888)	6,899,658
NDSU-Bottinow	3,895,353	(72,544)	(18,288)	14,758	195,888	(78,887)	198,888		142,325	3,152,878	
Forest Service	1,319,878	(28,848)	(8,488)		37,298				0		1,318,878
UND-Medical Center	25,826,448	(514,483)	(188,224)		785,871	(245,158)		585,117 ⁶	518,821		26,131,388
Total	\$255,212,947	\$(6,518,485)	\$(1,284,431)	\$4,517,868⁶	\$3,452,812⁷	\$(788,183)⁷	\$ 0	\$1,451,684	\$ 867,477	\$(867,477)	\$255,212,947

¹ Removes \$68,888 for total quality initiative and \$58,888 from salaries and

² University of North Dakota - \$475,888 for the telecommunication lease and

³ State College of Science - Additional equipment.

⁴ University of North Dakota - Medical Center - \$485,117 added to operating

⁵ Allocated based on proportional share of additional funds added prior to

⁶ The following is the additional funding provided of \$4,517,868 to fully f

	RECOMMENDED FACULTY FULLY FUNDED	AMOUNT
Bismarck State College	0	\$ 0
UND-Lake Region	1.12	95,715
UND-Hillston	.29	32,948
University of North Dakota	17.35	1,833,988
North Dakota State University	13.89	1,374,165
State College of Science	2.28	187,859
Dickinson State University	2.48	188,218
Mayville State University	3.67	335,828
Minnot State University	1.96	181,938
Valley City State University	2.96	272,875
NDSU-Bottinow	.17	14,758
UND-Medical Center	0	878
Total	44.82	\$4,517,868

⁷ The additional salary moneys provided in column 5, net of any reductions

Bonding authorization is provided for \$4,500,000 of capital repair projects and \$1,868,025 of special assessment costs as follows:

NAME OF AGENCY, DEPARTMENT, OR INSTITUTION	CONSTRUCTION/ ACQUISITION FUNDS	SPECIAL ASSESSMENTS
Bismarck State College	\$ 81,344	\$ 268,468
UND-Lake Region	76,561	5,141
UND-Williston	0	17,169
University of North Dakota	1,550,165	507,022
North Dakota State University	1,360,330	675,803
State College of Science	486,589	189,850
Dickinson State University	184,183	62,132
Mayville State University	249,808	0
Minot State University	227,259	0
Valley City State University	169,261	142,440
NDSU-Bottineau	<u>114,500</u>	<u>0</u>
Total	\$4,500,000	\$1,868,025

A section of legislative intent is added regarding 1994-95 salary adjustments, and a section regarding the use of training moneys during 1994-95 for salary adjustments as determined appropriate by the Board of Higher Education is also added. The following amounts are included for training funds for 1994-95 and available for salary adjustments as determined appropriate:

Bismarck State College	\$ 50,808
UND-Lake Region	14,202
UND-Williston	16,642
University of North Dakota	363,791
North Dakota State University	289,606
State College of Science	77,143
Dickinson State University	43,096
Mayville State University	28,389
Minot State University	100,264
Valley City State University	37,196
NDSU-Bottineau	<u>13,239</u>

Total general fund \$1,034,376

The \$4,500,000 of bonding authorization provided for capital repair projects is in addition to \$4,753,490 from the general fund included in the institution's capital improvements line items in Senate Bill No. 2003 and the \$2 million from the general fund in House Bill No. 1020 for capital projects. These three sources would provide a total of \$11,253,490 for capital repair projects. The institutions, based on 55 percent of a capital repair formula, have requested a total of \$12,394,562 for these projects. In addition, \$2 million from the general fund is contained in House Bill No. 1020 for the Americans with Disabilities Act accessibility projects at the institutions.

REPORT OF STANDING COMMITTEE

SB 2005: Appropriations Committee (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2005 was placed on the Sixth order on the calendar.

Page 1, remove line 4

Page 1, line 5, replace "distribution fund" with "provide a statement of legislative intent"

Page 1, line 17, replace "18,234,355" with "18,160,246"

Page 1, line 18, replace "4,288,600" with "3,433,000"

Page 1, line 19, replace "1,020,000" with "429,000"

Page 1, remove lines 20 and 21

Page 1, line 22, replace "24,463,341" with "22,022,246"

Page 2, line 1, replace "14,149,464" with "11,883,369"

Page 2, line 2, replace "10,313,877" with "10,138,877"

Page 2, line 5, replace "726,655" with "710,313"

Page 2, line 8, replace "909,055" with "892,713"

Page 2, line 9, replace "320,273" with "317,168"

Page 2, line 10, replace "588,782" with "575,545"

Page 2, replace lines 12 through 20 with:

	"MAIN RESEARCH STATION"	
Salaries and wages		\$31,611,129
Operating expenses		5,136,557
Equipment		1,437,996
Capital improvements		653,800
Animal replacement		<u>300,000</u>
Total all funds		\$39,139,482
Less estimated income		<u>16,699,399</u>
Total general fund appropriation		\$22,440,083

Subdivision 4.

DICKINSON RESEARCH CENTER

Salaries and wages	\$ 976,028
Operating expenses	457,971
Equipment	<u>41,076</u>
Total all funds	\$ 1,475,075
Less estimated income	<u>431,676</u>
Total general fund appropriation	\$ 1,043,399

Subdivision 5.

