

JOURNAL OF THE SENATE

Fifty-third Legislative Assembly

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Bismarck, February 1, 1993

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

The prayer was offered by Rev. Thomas Schmitt, St. Paul Lutheran Church, Rugby.

The roll was called and all members were present.

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 2207, SB 2226, SB 2266, SB 2286, SB 2289.

MOTION

SEN. MATHERN MOVED that SB 2028, SB 2029, SB 2036, SB 2179, SB 2274, SB 2283, SB 2331, and SB 2381 be placed at the top of the Sixth order, which motion prevailed.

MOTION

SEN. TOMAC MOVED that SB 2435 be returned to the Senate floor from the Government and Veterans Affairs Committee for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. TOMAC REQUESTED the unanimous consent of the Senate to withdraw SB 2435. There being no objection, it was so ordered by the President.

MOTION

SEN. GOETZ MOVED that SB 2405 be returned to the Senate floor from the Human Services Committee for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. GOETZ REQUESTED the unanimous consent of the Senate to withdraw SB 2405. There being no objection, it was so ordered by the President.

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 1019, HB 1023, HB 1027, HB 1065, HB 1083, HB 1116, HB 1139, HB 1164, HB 1237, HB 1297.

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

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1221.

CONSIDERATION OF AMENDMENTS

SB 2028: SEN. GRABA (Human Services Committee) MOVED that the amendments on SJ pages 266-267 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2029: SEN. EVANSON (Education Committee) MOVED that the amendments on SJ page 267 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2036: SEN. SCHERBER (Education Committee) MOVED that the amendments on

SJ pages 267-268 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2179: SEN. EVANSON (Education Committee) MOVED that the amendments on SJ page 268 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2274: SEN. GRABA (Political Subdivisions Committee) MOVED that the amendments on SJ page 270 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2283: SEN. STREIBEL (Transportation Committee) MOVED that the amendments on SJ page 270 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2331: SEN. B. STENEHJEM (Human Services Committee) MOVED that the amendments on SJ page 271 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2381: SEN. B. STENEHJEM (Transportation Committee) MOVED that the amendments on SJ page 272 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

MOTION

SEN. MATHERN MOVED that SB 2267, which is on the Eleventh order, be laid over two legislative days, which motion prevailed.

MOTION

SEN. MATHERN MOVED that SB 2223, SB 2308, and SB 2337, which are on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2055: A BILL for an Act to create and enact a new section to chapter 15-38 of the North Dakota Century Code, relating to confidentiality of student information.

MOTION

SEN. EVANSON MOVED that Engrossed SB 2055 be amended as follows, which motion prevailed.

Page 1, line 18, after "with" insert "parents,"

Re-number accordingly

MOTION

SEN. EVANSON MOVED that the rules be suspended and that SB 2055 be deemed properly engrossed and be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of **DO PASS**, the roll was called and there were 44 YEAS, 5 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Freborg; Kinnoin; Mutch; Naaden; Streibel

SB 2055 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4009: A concurrent resolution urging the Superintendent of Public Instruction to include the provision of outcome-based services to children as a standard for accreditation of public and private schools.

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

SCR 4009 was declared lost on a verification vote.

SECOND READING OF SENATE BILL

SB 2031: A BILL for an Act to create and enact a new section to chapter 50-09 of the North Dakota Century Code, relating to the child support incentives account.

ROLL CALL

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

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

SB 2031 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2215: A BILL for an Act to create and enact a new section to chapter 15-22 of the North Dakota Century Code, relating to the rulemaking authority of the superintendent of public instruction; and to amend and reenact section 15-22-25 and subdivision q of subsection 1 of section 28-32-01 of the North Dakota Century Code, relating to counties sharing a common county superintendent of schools and rulemaking authority.

