

## JOURNAL OF THE SENATE

## Fifty-third Legislative Assembly

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Bismarck, January 28, 1993

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

The prayer was offered by Rev. Ray Martin, First United Methodist Church, Mandan.

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

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 2067, SB 2174, SB 2187.

## 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 1009, HB 1045, HB 1066, HB 1158, HB 1230, HB 1238, HB 1300, HB 1301, HB 1345, HB 1353.

## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELSH MOVED that the Senate do not concur in the House amendments to SCR 4019 as printed on SJ page 230 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

## APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SCR 4019: Sens. Kelsh, Tomac, Mutch.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SCR 4019 and the President has appointed as a conference committee to act with a like committee from the House on:

SCR 4019: Sens. Kelsh; Tomac; Mutch

## CONSIDERATION OF AMENDMENTS

SB 2012: SEN. DEMERS (Appropriations Committee) MOVED that the amendments on SJ pages 231-232 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Stan Wright.

## MOTION

SEN. MATHERN MOVED that SB 2072, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

SB 2095: SEN. SCHOENWALD (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 232-233 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

SB 2055: SEN. EVANSON (Education Committee) MOVED that the amendments on

SJ page 242 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2175: SEN. KRAUTER (Industry, Business and Labor Committee) MOVED** that the amendments on SJ pages 242-243 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2225: SEN. MUTCH (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 243 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SCR 4009: SEN. HEINRICH (Education Committee) MOVED** that the amendments on SJ pages 243-244 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2207: A BILL** for an Act to create and enact chapter 26.1-33.1 of the North Dakota Century Code, relating to living benefits.

**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 32 YEAS, 16 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** DeMers; Dotzenrod; Goetz; Graba; Grindberg; Heinrich; Holmberg; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Nalewaja; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Stenehjem, W.; Tallackson; Thane; Tomak; Wogsland; Yockim

**NAYS:** Andrist; Bowman; Evanson; Freborg; Jerome; Krebsbach; Mutch; Nelson; Nething; Sand; Solberg; Stenehjem, B.; Streibel; Tennefos; Traynor; Urlacher

**ABSENT AND NOT VOTING:** Naaden

SB 2207 passed and the title was agreed to.

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**MOTION**

**SEN. MATHERN MOVED** that SB 2266 be placed at the top of the calendar, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2266: A BILL** for an Act to create and enact a new subsection to section 39-06.1-06 and two new sections to chapter 39-21 of the North Dakota Century Code, relating to the required use of safety belts in certain motor vehicles and providing for secondary enforcement; 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 30 YEAS, 18 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** DeMers; Evanson; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Kelly; Kelsh; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Maxson; Mushik; Nalewaja; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Tallackson; Tennefos; Thane; Traynor; Yockim

**NAYS:** Andrist; Bowman; Dotzenrod; Freborg; Keller; Kinnoin; Krauter; Marks; Mutch; Nelson; Nething; Solberg; Stenehjsem, B.; Stenehjsem, W.; Streibel; Tomac; Urlacher; Wogsland

**ABSENT AND NOT VOTING:** Naaden

SB 2266 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2226:** A BILL for an Act to create and enact chapter 26.1-17.1 of the North Dakota Century Code, relating to prepaid limited health service organizations.

**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; Mushik; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjsem, B.; Stenehjsem, W.; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

**NAYS:** Mutch; Streibel

**ABSENT AND NOT VOTING:** Naaden

SB 2226 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2286:** A BILL for an Act to repeal section 14-03-07 of the North Dakota Century Code, relating to prohibited marriages of persons institutionalized as severely retarded.

**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; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjsem, B.; Stenehjsem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Naaden

SB 2286 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2289:** A BILL for an Act to amend and reenact section 11-28.2-01 of the North Dakota Century Code, relating to establishment of recreation service districts.

**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; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Naaden; Tennefos

SB 2289 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2314:** A BILL for an Act to amend and reenact section 28-20-34 of the North Dakota Century Code, relating to the interest rate on judgments for unpaid child support obligations.