CENTRAL GRASSLANDS RESEARCH CENTER

Salaries and wages	\$ 435,023
Operating expenses	351,500
Equipment	<u>101,293</u>
Total all funds	\$ 887,816
Less estimated income	<u>347,900</u>
Total general fund appropriation	\$ 539,916

Subdivision 6.

HETTINGER RESEARCH CENTER

Salaries and wages	\$ 480,302
Operating expenses	206,512
Equipment	<u>73,600</u>
Total all funds	\$ 760,414
Less estimated income	<u>233,486</u>
Total general fund appropriation	\$ 526,928

Subdivision 7.

LANGDON RESEARCH CENTER

Salaries and wages	\$ 545,386
Operating expenses	185,433
Equipment	<u>44,000</u>
Total all funds	\$ 774,819
Less estimated income	<u>172,630</u>
Total general fund appropriation	\$ 602,189

Subdivision 8.

NORTH CENTRAL RESEARCH CENTER

Salaries and wages	\$ 433,919
Operating expenses	248,475
Equipment	<u>42,000</u>
Total all funds	\$ 724,394
Less estimated income	<u>329,100</u>
Total general fund appropriation	\$ 395,294

Subdivision 9.

WILLISTON RESEARCH CENTER

Salaries and wages	\$ 646,398
Operating expenses	153,620
Equipment	<u>64,900</u>
Total all funds	\$ 864,918
Less estimated income	<u>315,870</u>
Total general fund appropriation	\$ 549,048

Subdivision 10.

CARRINGTON RESEARCH CENTER

Salaries and wages	\$ 1,186,338
Operating expenses	598,822
Equipment	<u>108,900</u>
Total all funds	\$ 1,894,060
Less estimated income	<u>960,815</u>
Total general fund appropriation	\$ 933,245

Subdivision 11.

AGRONOMY SEED FARM

Salaries and wages	\$ 275,534
Operating expenses	376,500
Equipment	<u>157,000</u>
Total special funds appropriation	\$ 809,034

Subdivision 12.

LAND RECLAMATION RESEARCH CENTER

Salaries and wages	\$ 1,237,875
Operating expenses	130,000
Equipment	<u>50,000</u>
Total all funds	\$ 1,417,875
Less estimated income	<u>1,057,058</u>
Total general fund appropriation	\$ 360,817"

Page 2, line 22, replace "36,975,583" with "33,557,505"

Page 2, line 23, replace "75,080,924" with "71,662,846"

Page 3, line 16, replace "and 3" with "through 12"

Page 3, replace lines 20 through 29 with:

"SECTION 6. LEGISLATIVE INTENT - EXTENSION SERVICE. It is the intent of the legislative assembly that during the 1993-95 biennium, the North Dakota state university extension service, by assisting counties to cooperate and collaborate for purposes of providing extension services, develop and implement more efficient methods of providing extension services throughout the state."

Page 4, remove lines 1 through 21

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 630 - NDSU EXTENSION SERVICE

SENATE - This amendment makes the following changes:

- The salaries and wages line item is reduced by \$548,940, \$494,046 of which is from the general fund and \$54,894 from other funds. Of this reduction, \$65,664, \$59,098 of which is from the general fund relates to reduced employee health insurance costs and \$483,276, \$434,948 of which is from the general fund relates to Governor Schafer's salary increase recommendation for state employees. These changes are also included in Governor Schafer's recommendations.
- The proposed eight regional center system of providing extension services throughout the state is eliminated and funding is provided to continue the current extension service system including county extension offices and the four regional centers currently in operation at a general fund support level which is 91 percent of the 1991-93 general fund support level. For comparison purposes the 1993-95 level does not reflect the general fund portion of the 1993-95 employee salary increase package of \$306,597. This change includes the addition of 26 FTE positions. The line item adjustments to reflect the changes include:

	TOTAL FUNDS	GENERAL FUND	FEDERAL FUNDS	STATE AID DISTRIBUTION FUND	COUNTY FUNDS
Salaries and wages	\$ 474,831	\$1,240,185	\$27,135	\$(2,003,706)	\$1,211,217
Operating expenses	(855,600)	(497,694)		(402,906)	45,000
Equipment	<u>(591,000)</u>	<u>(248,445)</u>	<u> </u>	<u>(347,555)</u>	<u>5,000</u>
Total	\$ (971,769)	\$ 494,046	\$27,135	\$(2,754,167)	\$1,261,217

- The soils specialist line item of \$745,386 of other funds is removed which includes a reduction of eight FTE positions. This change was also recommended by Governor Schafer.
- The Project Pigs line item of \$175,000 from the general fund, including two FTE positions, is removed. This change was also recommended by Governor Schafer.

A statement of legislative intent is added providing that during the 1993-95 biennium, the North Dakota State University Extension Service, by assisting counties to cooperate and collaborate for purposes of providing extension services in their areas, develop and implement more efficient methods of providing extension services throughout the state.

In total, this amendment reduces Governor Sinner's NDSU Extension Service recommended appropriation by \$2,441,095, \$175,000 of which is from the general fund and \$2,266,095 of other funds. Funding is provided for a total of 230 FTE positions.

