

## JOURNAL OF THE SENATE

## Fifty-second Legislative Assembly

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Bismarck, March 13, 1991

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

The prayer was offered by Pastor Tom Stenzil, Our Savior's Lutheran Church, Sherwood.

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

A quorum was declared by the President.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1091, HB 1123, HB 1415, HB 1551, HB 1588, HCR 3014, HCR 3045.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1051, HB 1138, HB 1145, HB 1164, HB 1234, HB 1245, HB 1409.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1291.

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1309, HB 1373.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2581, SCR 4023, SCR 4049.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1553.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1195 and subsequently passed the same.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2210.

Page 2, line 20, after "coverage" insert "and the person was at least partially at fault for causing the accident"

Page 3, line 7, replace "occured" with "occurred and the victim's intoxication was a factor causing the criminally injurious conduct"

Page 3, line 27, remove the underscored comma

Page 3, line 28, remove "and is not eligible for any further benefits"

Page 3, line 29, remove "relative to the claim"

Page 5, line 5, replace "court records and law enforcement records may only be" with "or law enforcement records obtained under chapter 27-20 may be released to the parties, their counsel, and representatives in proceedings before the board and must be sealed at the conclusion of the proceedings."

Page 5, remove lines 6 and 7

Renumber accordingly

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

MR. PRESIDENT: The House has failed to pass: SB 2082, SB 2178, SB 2278, SB 2308.

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

MR. PRESIDENT: The House has passed unchanged: SB 2092, SB 2132, SB 2136, SB 2145, SB 2147, SB 2159, SB 2191, SB 2209, SB 2232, SB 2244, SB 2298, SB 2349, SB 2350.

#### REPORTS OF STANDING COMMITTEES

HB 1125, as engrossed: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO NOT PASS (5 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1125 was placed on the Fourteenth order on the calendar.

HB 1430: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1430 was placed on the Fourteenth order on the calendar.

HB 1467: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1467 was placed on the Fourteenth order on the calendar.

#### CONSIDERATION OF AMENDMENTS

HB 1201: SEN. KELLER (Committee on State and Federal Government) MOVED that the amendments on SJ page 943 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

SCR 4030: SEN. GRABA (Committee on Political Subdivisions) MOVED that the amendments on SJ pages 965-966 be adopted and then be placed on the CALENDAR WITHOUT RECOMMENDATION, which motion prevailed.

#### MOTION

SEN. WOGSLAND MOVED that the rules be suspended and that SCR 4030 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4030: A concurrent resolution creating a select legislative committee to investigate activities and operations of the North Dakota Insurance Reserve Fund and to report its findings and recommendations to each house of the Legislative Assembly within 30 legislative days of the passage of this resolution.

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

SCR 4030 lost.

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#### CONSIDERATION OF AMENDMENTS

HB 1050: SEN. MAXSON (Committee on Judiciary) MOVED that the amendments on SJ page 954 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

#### MOTIONS

SEN. TRAYNOR MOVED that Engrossed HB 1050 be amended as follows:

Page 4, replace line 26 with:

"(1) Funds, including travel expenses, for adult bands, drum and bugle corps, and singing groups."

Renumber accordingly

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

#### CONSIDERATION OF AMENDMENTS

HB 1260: SEN. MAXSON (Committee on Judiciary) MOVED that the amendments on SJ pages 954-957 be adopted with DO PASS, which motion prevailed.

#### MOTION

SEN. MEYER MOVED that the rules be suspended and that HB 1260 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1260: A BILL for an Act to amend and reenact subsection 1 of section 53-06.2-01, subsection 7 of section 53-06.2-04, sections 53-06.2-05, 53-06.2-06, 53-06.2-10.1, and 53-06.2-11 of the North Dakota Century Code, relating to the definitions of breeders' fund and purse fund for parimutuel horse racing, duties and powers of the North Dakota racing commission, organizations eligible to conduct racing and simulcast parimutuel wagering, and payoff formulas for parimutuel wagering; to provide a continuing appropriation; and to declare an emergency.

#### ROLL CALL

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

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

NAYS: Nething; Tennefos

HB 1260 passed, the title was agreed to, and the emergency clause carried.