**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 23 YEAS, 24 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; DeMers; Evanson; Graba; Grindberg; Heinrich; Holmberg; Kelly; Kelsh; Krebsbach; Lindaas; Lindgren; Mathern; Mushik; Nalewaja; Redlin; Robinson; Scherber; Schoenwald; Tallackson; Traynor; Wogsland; Yockim

**NAYS:** Bowman; Dotzenrod; Freborg; Goetz; Jerome; Keller; Kinnoin; Krauter; Langley; Lips; Marks; Maxson; Mutch; Nelson; Nething; O'Connell; Sand; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Thane; Tomac; Urlacher

**ABSENT AND NOT VOTING:** Naaden; Tennefos

SB 2314 lost.

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**SECOND READING OF SENATE BILL**

**SB 2326:** A BILL for an Act to amend and reenact sections 6-08-29, 7-02-15, and 47-10.2-05 of the North Dakota Century Code, relating to banking institutions, credit unions, savings and loan associations, and other persons paying interest on certain escrow and unaccrued contingent accounts.

**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 13 YEAS, 34 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** DeMers; Graba; Heinrich; Keller; Kelly; Kelsh; Marks; Mathern; Mushik; Scherber; Schoenwald; Stenehjem, W.; Yockim

**NAYS:** Andrist; Bowman; Dotzenrod; Evanson; Freborg; Goetz; Grindberg; Holmberg; Jerome; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Maxson; Mutch; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Solberg; Stenehjem, B.; Streibel; Tallackson; Thane; Tomac; Traynor; Urlacher; Wogsland

**ABSENT AND NOT VOTING:** Naaden; Tennefos

SB 2326 lost.

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**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, Twelfth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Friday, January 29, 1993, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

SB 2031: Appropriations Committee (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2031, as amended, was placed on the Sixth order on the calendar.

Page 1, line 15, after the period insert "The state agency, prior to distributing the moneys in the child support incentives account, shall invite comments regarding the distribution of the moneys from representatives of the North Dakota state's attorneys association and regional child support offices and other interested persons."

Reumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment provides that the Department of Human Services invite comments from the North Dakota State's Attorneys Association and regional child support offices regarding the distribution of moneys in the child support incentives account.

**REPORT OF STANDING COMMITTEE**

SB 2215: Education Committee (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2215, as amended, was placed on the Sixth order on the calendar.

Page 1, line 3, after the semicolon insert "and" and after "15-22-25" insert "and subdivision q of subsection 1 of section 28-32-01"

Page 1, line 5, remove "; and to provide for"

Page 1, line 6, remove "retroactive application"

Page 4, line 6, remove "pursuant to chapter 28-32"

Page 4, replace lines 8 and 9 with:

"SECTION 3. AMENDMENT. Subdivision q of subsection 1 of section 28-32-01 of the North Dakota Century Code is amended and reenacted as follows:

- q. The superintendent of public instruction except with respect to rules prescribed under section 15-21-07, rules implementing chapter 15-22, rules relating to teacher certification, and rules relating to professional codes and standards approved under section 15-38-18."

Reumber accordingly

## REPORT OF STANDING COMMITTEE

SB 2231: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2231, as amended, was placed on the Sixth order on the calendar.

Page 1, line 6, remove "a new subsection to section 26.1-31.1-10,"

Page 1, line 17, after the third comma insert "subsection 3 of section 26.1-26.3-01,"

Page 1, line 18, after the first comma insert "section 26.1-26.3-06, subdivision c of subsection 8 of section 26.1-31.1-01,"

Page 1, line 19, after the comma insert "section 26.1-31.1-10,"

Page 27, line 10, remove "It does not"

Page 27, remove lines 11 through 13

Page 28, line 24, replace "a person" with "an insurance agent or insurance broker, as defined in section 26.1-26-02,"

Page 38, line 26, after the underscored period insert "The clinical records are confidential and are not subject to section 44-04-18, except upon written consent for disclosure by the enrollee or the enrollee's authorized representative."