DEPARTMENT 638 - NORTHERN CROPS INSTITUTE

SENATE - This amendment reduces the salaries and wages line item by \$16,342, of which \$13,237 is from the general fund. Of this reduction, \$1,536, \$1,244 of which is from the general fund relates to reduced employee health insurance costs and \$14,806, \$11,993 of which is from the general fund relates to Governor Schafer's salary increase recommendation for state employees. These changes were also included in Governor Schafer's recommendations.

DEPARTMENT 640 - MAIN RESEARCH STATION

SENATE - This amendment provides a specific appropriation to the Main Research Station, each of the branch research centers, the Agronomy Seed Farm, and the Land Reclamation Research Center rather than making a consolidated appropriation to the Agricultural Experiment Station as the executive budget recommended. The detail and other changes included in this amendment for the Agricultural Experiment Station are shown on the following schedules:

SUMMARY OF AGRICULTURAL EXPERIMENT STATION AUTHORIZED FTE CHANGES

	1993-95 EXECUTIVE RECOMMENDATION	SENATE CHANGES	SENATE RECOMMENDATION
Main Research Station	338.27	6.23	344.5
Dickinson Research Center	12.75		12.75
Central Grasslands Research Center	5.0		5.0
Hettinger Research Center	7.25		7.25
Langdon Research Center	6.75		6.75
North Central Research Center	6.0		6.0
Williston Research Center	8.0		8.0
Carrington Research Center	14.5		14.5
Agronomy Seed Farm	3.0		3.0
Land Reclamation Research Center	<u>20.75</u>	—	<u>20.75</u>
Total Agricultural Experiment Station	422.27	6.23	428.5

For agriculture production research.

SUMMARY OF GENERAL FUND CHANGES TO AGRICULTURAL EXPERIMENT
STATION FUNDING CONTAINED IN SENATE BILL NO. 2005

	1993-95 GENERAL FUND EXECUTIVE RECOMMENDATION (SINNER BUDGET)	SALARIES AND WAGES ADJUSTMENTS TO 2 3/4%	HEALTH INSURANCE ADJUSTMENTS	LRRC GENERAL FUND SUPPORT	AGRICULTURE PRODUCTION RESEARCH	TOTAL NET GENERAL FUND CHANGES	SENATE RECOMMENDATION
Main Research Station	\$22,583,324	\$(479,222)	\$(77,118)	\$(143,241)	\$556,340	\$(143,241)	\$22,440,083
Dickinson Research Center	1,050,130	(21,174)	(3,396)	(6,731)	24,570	(6,731)	1,043,399
Central Grasslands Research Center	543,367	(9,437)	(1,514)	(3,451)	10,951	(3,451)	539,916
Hettinger Research Center	530,207	(10,420)	(1,671)	(3,279)	12,091	(3,279)	526,928
Langdon Research Center	605,986	(11,832)	(1,898)	(3,797)	13,730	(3,797)	602,189
North Central Research Center	397,883	(9,413)	(1,510)	(2,589)	10,923	(2,589)	395,294
Williston Research Center	552,500	(11,351)	(1,826)	(3,452)	13,177	(3,452)	549,048
Carrington Research Center	939,285	(20,007)	(3,218)	(6,040)	23,225	(6,040)	933,245
Agronomy Seed Farm	0	0	0	0	0	0	0
Land Reclamation Research Center	0	0	0	360,817	0	360,817	360,817
Total Agricultural Experiment Station	\$27,202,682	\$(572,856)	\$(92,151)	\$ 188,237	\$665,007	\$ 188,237	\$27,390,919

SUMMARY OF TOTAL FUNDS CHANGES TO AGRICULTURAL EXPERIMENT
STATION FUNDING CONTAINED IN SENATE BILL NO. 2005

	1993-95 TOTAL FUNDS EXECUTIVE RECOMMENDATION (SINNER BUDGET)	SALARIES AND WAGES ADJUSTMENTS TO 2½/8½	HEALTH INSURANCE ADJUSTMENTS	LRR GENERAL FUND SUPPORT	AGRICULTURE PRODUCTION RESEARCH	TOTAL NET CHANGES	SENATE RECOMMENDATION
Main Research Station	\$39,282,723	\$(672,806)	\$(187,782)	\$(143,241)	\$779,788	\$(143,241)	\$39,139,482
Dickinson Research Center	1,481,806	(21,174)	(3,396)	(6,731)	24,570	(6,731)	1,475,075
Central Grasslands Research Center	891,267	(9,437)	(1,514)	(3,451)	18,951	(3,451)	887,816
Hettinger Research Center	763,693	(18,420)	(1,671)	(3,279)	12,091	(3,279)	760,414
Langdon Research Center	778,616	(11,832)	(1,898)	(3,797)	13,730	(3,797)	774,819
North Central Research Center	726,983	(9,413)	(1,518)	(2,589)	10,923	(2,589)	724,394
Williston Research Center	868,370	(14,023)	(2,249)	(3,452)	16,272	(3,452)	864,918
Carrington Research Center	1,900,100	(25,735)	(4,127)	(6,048)	29,862	(6,048)	1,894,060
Agronomy Seed Farm	815,970	(5,977)	(959)	0	0	(6,936)	809,034
Land Reclamation Research Center	1,449,000	(26,823)	(4,302)	0	0	(31,125)	1,417,875
Total Agricultural Experiment Station	\$48,958,528	\$(806,840)	\$(129,408)	\$(172,580)	\$898,187	\$(218,641)	\$48,747,887

REPORT OF STANDING COMMITTEE

SB 2038: Human Services Committee (Sen. Mathern, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2038 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2043: Judiciary Committee (Sen. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2043 was placed on the Sixth order on the calendar.