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#### CONSIDERATION OF AMENDMENTS

HB 1513: SEN. MAXSON (Committee on Judiciary) MOVED that the amendments on SJ page 957 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

#### MOTION

SEN. WOGSLAND MOVED that the Senate reprint 150 copies of Engrossed SB 2206, which motion prevailed.

#### REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Wogsland, Chairman) has examined a concurrent resolution congratulating the North Dakota State University Bison club hockey team for winning the 1991 national collegiate club hockey tournament held at Tucson, Arizona.

It shall be numbered SCR 4070.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this resolution.

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

#### FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Nalewaja, Kelly, Lindgren, Mathern, Peterson, Tennefos and Reps. R. Berg, Bernstein, Dorso, Gabrielson, Gorman, Kloubec, Larson, Payne, Pyle, Scherber, Schneider, Soukup introduced:

(Approved by the Committee on Delayed Bills)

SCR 4070: A concurrent resolution congratulating the North Dakota State University Bison club hockey team for winning the 1991 national collegiate club hockey tournament held at Tucson, Arizona.

Was read the first time.

#### MOTION

SEN. NALEWAJA MOVED that the rules be suspended, that SCR 4070 not be printed, not be referred to committee, but be read in its entirety, and be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Sens. Nalewaja, Kelly, Lindgren, Mathern, Peterson, Tennefos and Reps. R. Berg, Bernstein, Dorso, Gabrielson, Gorman, Kloubec, Larson, Payne, Pyle, Scherber, Schneider, Soukup introduced:

(Approved by the Committee on Delayed Bills)

#### SENATE CONCURRENT RESOLUTION NO. 4070

A concurrent resolution congratulating the North Dakota State University Bison club hockey team for winning the 1991 national collegiate club hockey tournament held at Tucson, Arizona.

WHEREAS, the North Dakota State University Bison club hockey team has completed seven full seasons of collegiate competition and has captured six national championships; and

WHEREAS, the North Dakota State University Bison club hockey team won the 1991 national collegiate club hockey tournament by winning four consecutive games against teams that were ranked higher than the Bison entering the tournament; and

WHEREAS, collegiate club hockey at North Dakota State University has become a huge success in the first seven full years of competition and the team's outstanding record and six national championships are accomplishments of which North Dakotans can be justifiably proud;

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

That the Fifty-second Legislative Assembly takes great pride and pleasure in extending its congratulations to the North Dakota State University Bison club hockey team and their coach, Jeff Aikens; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the administration at North Dakota State University, to the North Dakota State University Bison hockey club and team members, and to head coach Jeff Aikens.

#### SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4070: A concurrent resolution congratulating the North Dakota State University Bison club hockey team for winning the 1991 national collegiate club hockey tournament held at Tucson, Arizona.

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

SCR 4070 was declared adopted on a voice vote.

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#### MOTIONS

SEN. WOGSLAND MOVED that the vote by which SCR 4070 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. WOGSLAND MOVED that the rules be suspended and that SCR 4070 be messaged to the House immediately, which motion prevailed.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)  
 MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4070.

## MOTION

SEN. WOGSLAND MOVED that Joint Rule 206, subsection 6, be suspended for SCR 4066, which motion prevailed.

SECOND READING OF SENATE AND HOUSE CONCURRENT RESOLUTIONS  
ON CONSENT CALENDAR

SCR 4060: A concurrent resolution urging the United States Department of the Interior's Bureau of Land Management and the North Dakota Congressional Delegation to take action to allow mining of the maximum amount of coal available from the Glenharold mine in west central North Dakota.

SCR 4062: A concurrent resolution urging the United States Congress to pass legislation giving the United States Secretary of the Interior the authority to establish a reduced royalty rate on low-Btu federal lignite with a heating value below 7,500 Btus per pound.

SCR 4066: A concurrent resolution directing the Legislative Council to study the human services system.

SCR 3006: A concurrent resolution directing the Legislative Council to study and establish procedures necessary to implement annual sessions of the Legislative Assembly beginning in 1993 and 1994.