ROLL CALL

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

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

SB 2215 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2231: A BILL for an Act to create and enact sections 26.1-03-02.1, 26.1-03-19.1, 26.1-03-19.2, 26.1-03-19.3, 26.1-03-19.4, 26.1-03-19.5, 26.1-03-19.6, 26.1-03-19.7, chapter 26.1-06.2, a new section to chapter 26.1-10, a new subdivision to subsection 6 of section 26.1-10-05, chapter 26.1-18.1, a new subsection to section 26.1-26.3-06, chapter 26.1-26.5, a new subsection to section 26.1-31.1-02, section 26.1-35-01.1, a new subsection to section 26.1-46-01, two new subdivisions to subsection 7 of section 26.1-46-01, a new subdivision to subsection 3 of section 26.1-46-03, two new subsections to section 26.1-46-03, and section 26.1-46-08.1 of the North Dakota Century Code, relating to valuation of securities, examinations, administrative supervision, health maintenance organizations, managing general agents, business transacted with insurance broker controlled property and casualty insurer, reinsurance intermediaries, standard valuation law, and formation and operation of risk retention groups and purchasing groups; to amend and reenact section 26.1-05-04, subsection 5 of section 26.1-10-03, subsections 1, 2, 3, and 4 of section 26.1-10-04, subsection 8 of section 26.1-10-05, sections 26.1-12-08, 26.1-12-10, subsection 3 of section 26.1-26.3-01, subsection 6 of section 26.1-26.3-03, section 26.1-26.3-06, subdivision c of subsection 8 of section 26.1-31.1-01, subsection 1 of section 26.1-31.1-06, subsection 6 of section 26.1-31.1-07, section 26.1-31.1-10, subdivision d of subsection 2 of section 26.1-31.2-01, subdivisions b and d of subsection 4 of section 26.1-31.2-01, subsection 2 of section 26.1-31.2-02, sections 26.1-35-07, 26.1-35-08, subdivisions a and e of subsection 7 of section 26.1-46-01, subsection 10 of section 26.1-46-01, section 26.1-46-02, subsection 1 of section 26.1-46-03, sections 26.1-46-04, 26.1-46-06, 26.1-46-07, 26.1-46-08, and 26.1-46-09 of the North Dakota Century Code, relating to domestic companies, insurance holding company systems, mutual life companies, managing general agents, reinsurance intermediaries, reinsurance credit, standard valuation law, and formation and operation of risk retention groups and purchasing groups; and to repeal sections 26.1-03-19, 26.1-03-20, 26.1-03-21, 26.1-12-17, chapters 26.1-18, and 26.1-26.2 of the North Dakota Century Code, relating to financial examinations, risk limitations of mutual insurance companies, mutual insurance companies, health maintenance organizations, and business transacted with insurance broker controlled property and casualty insurer.

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

ABSENT AND NOT VOTING: Mutch

SB 2231 passed and the title was agreed to.

REQUEST

SEN. MUTCH REQUESTED that the record show his vote as yea, which request was granted.

SECOND READING OF SENATE BILL

SB 2420: A BILL for an Act to amend and reenact section 59-04-15 of the North Dakota Century Code, relating to powers and reports of trustees.

ROLL CALL

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

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

SB 2420 passed and the title was agreed to.

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 25 YEAS, 24 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

SB 2314 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2135: A BILL for an Act to amend and reenact section 39-10.2-06 of the North Dakota Century Code, relating to equipment for motorcycle riders.

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 14 YEAS, 35 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Evanson; Graba; Grindberg; Jerome; Krebsbach; Lindaas; Mathern; Maxson; Nalewaja; Redlin; Robinson; Scherber; Tennefos; Traynor

NAYS: Andrist; Bowman; DeMers; Dotzenrod; Freborg; Goetz; Heinrich; Holmberg; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindgren; Lips; Marks; Mushik; Mutch; Naaden; Nelson; Nething; O'Connell; Sand; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Thane; Tomac; Urlacher; Wogsland; Yockim

SB 2135 lost.

MOTION

SEN. MATHERN MOVED that pursuant to Senate Rule 507, that the time that bills can be in committee be extended from the "twenty-first legislative day" to the "twenty-eighth legislative day", which motion prevailed.