Page 1, line 16, remove "To constitute such an affirmative"

Page 1, remove lines 17 and 18

Page 1, line 19, remove "consent was voluntarily given."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2054: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends DO NOT PASS (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2054 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2063: Government and Veterans Affairs Committee (Sen. Tomac, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2063 was placed on the Sixth order on the calendar.

Page 1, line 1, after "54-52.1" insert "and a new section to chapter 57-15"

Page 1, line 3, after the semicolon insert "and"

Page 1, line 6, remove "; and to provide an appropriation"

Page 3, line 28, remove "with one hundred or more eligible employees"

Page 4, line 5, remove "with one hundred or more eligible employees"

Page 4, line 19, remove "with one hundred or more eligible employees"

Page 4, line 22, after "means" insert "single plan"

Page 4, line 24, remove ", spouses of eligible"

Page 4, line 25, remove "employees, and dependent children of eligible employees"

Page 4, line 28, after "employees" insert "for a single plan"

Page 5, line 4, after "rate" insert "for a single plan"

Page 5, line 6, remove "The board may employ up to three additional staff to implement"

Page 5, remove line 7

Page 5, line 24, after "employees" insert "who wish to be"

Page 5, line 25, remove "and the full rate monthly premium, in an"

Page 5, remove lines 26 through 28

Page 5, line 29, remove "uniform group insurance program pursuant to section 54-52.1-07"

Page 6, replace lines 20 through 26 with:

"SECTION 5. A new section to chapter 57-15 of the North Dakota Century Code is created and enacted as follows:

School district levy for health insurance benefits. The governing body of any school district may by resolution, levy a tax on the net taxable valuation of the school district for the purpose of paying any additional cost of medical insurance over that being expended in the 1993 fiscal year. The mill levy authorized by this section is in addition to any mill levy limitations provided by law."

Reumber accordingly

REPORT OF STANDING COMMITTEE

SB 2086: Judiciary Committee (Sen. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2086 was placed on the Sixth order on the calendar.

Page 1, line 15, after the comma insert "except investigatory hearings under section 28-32-08" and overstrike "except"

Page 3, line 12, after the second comma insert "to any tribal government in this state, to the judicial branch,"

Page 3, line 20, overstrike "or" and insert immediately thereafter "to" and after "government" insert "in this state, to any tribal government in this state, or to the judicial branch"

Page 3, line 21, after "proceedings" insert an underscored comma

Page 3, line 24, remove the overstrike over "~~General fund monies may not be used for~~"

Page 3, line 25, remove the overstrike over "~~payment by state agencies pursuant to this subsection~~", after "subsection" insert "except for those payments required of the department of human services and the state department of health and consolidated laboratories" and remove the overstrike over the overstruck period

Page 4, line 10, remove the overstrike over "Either"

Page 4, remove the overstrike over lines 11 through 13

Reumber accordingly

REPORT OF STANDING COMMITTEE

SB 2144: Judiciary Committee (Sen. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2144 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new subsection to section 54-23.3-04 of the North Dakota Century Code, relating to the authority of the director of the department of corrections and rehabilitation to collect fees from persons on correctional supervision; to"

Page 1, line 3, after "probationer" insert "; and to declare an emergency"

Page 1, line 14, remove "as established by the department"

Page 1, line 15, replace "corrections and rehabilitation" with "not less than thirty dollars per month unless the court makes a specific finding on record that the imposition of fees will result in an undue hardship"

Page 2, after line 2, insert:

"SECTION 3. A new subsection to section 54-23.3-04 of the 1991 Supplement to the North Dakota Century Code is created and enacted as follows:

To collect costs and fees from persons on correctional supervision for the supervision services, control devices, and programs as implemented by the department to assist in making community corrections an effective alternative to incarceration. A person on active supervision is presumed able to pay assessed fees unless the director, giving due consideration to the fiscal obligations and resources of the probationer, determines otherwise. A person with the ability to pay assessed fees who refuses to pay must be returned to the court for a judicial determination.

SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2196: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends DO NOT PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2196 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2197: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends DO NOT PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2197 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2198: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends DO NOT PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2198 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2200: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2200 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact paragraph 2 of subdivision b of subsection 8 of section 65-01-02, subsection 30 of section 65-01-02, subsection 1 of section 65-01-09, sections 65-01-11, 65-02-15, 65-02-17, 65-02-18, subsection 2 of section 65-05-25, and section 65-05-32 of the North Dakota Century Code, relating to workers' compensation definitions, third-party actions, burden of proof in workers' compensation matters, workers' compensation binding arbitration, workers' compensation lump sum settlements, and workers' compensation records; to repeal section 65-02-16 of the North Dakota Century Code, relating to workers' compensation binding arbitrations; to provide for application of the Act; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Paragraph 2 of subdivision b of subsection 8 of section 65-01-02 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- (2) Any injury caused by the use of narcotics controlled substances or intoxicants.