Page 43, line 28, after "Act" insert "and licensed" and remove "and"

Page 66, after line 2, insert:

"SECTION 19. AMENDMENT. Subsection 3 of section 26.1-26.3-01 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. "Managing general agent" means any individual, partnership, or corporation which:

a. ~~Negotiates and binds ceding reinsurance contracts on behalf of an insurer or manages~~ Manages all or part of the insurance business of an insurer including the management of a separate division, department, or underwriting office, and ~~acts~~

b. Acts as an agent for the insurer whether known as a managing general agent, manager, or other similar term, who, with or without the authority, either separately or together with affiliates, produces, directly or indirectly, and underwrites an amount of gross direct written premium equal to or more than five percent of the policyholder surplus as reported in the last annual statement of the insurer in any one quarter or year, ~~and who either together with one or more of the following activities related to the business produced:~~

(1) Adjusts or pays claims in excess of an amount determined by the commissioner; or

(2) Negotiates reinsurance on behalf of the insurer.

~~b-~~ c. Notwithstanding the above, the following persons will not be considered as managing general agents for the purposes of this chapter:

- (1) An employee of the insurer.
- (2) A United States manager of the United States branch of an alien insurer.
- (3) An underwriting manager which, pursuant to contract, manages all or part of the insurance operations of the insurer, is under common control with the insurer, subject to chapter 26.1-10, and whose compensation is not based on the volume of premiums written.
- (4) The attorney-in-fact authorized by and acting for the subscribers of a reciprocal insurer or interinsurance exchange under powers of attorney."

Page 66, after line 23, insert:

"SECTION 22. AMENDMENT. Section 26.1-26.3-06 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**26.1-26.3-06. Penalties and liabilities.**

1. ~~If the commissioner finds after a hearing conducted in accordance with chapter 20-32 that any person has violated any provision of~~ determines that the managing general agent or any other person has not materially complied with this chapter or any rule or order adopted under this chapter, after notice and opportunity to be heard, the commissioner may order:
  - a. For each separate violation, a penalty in an amount of not exceeding one thousand dollars;
  - b. Revocation or suspension of the ~~agent's~~ producer's license; and
  - c. ~~The managing general agent to reimburse the insurer, the rehabilitator, or liquidator of the insurer for any losses incurred by the insurer caused by a violation of this chapter committed by the managing general agent. If it was found that because of the material noncompliance that the insurer has suffered any loss or damage, the commissioner may maintain a civil action brought by or on behalf of the insurer and its policyholders and creditors for recovery of compensatory damages for the benefit of the insurer and its policyholders and creditors or other appropriate relief.~~
2. If an order of rehabilitation or liquidation of the insurer has been entered pursuant to chapter 26.1-06.1, and the receiver appointed under that order determines that the managing general agent or any other person has not materially complied with this chapter, or any rule or order adopted under this chapter, and the insurer suffered any loss or damage as a result of the material noncompliance, the receiver may maintain a civil action for recovery of damages or other appropriate sanctions for the benefit of the insurer.
- 2- 3. Nothing contained in this section affects the right of the commissioner to impose any other penalties provided for in the insurance law.

- 3- 4. Nothing contained in this chapter is intended to or shall in any manner limit or restrict the rights of policyholders, claimants, and auditors."

Page 74, after line 28, insert:

"SECTION 24. AMENDMENT. Subdivision c of subsection 8 of section 26.1-31.1-01 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- c. An underwriting manager which, pursuant to contract, manages all or part of the reinsurance operations of the reinsurer, is under common control with the reinsurer and be subject to chapter 26.1-10, and whose compensation is not based on the volume of premiums written."