MOTION

SEN. MATHERN MOVED that the Human Services Committee (Sens. Mathern, Graba, Jerome, Bowman, Lindgren, Nalewaja, B. Stenehjelm) be excused to attend a committee hearing, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2239: SEN. KRAUTER (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 269 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2244: SEN. W. STENEHJEM (Judiciary Committee) MOVED that the amendments on SJ page 269 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2254: SEN. TENNEFOS (Transportation Committee) MOVED that the amendments on SJ page 269 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

MOTION

SEN. WOGSLAND MOVED that SB 2222 be placed at the top of the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2222: SEN. W. STENEHJEM (Judiciary Committee) MOVED that the amendments on SJ page 268 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

MOTION

SEN. WOGSLAND MOVED that SB 2222 be rereferred to the Appropriations Committee, which motion prevailed. Pursuant to Sen. Wogsland's motion, SB 2222 was rereferred.

CONSIDERATION OF AMENDMENTS

SB 2261: SEN. TENNEFOS (Finance and Taxation Committee) MOVED that the amendments on SJ pages 269-270 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2288: SEN. DOTZENROD (Finance and Taxation Committee) MOVED that the amendments on SJ page 270 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2306: SEN. TRAYNOR (Judiciary Committee) MOVED that the amendments on SJ page 271 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2338: SEN. MAXSON (Political Subdivisions Committee) MOVED that the amendments on SJ page 271 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2341: SEN. SAND (Judiciary Committee) MOVED that the amendments on SJ page 271 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2387: SEN. KELSH (Agriculture Committee) MOVED that the amendments on SJ page 272 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

MOTION

SEN. WOGSLAND MOVED that SB 2387 be rereferred to the Appropriations Committee, which motion prevailed. Pursuant to Sen. Wogsland's motion, SB 2387 was rereferred.

MOTION

SEN. WOGSLAND 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 1:00 p.m., Tuesday, February 2, 1993, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2002: Appropriations Committee (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2002 was placed on the Sixth order on the calendar.

Page 1, line 15, replace "\$4,396,782" with "\$4,379,726"

Page 1, line 19, replace "375,233" with "392,289"

Page 2, line 4, replace "\$15,055,073" with "\$15,016,032"

Page 2, line 8, replace "858,960" with "898,001"

Page 2, line 15, replace "\$358,301" with "\$330,797"

Page 2, line 19, replace "\$503,551" with "\$476,047"

Page 2, line 21, replace "\$431,551" with "\$404,047"

Page 2, line 22, replace "\$27,651,513" with "\$27,624,009"

Page 2, line 24, replace "\$27,955,550" with "\$27,928,046"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 180 - SUPREME COURT

SENATE - This amendment corrects the salaries and wages and judges' retirement lines to reflect the amounts in the executive budget compensation plan.

DEPARTMENT 183 - JUDICIAL CONDUCT COMMISSION

SENATE - This amendment corrects the salaries and wages line to reflect the amount in the executive budget compensation plan.

DEPARTMENT 185 - TRIAL COURTS

SENATE - This amendment corrects the salaries and wages and judges' retirement lines to reflect the amounts in the executive budget compensation plan.

REPORT OF STANDING COMMITTEE

SB 2009: Appropriations Committee (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS

(11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2009 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and to provide"

Page 1, line 3, remove "appropriations from the veterans' postwar trust fund"

Page 2, line 4, replace "79,381" with "152,381"

Page 2, after line 5, insert:

| | |
|---------|---------|
| "Grants | 100,000 |
|---------|---------|

Page 2, line 7, replace "506,664" with "679,664"

Page 2, line 8, replace "94,928" with "267,928"

Page 2, line 10, replace "funds" with "fund"

Page 2, line 11, replace "3,900,650" with "4,073,650"

Page 2, line 12, replace "6,733,562" with "6,906,562"

Page 2, replace lines 13 through 19 with:

"SECTION 2. VETERANS' POSTWAR TRUST FUND EARNINGS. The estimated income line item in subdivision 1 of section 1 of this Act includes \$122,432, or so much of the sum as may be necessary, from the veterans' postwar trust fund for the purpose of defraying the expenses of the veterans' home for the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 3. VETERANS' POSTWAR TRUST FUND EARNINGS. The estimated income line item in subdivision 2 of section 1 of this Act includes \$267,928 or so much of the sum as may be necessary, from the veterans' postwar trust fund for the purpose of defraying the expenses of the department of veterans' affairs for the biennium beginning July 1, 1993, and ending June 30, 1995."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 321 - DEPARTMENT OF VETERANS AFFAIRS

SENATE - This amendment makes the following changes to the executive recommendation for the Department of Veterans Affairs:

The operating expenses line item is increased for the following:

| | |
|--|--------------|
| Transportation program operating costs | \$50,000 |
| Legal fees in veterans' preference cases | 20,000 |
| Additional rent for a new Bismarck office location that is accessible to the handicapped | <u>3,000</u> |
| Additional funding from the veterans' postwar trust fund | \$73,000 |

A grants line item is added of \$100,000 from the veterans' postwar trust fund for a veterans' unmet needs grant program.