SECTION 2. AMENDMENT. Subsection 30 of section 65-01-02 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

30. "Gross Average weekly wage" means the weekly wages the employee was receiving from all employments ~~at the time of injury on the date the employee meets the eligibility criteria under section 65-05-08.~~ The average weekly wage as determined under this section must be rounded to the nearest dollar. In cases where the employee's wages are not fixed by the week, they must be determined ~~in the following manner by using the first applicable formula from the schedule below:~~
- a. The "average weekly wage" of a self-employed employee is determined by the following formula: net profits based on preceding tax year or preceding fifty-two weeks whichever is higher, plus depreciation, meal and travel expenses, and any expenses chargeable to use of personal residence as allowed under the federal tax laws.
 - b. Hourly or daily rate multiplied by number of hours or days worked per seven day week;
 - ~~b-~~ c. Monthly rate multiplied by twelve months and divided by fifty-two weeks;
 - ~~c-~~ d. Biweekly rate divided by two;
 - ~~d-~~ e. If the average weekly earnings wage of an employee cannot be ascertained, the wage for the purposes of calculating compensation must be taken to be the usual wage paid other employees engaged in like or similar occupations where the wages are fixed; or
 - ~~e-~~ f. If there are special circumstances under which the average weekly wages cannot be reasonably and fairly determined by applying subdivisions a through ~~d~~ e, an average weekly wage may be computed by dividing the aggregate wages during the twelve months prior to the injury by fifty-two weeks, or the number of weeks actually worked, whichever is less.

SECTION 3. AMENDMENT. Subsection 1 of section 65-01-09 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. Twenty percent of the subrogation interest recovered for the bureau when ~~legal~~ a civil action is not commenced.

SECTION 4. AMENDMENT. Section 65-01-11 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-01-11. Burden of proof in compensation matters - Death certificate. If the bureau or an employer claims that an employee is not entitled to the benefits of the North Dakota Workers' Compensation Law by reason of the fact that the employee's injury was caused by the employee's willful intention to injure himself, or to injure another, or by reason of the voluntary intoxication by alcohol or a controlled

substance of the employee, the burden of proving such exemption or forfeiture is upon the bureau or upon the person alleging the same; however, a blood alcohol level above the legal intoxication limit as defined in subsection 3 of section 39-20-07 or a test performed by a physician, qualified technician, chemist, or registered nurse, showing an intoxicating level of a controlled substance creates a rebuttable presumption that the injury was due to intoxication. An employer or a doctor who has reasonable grounds to suspect an employee's alleged work injury was caused by the employee's voluntary intoxication by alcohol or a controlled substance may request that the employee undergo testing to determine if the employee was intoxicated at the time of the injury. If an employee refuses to submit to a reasonable request to undergo a test to determine if the employee was intoxicated, the employee forfeits workers' compensation disability and rehabilitation benefits arising out of that injury; however, the bureau shall pay for medical expenses of the employee related to the injury and, upon successful completion by the employee of a substance abuse rehabilitation program, the bureau shall reinstate the employee's disability and rehabilitation benefits. The bureau may not pay the cost of a substance abuse rehabilitation program under this section. Any claimant against the fund, however, has the burden of proving by a preponderance of the evidence that the claimant is entitled to participate in the same. In the event of a claim for death benefits the official death certificate must be considered as evidence of death and may not be used to establish the cause of death.

SECTION 5. AMENDMENT. Section 65-02-15 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-02-15. Workers' compensation binding arbitration panel—Membership - Qualified arbitrator - Regions. The bureau shall establish four regional listings of persons who may serve as arbitrators for workers' compensation proceedings. Each regional listing must contain an equal number of names submitted to the director by an organization, statewide in scope, which, through its affiliates, embraces a cross section and a majority of the organized labor of the state; an equal number of names submitted to the director by a recognized statewide organization of employers, representing a majority of employers; and a similarly equal number of names selected by the bureau from applications by interested persons throughout the state who demonstrate the unique ability, experience, and qualifications to serve as arbitrators. Each list must be revised every three years. The people whose names appear on a regional listing must reside in that region. When a disputed claim is submitted for binding arbitration, the employee shall select a name from the appropriate regional list that was submitted by the labor organization; the employer shall select a name from the appropriate regional list that was submitted by the statewide organization of employers or shall designate the bureau to do so; and the selected employee and employer representatives shall select a name from the appropriate regional list of those individuals who have been selected to serve as arbitrators based upon their experience and ability. The state must be divided into four regions for the purpose of holding arbitration proceedings. The appropriate region is the region in which the employee resides. If the employee resides out of state, the appropriate region is the region of the situs of employment. As an alternative selection procedure, by mutual agreement, the employee and the employer may designate themselves as the employee and employer representatives on the panel and together shall select the third panel member from the appropriate regional list of those individuals who have been selected to serve as arbitrators based upon their experience and ability. Panel members are entitled to remuneration for their services at a rate set by the bureau and to travel expenses at the rate in effect for state employees. The bureau shall provide staff services to the panel members. The salaries and expenses of the panel must be paid from money appropriated to the

bureau for that purpose. One arbitrator must be chosen from a list of five qualified arbitrators provided by the American arbitration association. The process for choosing arbitrators and qualifications for arbitrators must be outlined by administrative rule. The employee can request and the bureau may allow an arbitrator change upon a showing of just cause.