SCR 3017: A concurrent resolution directing the Legislative Council to study employment opportunities for older workers, including barriers, benefit and retirement program options, and workplace education and training, so that older workers can maintain their economic security.

SCR 3022: A concurrent resolution directing the Legislative Council to study the effects of compliance with the federal Safe Drinking Water Act on North Dakota and its communities.

SCR 3046: A concurrent resolution directing the Legislative Council to study the problems associated with unification of the state's judicial system into a one-level trial system.

The question being on the final adoption of the resolutions, which have been read.

The resolutions were declared adopted on a voice vote.

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## SECOND READING OF HOUSE BILLS ON CONSENT CALENDAR

HB 1045: A BILL for an Act to amend and reenact subsection 1 of section 23-09.1-01 and section 23-09.1-02 of the North Dakota Century Code, relating to the definition of a bed and breakfast facility and rules adopted by the department of health and consolidated laboratories regulating bed and breakfast facilities; and to declare an emergency.

HB 1120: A BILL for an Act to amend and reenact section 15-47-06 of the North Dakota Century Code, relating to use of absent voters' ballots in school district elections.

HB 1131: A BILL for an Act to amend and reenact section 23-27-04.2 of the North Dakota Century Code, relating to state financial assistance to licensed ambulance services.

HB 1146: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 38-12.1-05, relating to requirements for a coal exploration permit; and to amend and reenact subdivision b of subsection 2 of section 38-12.1-03 of the North Dakota Century Code, relating to the definition of "coal exploration".

HB 1160: A BILL for an Act to amend and reenact section 50-01-10 of the North Dakota Century Code, relating to the removal of members of county social service boards.

HB 1268: A BILL for an Act to amend and reenact section 54-10-14 of the North Dakota Century Code, relating to political subdivision audits.

HB 1351: A BILL for an Act to amend and reenact section 40-04.1-05 of the North Dakota Century Code, relating to the regular meeting day of a city council operating under the modern council form of government; and to declare an emergency.

HB 1377: A BILL for an Act to amend and reenact section 49-09-15 of the North Dakota Century Code, relating to the recording of conveyances of utility real property other than right of way.

HB 1448: A BILL for an Act to amend and reenact section 45-11-05 of the North Dakota Century Code, relating to changing of names of fictitious partnerships.

HB 1455: A BILL for an Act to amend and reenact section 61-24-03.1 of the North Dakota Century Code, relating to filling vacancies of directors of the Garrison Diversion Conservancy District.

#### ROLL CALL

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

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

So the bills passed, the titles were agreed to, and the emergency clauses carried on HB 1045 and HB 1351.

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#### MOTION

SEN. WOGSLAND MOVED that SB 2577, which is on the Eleventh order, be laid over three legislative days, which motion prevailed.

#### SECOND READING OF SENATE BILLS

SB 2583: A BILL for an Act to create and enact a new subsection to section 57-02-01 and a new section to chapter 57-02 of the North Dakota Century Code, relating to the definition of seasonal residential property and assessment of certain seasonal residential property; to amend and reenact subsection 5 of section 57-02-01, subsection 15 of section 57-02-08, and section 57-02-27 of the North Dakota Century Code, relating to assessment of seasonal residential property and property tax exemption of farm structures; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 4 YEAS, 48 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeKrey; Lips; Tallackson; Traynor

NAYS: Bowman; David; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krebsbach; Langley; Lindaas; Lindgren; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson;

Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjsem; Streibel; Tennefos; Thane; Tomac; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Krauter

SB 2583 lost.

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SB 2584: A BILL for an Act to amend and reenact section 15-19-01 of the North Dakota Century Code, section 15-19-01 of the North Dakota Century Code as amended by section 1 of chapter 198 of the 1989 Session Laws of North Dakota, and sections 15-19-04 and 15-19-08 of the North Dakota Century Code, relating to correspondence courses.

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 52 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Krauter

SB 2584 passed and the title was agreed to.