Total additional funding provided to the Department of Veterans Affairs is \$173,000 from the veterans' postwar trust fund.

REPORT OF STANDING COMMITTEE

SB 2089: Appropriations Committee (Sen. Tallackson, Chairman) recommends DO

PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2089 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2097: Political Subdivisions Committee (Sen. Graba, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2097 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 34-06 of the North Dakota Century Code, relating to minimum wage requirements;" and replace "subsection" with "subsections 2 and"

Page 1, line 2, replace "state government and" with "certain"

Page 1, line 3, remove "political subdivision"

Page 1, line 4, after "rules" insert "; and to declare an emergency"

Page 1, line 6, replace "Subsection" with "Subsections 2 and"

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

Page 1, after line 7, insert:

"2. "Employee" includes any individual employed by an employer. ~~Provided~~ However, an individual is not an "employee" while engaged in a ridesharing arrangement, as defined in section 8-02-07. The term does not include a person engaged in fire protection or law enforcement duties for a political subdivision of the state."

Page 1, line 10, replace "Employer" with "The term"

Page 1, line 11, remove "or any of its political"

Page 1, line 12, remove "subdivisions"

Page 1, after line 12, insert:

"SECTION 2. A new section to chapter 34-06 of the North Dakota Century Code is created and enacted as follows:

Compensatory time - Political subdivisions. A political subdivision of the state may provide for compensatory time for its employees if the political subdivision complies with the requirements of the Fair Labor Standards Act of 1938, as amended, Pub. L. 75-718; 52 Stat. 1060; 29 U.S.C 206 and any rules and interpretations adopted by the United States Department of Labor.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2120: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2120 was placed on the Sixth order on the calendar.

Page 1, line 19, remove "administering," and remove the second underscored comma

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2240: Political Subdivisions Committee (Sen. Graba, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2240 was placed on the Sixth order on the calendar.

Page 2, line 1, replace "four" with "five" and remove "or of the"

Page 2, line 2, remove "vacancy being filled by appointment"

Page 2, line 4, replace "four" with "five" and remove "or after the vacancy"

Page 2, line 5, remove "is filled by appointment"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2260: Government and Veterans Affairs Committee (Sen. Tomac, Chairman) recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2260 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2265: Political Subdivisions Committee (Sen. Graba, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2265 was placed on the Sixth order on the calendar.

Page 1, line 14, remove the overstrike over "~~twenty-five~~" and remove "five"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2271: Political Subdivisions Committee (Sen. Graba, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2271 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2287: Political Subdivisions Committee (Sen. Graba, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2287 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2321: Political Subdivisions Committee (Sen. Graba, Chairman) recommends DO NOT PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2321 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2342: Natural Resources Committee (Sen. Keller, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2342 was placed on the Sixth order on the calendar.

Page 1, line 15, remove the overstrike over "~~shall~~" and remove "may be required to"

Page 1, line 17, replace "may" with "shall" and remove "be required to"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2343: Transportation Committee (Sen. Schoenwald, Chairman) recommends DO NOT PASS (4 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). SB 2343 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2344: Education Committee (Sen. Heinrich, Chairman) recommends DO NOT PASS (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2344 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2345: Transportation Committee (Sen. Schoenwald, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2345 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2346: Natural Resources Committee (Sen. Keller, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2346 was placed on the Sixth order on the calendar.

Page 2, line 15, replace "of moral turpitude" with "involving fraud or misrepresentation"

Page 3, line 21, replace "of moral turpitude" with "involving fraud or misrepresentation"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2359: 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 2359 was placed on the Sixth order on the calendar.