SECTION 6. AMENDMENT. Section 65-02-17 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-02-17. Binding arbitration panel - Attorneys' fees. Following constructive denial of a claim or issuance of an administrative order under chapter 28-32 reducing or denying benefits, an aggrieved employee may request that the action be submitted to binding arbitration before ~~the workers' compensation binding arbitration panel~~ a qualified arbitrator in lieu of a formal administrative hearing or judicial remedy. The bureau shall pay, at an hourly rate established by the bureau, a claimant's attorneys' fees on claims submitted for binding arbitration. If the aggrieved employee elects not to submit the action to binding arbitration, attorneys' fees may only be paid if the employee prevails.

SECTION 7. AMENDMENT. Section 65-02-18 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-02-18. Administrative orders - ~~Decisions of binding arbitration panel~~ Binding arbitration decisions - Appeals. An appeal of an administrative order is subject to section 28-32-14. A decision ~~of the workers' compensation binding arbitration panel~~ a qualified arbitrator is final and nonreviewable by a district court, except as provided in section 65-05-04.

SECTION 8. AMENDMENT. Subsection 2 of section 65-05-25 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. The bureau and an employee may compromise to resolve a disputed claim. The contract of settlement made is enforceable by the parties. The contract may provide that the employee shall utilize the funds to engage in certain rehabilitation programs. If the employee breaches the contract, the bureau may require the employee to repay the benefits received under the agreement. In cases in which the extent of disability is disputed and resolved by agreement, ~~the concept of reopening a disability claim due to significant change in medical condition is applicable or in final settlement of an entire claim, the claim may not be reopened if there is any change in the employee's medical condition in relation to the specific part of the body that sustained injury.~~

SECTION 9. AMENDMENT. Section 65-05-32 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-05-32. Privacy of records and hearings. Information contained in the claim files and records of injured employees is confidential and is not open to public inspection, other than to bureau employees or agents in the performance of their official duties. Providing further that:

1. Representatives of a claimant, whether an individual or an organization, may review a claim file or receive specific information from the file upon the presentation of the signed authorization of the claimant. However, reserve information may not be made available to the claimant or the claimant's

representatives. Availability of this information to employers is subject to the sole discretion of the bureau.

2. Employers or their duly authorized representatives may review and have access to any files of their own injured workers.
3. Physicians or health care providers treating or examining workers claiming benefits under this title, or physicians giving medical advice to the bureau regarding any claim may, at the discretion of the bureau, inspect the claim files and records of injured workers.
4. Other persons may have access to and make inspections of the files, if such persons are rendering assistance to the bureau at any stage of the proceedings on any matter pertaining to the administration of this title.
5. The claimant's name; social security number; date of birth; injury date; employer name; type of injury; whether the claim is accepted, denied, or pending; and whether the claim is in active or inactive pay status will be available to the public. This information may not be released in aggregate form, except to those persons contracting with the bureau for exchange of information pertaining to the administration of this title or except upon written authorization by the claimant for a specified purpose.
6. At the request of a claimant, the bureau may close the medical portion of a hearing to the public.

SECTION 10. REPEAL. Section 65-02-16 of the 1991 Supplement to the North Dakota Century Code is repealed.

SECTION 11. APPLICATION. Section 9 of this Act is effective for all claims irrespective of the date information is requested.

SECTION 12. EFFECTIVE DATE. Section 2 of this Act is effective on August 1, 1993, for all claims filed on or after August 1, 1993. Sections 5, 6, 7, and 10 of this Act are effective for requests for binding arbitration filed on or after August 1, 1993, irrespective of injury date. Section 8 of this Act is effective on August 1, 1993, for all claims irrespective of injury date."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2216: Education Committee (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2216 was placed on the Sixth order on the calendar.

Page 1, line 2, after "reenact" insert "section 1 of chapter 181 of the 1991 Session Laws of North Dakota, section 10 of chapter 2 and"

Page 1, line 3, remove ", 5, 6,"

Page 1, line 10, remove "or referred to"

Page 1, line 11, replace "clearly indicates" with "requires"

Page 1, remove lines 16 through 19

Page 1, line 20, replace "3." with "2." and replace "Private" with "Nonpublic"

Page 2, after line 2, insert:

"3. "Parent" includes a legal guardian."

Page 2, line 10, after the period insert "A parent who provides home-based instruction may only invoke the home-based instruction exception to compulsory attendance."

Page 2, line 16, overstrike "state-approved private or parochial" and insert immediately thereafter "nonpublic" and overstrike "passed" and insert immediately thereafter "met or exceeded the cut-off score of"

Page 3, line 20, remove "5 of chapter 198 of the 1989 Session"

Page 3, line 21, remove "Laws of North Dakota, as amended and reenacted by section"

Page 3, line 22, remove the comma

Page 4, line 1, overstrike "state-approved private or parochial" and insert immediately thereafter "nonpublic"

Page 4, line 7, overstrike "state-approved private or parochial" and insert immediately thereafter "nonpublic"

Page 4, line 8, after "standardized" insert "academic"

Page 4, line 14, overstrike "state-approved private or parochial" and insert immediately thereafter "nonpublic"

Page 6, replace lines 19 through 29 with:

"SECTION 4. AMENDMENT. Section 10 of chapter 2 of the 1989 Session Laws of North Dakota is amended and reenacted as follows:

State aid. For purposes of allocating foundation aid and other state assistance to local school districts, a student receiving home-based instruction is deemed enrolled in the school district in which the student resides if the student is ~~supervised~~ monitored by a certificated teacher employed by the public school district in which the parent resides. A school district is entitled to one-half of the per-pupil payment provided in section 15-40.1-06 times the appropriate factor in section 15-40.1-07 or 15-40.1-08 for each such student. When a student is supervised through home-based instruction and is enrolled in classes in the public school, proportionate payments must be made as provided in sections 15-40.1-07 and 15-40.1-08. The total amount may not exceed the equivalent of one full foundation aid payment."