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MOTIONS

SEN. WOGSLAND MOVED that the vote by which SCR 4060, SCR 4062, SCR 4066, and SB 2584 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. WOGSLAND MOVED that the vote by which SB 2583 lost be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. WOGSLAND MOVED that the rules be suspended and that SCR 4060, SCR 4062, SCR 4066, and SB 2583 be messaged to the House immediately, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1032: A BILL for an Act to authorize political subdivisions to conduct mail ballot elections.

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 24 YEAS, 28 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: David; Dotzenrod; Evanson; Freborg; Goetz; Hanson, O.; Holmberg; Krebsbach; Lindgren; Lips; Marks; Maxson; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Solberg; Stenehjsem; Streibel; Tennefos; Thane; Traynor

NAYS: Bowman; DeKrey; Graba; Hanson, E.; Heigaard; Heinrich; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Langley; Lindaas; Mathern; Meyer; Moore; Mushik; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Tallackson; Tomac; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Krauter

HB 1032 lost.

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HB 1033: A BILL for an Act to authorize counties to conduct mail ballot primary elections.

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 26 YEAS, 26 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Krauter

HB 1033 lost for want of a Constitutional majority.

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MOTION

SEN. WOGSLAND MOVED that the vote by which HB 1032 and HB 1033 lost be reconsidered and the motion to reconsider be laid on the table.

REQUEST

SEN. HOLMBERG REQUESTED a Call of the Senate, which request was granted.

SEN. HOLMBERG WITHDREW his request of the Call of the Senate.

SEN. WOGSLAND WITHDREW the clincher motion on HB 1032 and HB 1033, with the unanimous consent of the Senate.

SECOND READING OF HOUSE BILLS

HB 1044: A BILL for an Act to adopt a state tourism policy.

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 52 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Krauter

HB 1044 passed and the title was agreed to.

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HB 1135: A BILL for an Act to create and enact sections 19-18-04.1 and 19-18-04.2 of the North Dakota Century Code, relating to use reporting requirements for pesticides, and protection of trade secrets; and to amend and reenact section 19-18-08 of the North Dakota Century Code, relating to penalties.

## 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 50 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: O'Connell; Solberg

ABSENT AND NOT VOTING: Krauter

HB 1135 passed and the title was agreed to.

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HB 1137: A BILL for an Act to create and enact a new section to chapter 60-02 of the North Dakota Century Code, relating to warehouse charges for grain owned by the United States; to amend and reenact subsection 2 of section 60-02-16, and sections 60-02-17, 60-02-27, and 60-02-35.1 of the North Dakota Century Code, relating to the contents and provisions of warehouse receipts used by grain warehouses, use of and posting in grain warehouses of official grades of grain and seeds as established by the secretary of agriculture of the United States, and insurance and suspension of license for failure to maintain insurance of grain warehousemen; and to repeal section 60-02-31.1 of the North Dakota Century Code, relating to delivery of dry edible beans.

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

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

ABSENT AND NOT VOTING: Krauter; Yockim

HB 1137 passed and the title was agreed to.

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HB 1141: A BILL for an Act to amend and reenact section 12-48-06.1 of the North Dakota Century Code, relating to the appointment of board members to the prison industry advisory committee.

## 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 52 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Krauter

HB 1141 passed and the title was agreed to.

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HB 1248: A BILL for an Act to create and enact sections 19-20.1-03.3, 19-20.1-03.4, and 19-20.1-05.1 of the North Dakota Century Code, relating to the registration, labeling, and storage of fertilizers; and to amend and reenact subsection 3 of section 4-35.1-01, sections 19-20.1-01, 19-20.1-02, 19-20.1-03, 19-20.1-03.1, 19-20.1-03.2, 19-20.1-04, 19-20.1-06, 19-20.1-07, 19-20.1-08, 19-20.1-10, 19-20.1-11, 19-20.1-12, 19-20.1-13, 19-20.1-14, 19-20.1-15, 19-20.1-16, 19-20.1-17, and 19-20.1-18 of the North Dakota Century Code, relating to the registration, labeling, licensing, inspection, sampling, and analysis of fertilizers, tonnage fees, and penalties for fertilizers and soil amendments; 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 52 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Krauter

HB 1248 passed and the title was agreed to.