Page 1, line 2, after "reflexologists" insert "; and to provide an expiration date"

Page 1, remove lines 7 through 9

Page 1, line 10, replace "3" with "2"

Page 1, line 14, replace "4" with "3"

Page 1, remove lines 19 through 21

Page 3, remove lines 13 through 28

Page 4, remove lines 1 and 2

Page 4, line 8, remove "provided they do not use the term "reflexologist" or claim to be"

Page 4, line 9, remove "performing reflexology"

Page 5, line 6, remove "This subsection does not apply to a reflexologist who"

Page 5, remove lines 7 and 8

Page 5, line 9, after "or" insert "an"

Page 5, line 11, replace "7" with "6"

Page 5, line 20, remove "or profess to be a reflexologist or in any manner be"

Page 5, line 21, remove "represented as a reflexologist in this state"

Page 6, line 4, after "board" insert a comma

Page 6, remove lines 24 through 26

Page 6, line 27, replace "6" with "5"

Page 7, after line 5, insert:

"SECTION 14. EXPIRATION DATE. This Act is effective through August 1, 1995, and after that date is ineffective."

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2375: Political Subdivisions Committee (Sen. Graba, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2375 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "July" with "August" and replace "1992" with "1993"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2376: Transportation Committee (Sen. Schoenwald, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2376 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2380: Natural Resources Committee (Sen. Keller, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2380 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2382: Government and Veterans Affairs Committee (Sen. Tomac, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2382 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2430: Natural Resources Committee (Sen. Keller, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2430 was placed on the Sixth order on the calendar.

Page 1, line 4, after "20.1-03-12" insert "and section 20.1-06-14"

Page 1, line 6, after "wholesale" insert "and nonresident minnow bait wholesalers"

Page 1, after line 15, insert:

"SECTION 3. AMENDMENT. Section 20.1-06-14 of the North Dakota Century Code is amended and reenacted as follows:

20.1-06-14. Minnow bait wholesalers and retailers - License. The director shall adopt rules to control and supervise the operations of minnow or other live bait wholesalers. The director shall issue a license to each wholesaler when the wholesaler has complied with the director's rules and has paid the appropriate annual license fee. An annual nonresident license to sell minnows or other live bait at wholesale entitles a nonresident licensee to enter this state for the purpose of buying, selling, possessing, and transporting minnows or other live bait within this state, provided the state of residence of the nonresident licensee provides the same opportunity for residents of this state. The director shall also issue a minnow or other live bait retailer's license to any person upon payment of the appropriate

license fee. No person may sell minnows or other live bait at wholesale or retail without first obtaining the appropriate license. The director may require each retailer or wholesaler to submit reports as the director may deem necessary."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2468: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2468 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2515: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2515 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4001: Government and Veterans Affairs Committee (Sen. Tomac, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4001 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4016: Political Subdivisions Committee (Sen. Graba, Chairman) recommends **DO PASS and BE PLACED ON THE CONSENT CALENDAR** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4016 was placed on the Tenth order on the calendar.

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sen. Lips introduced:

SCR 4038: A concurrent resolution directing the Legislative Council to study the feasibility of authorizing government self-insurance pools to provide workers' compensation coverage for political subdivisions. Was read the first time and referred to the **Political Subdivisions Committee**.

FIRST READING OF HOUSE BILLS

HB 1011: A BILL for an Act making an appropriation for defraying the expenses of the state seed department. Was read the first time and referred to the **Appropriations Committee**.

HB 1019: A BILL for an Act making an appropriation for defraying the expenses of various state departments and institutions; and to declare an emergency. Was read the first time and referred to the **Appropriations Committee**.

HB 1023: A BILL for an Act to authorize the state to purchase oil put options; to provide an appropriation; and to provide an expiration date. Was read the first time and referred to the **Appropriations Committee**.

HB 1027: A BILL for an Act to provide for accessibility standards for buildings and facilities subject to the federal Americans with Disabilities Act of 1990; to amend and reenact section 23-13-04, subsection 9 of section 39-01-15, and section 48-02-19 of the North Dakota Century Code, relating to doors and parking spaces and compliance with Americans with Disabilities Act guidelines; and to repeal sections 23-13-12, 23-13-13, and 40-31-01.1 of the North Dakota Century Code, relating to toilet stalls, toilet rooms, and ramped curbing. Was read the first time and referred to the **Human Services Committee**.