Page 7, remove lines 1 and 2

Page 7, line 5, overstrike "state-approved private or"

Page 7, line 6, overstrike "parochial" and insert immediately thereafter "nonpublic" and overstrike "state-approved private"

Page 7, line 7, overstrike "or parochial" and insert immediately thereafter "nonpublic"

Page 7, line 13, overstrike "state-approved private or parochial" and insert immediately thereafter "nonpublic"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2221: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2221 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2224: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2224 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2241: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2241 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2246: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2246 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2256: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2256 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2285: 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). SB 2285 was placed on the Sixth order on the calendar.

Page 1, line 3, after "virus" insert "; to create and enact a new subdivision to subsection 1 of section 23-07.5-05 of the North Dakota Century Code, relating to disclosure of test results; and to provide a penalty"

Page 1, line 7, replace "minor" with "alleged juvenile offender"

Page 1, line 9, replace "minor" with "alleged juvenile offender"

Page 1, line 13, replace "a minor" with "an alleged juvenile offender"

Page 2, line 1, replace "minor" with "alleged juvenile offender"

Page 2, line 2, replace "minor" with "alleged juvenile offender"

Page 2, line 4, after "test" insert "- Penalty"

Page 2, line 17, replace "minor" with "alleged juvenile offender"

Page 2, line 18, replace "minor" with "alleged juvenile offender"

Page 2, line 20, replace "a" with "an alleged juvenile offender"

Page 2, line 21, remove "minor"

Page 3, line 11, after the period insert "A person who intentionally discloses the results of any test in violation of this subsection and thereby causes bodily or psychological harm to the subject of the test is guilty of a class C felony."

Page 3, line 13, after "any" insert "civil," and after "criminal" insert a comma

Page 3, after line 21, insert:

"SECTION 3. A new subdivision to subsection 1 of section 23-07.5-05 of the North Dakota Century Code is created and enacted as follows:

A person who receives test results under section 2 of this Act."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2350: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends **DO NOT PASS** (4 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2350 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2358: Appropriations Committee (Sen. Tallackson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2358 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to create and enact a new subdivision to subsection 2 of section 57-62-02 of the North Dakota Century Code, relating to allocation of a portion of a county's share of coal severance tax revenues to the lignite research fund;"

Page 2, after line 16, insert:

"SECTION 3. If the amendment to the Constitution of North Dakota proposed by Senate Concurrent Resolution No. 4014, as approved by the Fifty-third Legislative Assembly, is not approved by the voters, a new subdivision to subsection 2 of section 57-62-02 of the 1991 Supplement to the North Dakota Century Code is created and enacted as follows:

Notwithstanding any other provision of law, five percent of the revenue generated from a currently active coal mining operation that produces coal for a clean coal demonstration project and which is allocated to a county under paragraph 2 of subdivision a or paragraph 2 of subdivision b must be deposited in the lignite research fund for partial funding of the state share of clean coal demonstration projects approved by the industrial commission and United States department of energy, unless a job development authority makes a deposit from any source of the same amount determined under this subdivision into the lignite research fund. If no proposed clean coal demonstration project is approved by the United States department of energy, this subdivision does not apply."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2367: Judiciary Committee (Sen. Maxson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2367 was placed on the Sixth order on the calendar.

Page 1, line 3, after the second comma insert "14-02.4-06, 14-02.4-08,"

Page 1, line 13, after "essential" insert "work-related"

Page 2, line 7, after "essential" insert "work-related"

Page 2, after line 18, insert:

"SECTION 3. AMENDMENT. Section 14-02.4-06 of the North Dakota Century Code is amended and reenacted as follows:

14-02.4-06. Certain employment advertising deemed discriminatory. It is a discriminatory practice for an employer, employment agency, or labor organization, or the employees, agents, or members thereof directly or indirectly to advertise or in any other manner indicate or publicize that individuals of a particular race, color, religion, sex, national origin, age, physical or mental handicap, or status with respect to marriage or public assistance, or who participate in lawful activity off the employer's premises during nonworking hours which activity is not in direct conflict with the essential work-related interests of the employer. are unwelcome, objectionable, not acceptable, or not solicited.

SECTION 4. AMENDMENT. Section 14-02.4-08 of the North Dakota Century Code is amended and reenacted as follows:

14-02.4-08. Qualification based on religion, sex, national origin, physical or mental handicap, or marital status. Notwithstanding sections 14-02.4-03 through 14-02.4-06, it is not a discriminatory practice for an employer to fail or refuse to hire and employ an individual for a position, to discharge an individual from a position, or for an employment agency to fail or refuse to refer an individual for employment in a position, or for a labor organization to fail or refuse to refer an individual for employment, on the basis of religion, sex, national origin, physical or mental handicap, or marital status in those circumstances where religion, sex, national origin, physical or mental handicap, or marital status is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise; nor is it a discriminatory practice for an employer to fail or refuse to hire and employ an individual for a position, or to discharge an individual from a position on the basis of that individual's participation in a lawful activity that is off the employer's premises and that takes place during nonworking hours and which is not in direct conflict with the essential work-related interests of the employer. if that participation is contrary to a bona fide occupational qualification that reasonably and rationally relates to employment activities and the responsibilities of a particular employee or group of employees, rather than to all employees of that employer."