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HB 1270: A BILL for an Act to create and enact a new chapter to title 53 of the North Dakota Century Code, relating to the limitation of liability of an equine activity sponsor or an equine professional; and to provide for application of this Act.

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

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

NAYS: Heigaard; Ingstad; Keller; Kelly; Maxson; Mushik; Redlin; Schoenwald; Stenehjem; Yockim

ABSENT AND NOT VOTING: Krauter

HB 1270 passed and the title was agreed to.

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HB 1322: A BILL for an Act to provide for administration of public employee personnel records.

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 52 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Krauter

HB 1322 passed and the title was agreed to.

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HB 1328: A BILL for an Act to create and enact a new section to chapter 47-16 of the North Dakota Century Code, relating to presumed renewal of leases of residential real property.

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 51 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Maxson

ABSENT AND NOT VOTING: Krauter

HB 1328 passed and the title was agreed to.

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MOTIONS

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

SEN. WOGSLAND MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order, the Senate be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the Senate be on the Sixteenth order of business, and at the conclusion of the Sixteenth order, the Senate stand adjourned until 1:00 p.m., Thursday, March 14, 1991, which motion prevailed.

REPORTS OF STANDING COMMITTEES

SB 2573: Committee on Education (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 7, remove the overstrike over "~~nonprofit~~"

Page 1, line 8, after the period insert "Eligible institution also means a private for profit postsecondary institution in this state that has been approved by the state board of vocational education."

Renumber accordingly

SB 2582: Committee on Education (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 19, remove "the resignation of" and replace "member" with "vacancy or vacancies occur that"

Page 1, line 20, replace "reduces" with "reduce"

Page 1, line 21, after "person" insert "or persons"

Page 2, line 1, replace "has" with "or vacancies have"

Renumber accordingly

SB 2588: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

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

Page 1, line 8, remove "lifelong" and replace "preventing a proper" with "that may prevent"

Page 1, line 9, replace the third comma with "and is conceptualized as a behavioral syndrome with multiple biological manifestations."

Page 1, remove lines 10 and 11

Page 1, line 12, replace "some" with "one or more"

Page 1, remove lines 14 through 18

Page 1, line 19, replace "4" with "3"

Page 1, replace lines 21 and 22 with:

4. "Residential care facility for children with autism or autistic-like characteristics" means a living facility providing twenty-four hour assistance for five or more children not related by blood or marriage to the operator through a multidisciplinary approach including a medical diagnosis of autism or autistic-like characteristics.
5. "Residential care giver" means an individual who routinely provides assistance with activities of daily living or direct care services in implementing the treatment plan, behavior management, or education to residents in a residential care facility for children with autism or autistic-like characteristics."

Page 2, remove lines 1 through 3

Page 2, line 6, after the first "facilities" insert "for children with autism or autistic-like characteristics"

Page 2, line 8, remove "residential care"

Page 2, line 12, after the first "facility" insert "for children with autism or autistic-like characteristics"

Page 2, line 14, remove "residential care"

Page 2, line 15, remove "residential care"

Page 2, after line 18, insert:

"Method of providing service. A residential care facility for children with autism or autistic-like characteristics must be specifically designed, arranged, and staffed to provide twenty-four hour assistance with activities of daily living in a home-like environment in response to the individual needs of the residents. A residential care facility for children with autism or autistic-like characteristics must provide or make arrangements for diagnostic and treatment services, behavioral management, and educational services to enable residents to attain or maintain their highest practicable level of functioning."

Page 2, line 19, after "facility" insert "for children with autism or autistic-like characteristics"

Page 2, line 20, remove "residential care"

Page 2, line 24, after "facility" insert "for children with autism or autistic-like characteristics"

Page 2, line 26, remove "residential care"

Page 3, line 1, replace "Any person who violates any provision of this chapter is" with:

- "1. Any person who operates or manages a residential care facility for children with autism or autistic-like characteristics without first obtaining a license as required by this chapter is guilty of a class B misdemeanor.
2. Any person who violates any provision of this chapter or any rule adopted under this chapter may be assessed a civil penalty not to exceed one thousand dollars for each violation and for each day the violation continues, plus interest and any costs incurred by the department to enforce this penalty. The civil penalty may be imposed by a court in a civil proceeding or by the state health officer through an administrative hearing under chapter 28-32. The assessment of a civil penalty does not preclude the imposition of other sanctions authorized by rules adopted under this chapter.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Page 3, remove line 2

Renumber accordingly

SB 2590: Committee on Education (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, replace "six" with "two"

Page 1, line 4, remove "to amend and reenact section 15-27.4-01"

Page 1, remove lines 5 through 7

Page 1, line 8, remove "public instruction;"

Page 1, line 19, remove ", pursuant to"

Page 1, line 20, remove "sections 2 and 3 of this Act"

Page 2, remove lines 8 through 28

Page 3, remove lines 1 through 29

Page 4, remove lines 1 through 28

Page 5, remove lines 1 through 28

Page 6, remove lines 1 through 19

Page 7, remove lines 18 through 28

Page 8, remove lines 1 through 29

Page 9, remove lines 1 through 13

Page 9, line 14, replace "Sections" with "Section", remove ", 3, 4, and 6", and replace "become" with "becomes"

Page 9, line 15, remove "Sections 5 and 7 of this Act, and section 8 of"

Page 9, remove lines 16 through 19

Re-number accordingly

SB 2592: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO NOT PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2592 was placed on the Eleventh order on the calendar.

SCR 4059: Committee on Education (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 15, remove "daily"

Page 2, line 5, remove "and"

Page 2, line 6, after the comma insert "and Dance"

Re-number accordingly

SCR 4061: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SCR 4061 was placed on the Tenth order.

HB 1024: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1024 was placed on the Fourteenth order on the calendar.

HB 1178: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO PASS (7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1178 was placed on the Fourteenth order on the calendar.

HB 1200: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 12, remove the overstrike over "~~ten~~", remove "five", remove the overstrike over "~~4.05~~", and remove "2.02"

Page 2, line 14, remove the overstrike over "~~five~~", remove "two", remove the overstrike over "~~2.02~~", and remove "0.40"

Page 2, line 16, remove the overstrike over "~~ten~~" and remove "five"

Page 2, line 17, remove the overstrike over "~~4.05~~" and remove "2.02"

Page 2, line 18, after "a" insert "metes and bounds"

Page 3, line 29, remove the overstrike over "~~determined to~~"

Page 4, remove the overstrike over line 1

Page 4, line 2, remove the overstrike over "~~approved for entry under this chapter~~" and remove "of fifty cents per acre"

Page 4, line 10, remove the overstrike over "~~it~~"

Page 4, line 11, remove the overstrike over "~~is expressly provided that the~~", after "woodland" insert "forest stewardship", remove the overstrike over "~~tax rate~~", after "~~shall~~" insert "may", and remove the overstrike over "~~not exceed the rate as~~"

Page 4, remove the overstrike over line 12

Page 4, line 13, remove the overstrike over "~~state forester may meet to consider the~~", after "woodland" insert "forest stewardship", and remove the overstrike over "~~tax rate at any time deemed~~"

Page 4, remove the overstrike over line 14

Renumber accordingly

HB 1212, as engrossed: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1212 was placed on the Fourteenth order on the calendar.

HB 1217, as engrossed: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1217 was placed on the Fourteenth order on the calendar.

HB 1252: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1252 was placed on the Fourteenth order on the calendar.

HB 1272: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends DO NOT PASS (5 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1272 was placed on the Fourteenth order on the calendar.

HB 1413: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO NOT PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1413 was placed on the Fourteenth order on the calendar.

HB 1449: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1449 was placed on the Fourteenth order on the calendar.

HB 1450, as engrossed: Committee on Education (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to House Bill No. 1421, compiled as chapter 198 of the 1989 Session Laws of North Dakota, relating to high school diplomas for students receiving home-based instruction.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to House Bill No. 1421, compiled as chapter 198 of the 1989 Session Laws of North Dakota, is created and enacted as follows:

Home-based instruction - High school diploma - Fee. The superintendent of public instruction shall issue to a student who has completed the requirements for high school graduation through home-based instruction a diploma that clearly indicates that the requirements for graduation have been met through home-based instruction. The superintendent may charge a fee for issuing the diploma."