HB 1065: A BILL for an Act making an appropriation for defraying the expenses of various agricultural boards, councils, and commissions. Was read the first time and referred to the **Appropriations Committee**.

HB 1082: A BILL for an Act to create and enact a new section to chapter 24-02 of the North Dakota Century Code, relating to the department of transportation's responsibilities and obligations with respect to the construction of a bridge over the Oahe Reservoir; and to declare an emergency.

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

HB 1083: A BILL for an Act to create and enact a new subsection to section 20.1-03-04 of the North Dakota Century Code, relating to times when residents may fish without a license; and to amend and reenact section 20.1-03-08 of the North Dakota Century Code, relating to times when nonresidents may fish without a license.

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

HB 1096: A BILL for an Act to amend and reenact subsections 7, 11, and 16 of section 50-24.4-01 and subsection 4 of section 50-24.4-10 of the North Dakota Century Code, relating to nursing home rates.

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

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

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

HB 1139: A BILL for an Act to amend and reenact section 65-05.1-06.2 of the North Dakota Century Code, relating to workers' compensation rehabilitation services bids.

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

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

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

HB 1141: A BILL for an Act to repeal section 32 of chapter 714 of the 1991 Session Laws of North Dakota, relating to workers' compensation premium rate changes and payments; to provide an effective date; and to declare an emergency.

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

HB 1164: A BILL for an Act to amend and reenact section 65-05-05 of the North Dakota Century Code, relating to workers' compensation payments to insured employees injured in the course of employment and to their dependents; and to provide an effective date.

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

HB 1165: A BILL for an Act to amend and reenact subsection 7 of section 65-01-14 of the North Dakota Century Code, relating to workers' compensation informal decisions; and to provide an effective date.

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

HB 1183: A BILL for an Act to amend and reenact sections 15-59-01, 15-59-02.1, 15-59-04, 15-59-04.1, 15-59-05, 15-59-05.2, 15-59-06, 15-59-06.2, 15-59-07, 15-59-07.2, 15-59-10, 15-59.3-01, 15-59.3-02, 15-59.3-03, 15-59.3-04, 15-59.3-05, 15-59.3-06, and 15-59.3-07 of the

North Dakota Century Code, relating to special education and boarding home care for children with disabilities.

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

HB 1184: A BILL for an Act to amend and reenact sections 15-27.3-10, 15-34.2-01, 15-34.2-03, 15-40.1-16, and 15-47-02.1 of the North Dakota Century Code, relating to state aid and school district payments for family-type transportation; and to repeal sections 15-40.1-16.2 and 15-40.1-16.3 of the North Dakota Century Code, relating to state aid to school districts for family-type transportation.

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

HB 1208: A BILL for an Act to create and enact a new section to chapter 54-27.2 of the North Dakota Century Code, relating to transfers from the budget stabilization fund on the order of the governor; and to amend and reenact section 54-27.2-03 of the North Dakota Century Code, relating to transfers from the budget stabilization fund to avoid a negative general fund balance during the biennium.

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

HB 1209: A BILL for an Act to repeal chapter 15-64 of the North Dakota Century Code, relating to withdrawing from the compact for education; and to provide an effective date.

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

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

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

HB 1291: A BILL for an Act to amend and reenact section 15-40.2-03 of the North Dakota Century Code, relating to the tuition calculations for school districts educating pupils in other districts.

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

HB 1297: A BILL for an Act to amend and reenact sections 36-01-00.1, 36-01-08, 36-01-12, 36-01-13, 36-01-14, 36-01-17, and 36-01-19 of the North Dakota Century Code, relating to nontraditional livestock.

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

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

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

HB 1309: A BILL for an Act to amend and reenact sections 53-06.1-03.2 and 53-06.1-03.3 of the North Dakota Century Code, relating to the rent limits for the game of twenty-one and charitable gaming ticket sites.

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

HB 1362: A BILL for an Act to create and enact a new section to chapter 57-61 of the North Dakota Century Code, relating to a severance tax reduction for coal mined for shipment out of state and to provide for allocation of the remaining tax revenues.

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

HB 1394: A BILL for an Act relating to authentication of medical records by electronic signature.

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

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