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2373: Judiciary Committee (Sen. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2373 was placed on the Sixth order on the calendar.

Page 1, line 14, remove "abuse or"

Page 1, line 15, replace "neglect of" with "a felony offense against" and after "child" insert "under section 12.1-20-03, 12.1-27.2-02, 12.1-27.2-03, 12.1-27.2-04, or 14-09-22"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2408: 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). SB 2408 was placed on the Sixth order on the calendar.

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

Page 1, line 3, replace "and a dental insurance fund;" with a period

Page 1, remove line 4

Page 1, line 6, replace "Two" with "A" and replace "sections" with "section"

Page 1, line 7, replace "are" with "is"

Page 1, line 8, replace "to" with "may"

Page 1, line 9, replace "shall" with "may"

Page 1, line 17, replace "shall" with "may"

Page 1, line 19, replace "shall" with "may"

Page 2, remove lines 1 through 19

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2412: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2412 was placed on the Sixth order on the calendar.

Page 1, line 20, replace "may" with "shall"

Page 2, line 4, replace "ninety" with "thirty"

Page 2, line 6, replace "one year" with "six months"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2455: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends DO PASS (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2455 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2477: 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). SB 2477 was placed on the Sixth order on the calendar.

Page 2, line 17, remove "or has"

Page 2, remove line 18

Page 2, line 19, remove "United States or Canada for at least three years"

Page 2, line 21, remove the overstrike over "~~the second and third~~"

Page 2, line 22, remove the overstrike over "~~year~~" and remove "three years"

Page 2, line 23, after the period insert "Three years of postgraduate training in the United Kingdom must be considered to be equivalent to one year of postgraduate training in the United States or Canada."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2479: Human Services Committee (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS,

0 NAYS, 2 ABSENT AND NOT VOTING). SB 2479 was placed on the Sixth order on the calendar.

Page 2, line 15, after "e." insert "(1)"

Page 2, line 17, after "year" insert "if the treatment services are"

Page 2, line 18, after "provided" insert "within the scope of licensure by a nurse who holds advanced licensure with a scope of practice within mental health or if"

Page 2, line 23, remove "has had three years of post master's"

Page 2, remove line 24

Page 2, line 25, overstrike "social", remove "worker", and overstrike ", or the treatment services are provided"

Page 2, overstrike line 26

Page 2, line 27, overstrike "licensure with a scope of practice within mental health." and insert immediately thereafter ":

- (a) Possesses a master's or doctorate degree in social work from an institution accredited by the council of social work education;
- (b) Has at least one year of direct clinical social work practice during graduate school or one year of postgraduate supervised clinical social work practice in a structured teaching environment;
- (c) Has at least seven thousand five hundred hours of post social work graduate degree clinical social work experience obtained within five years with at least three thousand hours direct clinical social work practice within the last ten years;
- (d) Has at least three thousand hours post social work graduate degree supervised practice experience obtained within two years, one thousand five hundred hours of which must have been under the supervision of a qualified clinical social worker; and
- (e) If not licensed in this state, is licensed, certified, or registered at the highest level of social work practice in another state.

(2)"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2481: Human Services Committee (Sen. Mathern, Chairman) recommends DO NOT PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2481 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2527: Human Services Committee (Sen. Mathern, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2527 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2528: Education Committee (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2528 was placed on the Sixth order on the calendar.

Page 5, line 26, after "proposal" insert "including a proposal that becomes effective on July 1, 1993"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2529: Judiciary Committee (Sen. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2529 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "33-06" with "47-16"

Page 1, line 3, replace "eviction" with "liability"

Page 1, line 12, replace "33-06" with "47-16" and remove "the 1991 Supplement to"

Page 1, line 15, replace "under this chapter" with "according to law"

Renumber accordingly

FIRST READING OF SENATE BILLS

Sens. Thane, Kelly, Krebsbach, Mathern, Mushik, Nalewaja introduced:
(Approved by the Delayed Bills Committee)

SB 2536: A BILL for an Act to create and enact a new section to chapter 26.1-45 of the North Dakota Century Code, relating to eligibility for benefits covered by a long-term care insurance policy.

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

Sen. Keller introduced:

(Approved by the Delayed Bills Committee)

SB 2537: A BILL for an Act to amend and reenact subsection 6 of section 11-11.1-03 and sections 11-11.1-04 and 11-11.1-07 of the North Dakota Century Code, relating to authority of job development authorities.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Tomac, Freborg, Yockim introduced:

(Approved by the Delayed Bills Committee)

SCR 4040: A concurrent resolution urging the Congress of the United States and the United States Army Corps of Engineers to assume responsibility for Missouri River bank erosion downstream from all Pick-Sloan Plan dams, including the Garrison Dam to Oahe Reservoir reach in North Dakota, and to continue a program of annually appropriating funds for the maintenance and construction of bank protection projects.

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

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

CAROL SIEGERT, Secretary