Renumber accordingly

HB 1475, as engrossed: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 5, line 7, after "parent" insert ". If the child-placing agency certifies to the department of human services that the agency has been able to locate only one genetic parent who consents to disclosure and the other genetic parent cannot be located, the identifying information must be disclosed to the adopted person. The information disclosed by the agency or by the consenting parent may relate only to that consenting parent."

Page 5, line 12, replace "the" with "that"

Page 5, line 13, remove the overstrike over "~~that~~" and remove "the"

Renumber accordingly

HB 1486: Committee on Judiciary (Sen. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 7, after "that" insert "unreasonably"

Renumber accordingly

HB 1519, as engrossed: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1519 was placed on the Fourteenth order on the calendar.

HB 1522, as engrossed: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends DO NOT PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1522 was placed on the Fourteenth order on the calendar.

HB 1536: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1536 was placed on the Tenth order.

HB 1569, as engrossed: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 8, after "establish" insert "new"

Page 1, line 11, replace "shall" with "may"

Page 1, line 13, replace "The" with "When the department chooses to contract, the"

Page 1, line 20, after the underscored period insert "As used in this section, "standards of operations" includes a determination by the department that the vendor is financially responsible and will continue to provide services throughout the contract period.""

Renumber accordingly

HB 1578, as engrossed: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15-59 of the North Dakota Century Code, relating to payment of attorneys' fees to the parent or guardian of a handicapped child or a handicapped adult in certain cases; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15-59 of the North Dakota Century Code is created and enacted as follows:

Enforcement of right to education - Attorneys' fees. Each parent or guardian of a handicapped child as defined in subsection 3 of section 15-59-01, or a handicapped adult between the ages of eighteen and twenty-one is entitled to enforce that handicapped child's or handicapped adult's right to an education guaranteed by state and federal law, through an administrative proceeding, civil action, or other remedy available by common law or statute. In any administrative or judicial proceeding to enforce that right, the court may, in its discretion, award reasonable attorneys' fees and costs to a parent, guardian, or handicapped adult who prevails in that proceeding. However, no attorney's fees or costs may be awarded for services rendered or costs incurred before the time when the parent, guardian, or handicapped adult submitted a written request to the appropriate school administrator or director of special education, for the relief sought and obtained in that proceeding.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

HB 1581, as engrossed: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1581 was placed on the Fourteenth order on the calendar.

HB 1590, as engrossed: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1590 was placed on the Fourteenth order on the calendar.

HB 1595, as engrossed: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 50-24.4 of the North

Dakota Century Code, relating to payments for private rooms in nursing homes.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 50-24.4 of the North Dakota Century Code is created and enacted as follows:

Rates for private rooms - Payments by a third party on behalf of medical assistance recipients.

1. Notwithstanding section 50-24.4-19, a nursing home may receive a payment, in addition to payment of the rate set under this chapter, for the use of a private room by a resident who receives medical assistance benefits if:
  - a. The private room is not medically necessary;
  - b. The resident, or another person acting on behalf of the resident, has requested the private room and the nursing home informs the person making the request, at the time of the request, of the amount of the payment; and
  - c. The payment does not exceed the amount that the nursing home charges private paying residents for a private room under subsection 1 of section 50-24.4-19.
2. For purposes of this chapter, a private room is a covered service only if medically necessary for the care of a resident."

Re-number accordingly

HCR 3033: Committee on Education (Sen. Heinrich, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3033 was placed on the Tenth order.

HCR 3051: Committee on Education (Sen. Heinrich, Chairman) recommends DO PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HCR 3051 was placed on the Fourteenth order on the calendar.

HCR 3053: Committee on Education (Sen. Heinrich, Chairman) recommends DO NOT PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3053 was placed on the Fourteenth order on the calendar.

HCR 3054: Committee on Education (Sen. Heinrich, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3054 was placed on the Tenth order.

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

MARION HOUN, Secretary