Page 75, replace lines 20 through 25 with:

"SECTION 28. AMENDMENT. Section 26.1-31.1-10 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**26.1-31.1-10. Penalties and liabilities.**

1. A reinsurance intermediary, insurer, or reinsurer found by the commissioner, after a hearing, to be in violation of any provision of this chapter, shall If the commissioner determines that the reinsurance intermediary or any other person has not materially complied with this chapter, or any rule or order adopted under this chapter, after notice and opportunity to be heard, the commissioner may order:
  - a. For each separate violation, pay a penalty in an amount not exceeding five thousand dollars;
  - b. Be subject to revocation Revocation or suspension of its the reinsurance intermediary's license; and
  - c. If a violation was committed by the reinsurance intermediary, the reinsurance intermediary shall make restitution to the insurer, reinsurer, rehabilitator, or liquidator of the insurer or reinsurer for the net losses incurred by the insurer or reinsurer attributable to the violation it was found that because of the material noncompliance the insurer or reinsurer has suffered any loss or damage, the commissioner may maintain a civil action brought by or on behalf of the reinsurer or insurer and its policyholders and creditors for recovery of compensatory damages for the benefit of the reinsurer or insurer and its policyholders and creditors or seek other appropriate relief.
2. If an order of rehabilitation or liquidation of the insurer has been entered pursuant to chapter 26.1-06.1, and the receiver appointed under that order determines that the reinsurance intermediary or any other person has not materially complied with this chapter, or any rule or order adopted under this chapter, and the insurer suffered any loss or damage as a result of the material noncompliance, the receiver may maintain a civil action for recovery of damages or other appropriate sanctions for the benefit of the insurer.

3. Nothing contained in this section affects the right of the commissioner to impose any other penalties provided for in the insurance law.
- ~~3-~~ 4. Nothing contained in this chapter is intended to or may in any manner limit or restrict the rights of policyholders, claimants, creditors, or other third parties ~~or confer any rights to such persons.~~
5. The decision, determination, or order of the commissioner pursuant to subsection 1 of this section is subject to judicial review pursuant to chapter 28-32."

Page 76, line 17, replace "is" with "are"

Page 77, line 4, after "jointly" insert "and exclusively"

Page 82, line 24, replace "is" with "are"

Page 85, line 25, overstrike "which has more than twenty-five" and insert immediately thereafter "except for a risk retention group chartered in this state which does business only in this state and which has fewer than twenty-six"

Page 85, line 26, after "insureds" insert an underscored comma

Page 86, line 27, overstrike "For risk retention groups doing business in this state which"

Page 86, line 28, overstrike "have more than twenty-five resident members or insureds, a" and insert immediately thereafter "A"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

SB 2249: Education Committee (Sen. Heinrich, Chairman) recommends DO NOT PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2249 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

SB 2267: Judiciary Committee (Sen. Maxson, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2267 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

SB 2299: Judiciary Committee (Sen. Maxson, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2299 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

SB 2318: Judiciary Committee (Sen. Maxson, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2318 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

SB 2330: Human Services Committee (Sen. Mathern, Chairman) recommends DO NOT PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2330 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

SB 2336: Judiciary Committee (Sen. Maxson, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2336 was placed on the Eleventh order on the calendar.

## REPORT OF STANDING COMMITTEE

SB 2372: Transportation Committee (Sen. Schoenwald, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2372 was placed on the Eleventh order on the calendar.

## REPORT OF STANDING COMMITTEE

SB 2374: Judiciary Committee (Sen. Maxson, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2374 was placed on the Eleventh order on the calendar.

## REPORT OF STANDING COMMITTEE

SB 2420: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2420, as amended, was placed on the Sixth order on the calendar.

Page 2, line 9, remove "may grant"

Page 2, line 11, remove "by a specific reference to those sections"

Renumber accordingly

## REPORT OF STANDING COMMITTEE

SCR 4015: Judiciary Committee (Sen. Maxson, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4015 was placed on the Tenth order on the calendar.

## REPORT OF STANDING COMMITTEE

SCR 4018: Judiciary Committee (Sen. Maxson, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4018 was placed on the Tenth order on the calendar.

## FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Marks, O'Connell, Solberg and Reps. Dobrinski, Gerntholz, Hanson introduced:

SCR 4032: A concurrent resolution urging Congress to continue a land retirement program in excess of 45 million acres at the expiration of the current conservation reserve program contracts.

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

Sens. Marks, Nalewaja, Nelson, Scherber and Reps. Cleary, D. Olsen introduced:

SCR 4033: A concurrent resolution urging Congress to reject the Freedom of Choice Act.

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

Sens. Redlin, Goetz, Keller introduced:

SCR 4034: A concurrent resolution urging Congress to provide funds to the appropriate agency for construction of a scenic road connecting the three units of the Theodore Roosevelt National Park in the North Dakota Badlands.

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

Sens. Kelsh, Redlin introduced:

SCR 4035: A concurrent resolution urging the Congress of the United States to allow self-employed small business owners an income tax deduction for health insurance premiums.

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

Sen. W. Stenehjem and Rep. Clayburgh introduced:

SCR 4036: A concurrent resolution directing the Legislative Council to study the doctrine of governmental immunity of the state.

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

Sens. Kelsh, Tomac introduced:

**SCR 4037:** A concurrent resolution urging the President and Congress to institute policies encouraging fair trade between nations, and expressing opposition to the General Agreement on Tariffs and Trade and the North American Free Trade Agreement.

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

#### FIRST READING OF HOUSE BILLS

**HB 1009:** A BILL for an Act making an appropriation to the state tax commissioner for payment of state reimbursement under the homestead tax credit.

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

**HB 1045:** A BILL for an Act to amend and reenact sections 11-11-57, 14-02.4-14, subsection 1 of section 14-17-12, sections 15-22-01, 15-40.2-09, 15-62.1-01, subsection 5 of section 23.06.2-05, subdivision e of subsection 1 of section 23-07.5-05, section 24-02-01.3, subsection 32 of section 26.1-05-19, subdivision b of subsection 2 of section 26.1-10-03.1, sections 26.1-18-29, 26.1-25-02, subsection 1 of section 26.1-25-10.5, section 27-11-20, subsection 7 of section 39-06.1-06, subsection 3 of section 44-04-19.1, sections 51-18-04.1, 54-03-25, subsection 1 of section 57-40.2-02.1, section 61-24.5-10, subsection 20 of section 65-01-02, subsection 7 of section 65-05-10, and subsection 2 of section 65-05.1-04 of the North Dakota Century Code, relating to improper, inaccurate, redundant, missing, or obsolete references.

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

**HB 1066:** A BILL for an Act to amend and reenact sections 15-10-18.3 and 15-10-18.5 of the North Dakota Century Code, relating to tuition waivers at state-supported institutions of higher education and state-supported technical or vocational schools.

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

**HB 1158:** A BILL for an Act to amend and reenact sections 15-40.1-07, 15-40.1-08, and 15-40.2-09 of the North Dakota Century Code, relating to payment of foundation aid for North Dakota students attending out-of-state schools.

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

**HB 1230:** A BILL for an Act to amend and reenact subsection 1 of section 26.1-26-31.1 of the North Dakota Century Code, relating to continuing education requirements for insurance agents.

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

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

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

**HB 1300:** A BILL for an Act to amend and reenact section 15-05-10 of the North Dakota Century Code, relating to royalties from board of university and school lands oil and other mineral leases.

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

**HB 1301:** A BILL for an Act to amend and reenact section 16.1-03-08 of the North Dakota Century Code, relating to the membership of the state committee of a political party.

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

**HB 1345:** A BILL for an Act to amend and reenact subdivision a of subsection 2 of section 12.1-23-10 of the North Dakota Century Code, relating to the definition of deception.

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

**HB 1353:** A BILL for an Act to amend and reenact section 21-03-02 of the North Dakota Century Code, relating to seed and feed bonds; and to repeal chapter 11-29 of the North Dakota Century Code, relating to seed, feed, and fuel loans.

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

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

**CAROL SIEGERT, Secretary**