

JOURNAL OF THE SENATE

Fifty-third Legislative Assembly

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Bismarck, February 8, 1993

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

The prayer was offered by Senator Tennefos.

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

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 2040, SB 2070, SB 2093, SB 2150, SB 2199, SB 2284, SB 2294, SB 2343, SB 2352, SB 2354, SB 2355, SB 2356, SB 2369, SB 2410, SB 2429, SB 2453, SB 2460, SB 2508.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4026.

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 1036, HB 1061, HB 1142, HB 1214, HB 1253, HB 1264, HB 1364, HB 1370, HB 1378, HB 1385, HB 1393, HB 1395, HB 1401, HB 1410, HB 1429, HB 1444, HB 1450, HB 1492, HB 1495, HB 1506, HB 1507.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2075, SB 2268, SCR 4006.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

February 5, 1993

Pursuant to NDCC 15-10-05, I am hereby nominating Joe Peltier of Arthur, North Dakota, to serve on the State Board of Higher Education, and to succeed Darlene Leinen, whose term expires July 1, 1993.

Mr. Peltier's name was submitted in accordance with NDCC 15-10-02, is a graduate of North Dakota State University and meets the requirements of NDCC Chapter 15-10. Therefore, I ask the Senate to consider confirming Mr. Peltier for the position.

Thank you for your consideration.

MOTION

SEN. MATHERN MOVED that SB 2200 be moved to the top of the Sixth order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2200: SEN. SCHOENWALD (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 358-362 be adopted with DO PASS, which motion prevailed.

POINT OF PERSONAL PRIVILEGE

SEN. SCHOENWALD: Madam President: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

Madam President: SB 2198 addresses lump sum payments to injured individuals.

The bureau has stated that they currently do not like to give lump sum payments to individuals; however, sometimes they do make an agreement with the injured claimants to issue lump sum payments. What SB 2198 addresses is how to reopen the claim. For example, if a person makes a lump sum settlement for a back injury on vertebra L-3, that is the medical information they have, and that is the medical information available to them.

The hoghouse amendments to SB 2200 allow them to make the lump sum payment based on the specific area of the back that is injured. However, if new medical information comes forth, for instance, the person goes to another doctor to get a second opinion, and the doctor says L-2 and L-4 were damaged also, and the person goes back to the bureau and wishes to reopen the case, often times they have said, "No, we settled on your back. That is over with." The fact of the matter is, if a settlement is made based on vertebra L-1, they have made that settlement, but they did not make the settlement on the other vertebrae that were injured - they did not know those were injured.

What I am attempting to do by having my remarks printed in the Journal and with the amendments, is to say that if a lump sum settlement is made based on a specific injury, it covers that injury. However, if new medical information comes forth which states that the person has injuries on other sections of the back, for instance, different vertebrae, then they can reopen it based on the new information.

That is the major change in the bill and in the hoghouse amendment. Currently, they go to court to reopen the cases. What this does is to define it more clearly so that the specific area, not the general area, but the specific area that the settlement was made on, was covered.

MOTION

SEN. SCHOENWALD MOVED that the rules be suspended and that SB 2200 be deemed properly engrossed and be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2200: A BILL for an Act to amend and reenact paragraph 2 of subdivision b of subsection 8 of section 65-01-02, subsection 30 of section 65-01-02, subsection 1 of section 65-01-09, sections 65-01-11, 65-02-15, 65-02-17, 65-02-18, subsection 2 of section 65-05-25, and section 65-05-32 of the North Dakota Century Code, relating to workers' compensation definitions, third-party actions, burden of proof in workers' compensation matters, workers' compensation binding arbitration, workers' compensation lump sum settlements, and workers' compensation records; to repeal section 65-02-16 of the North Dakota Century Code, relating to workers' compensation binding arbitrations; to provide for application of the Act; and to provide an effective date.

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 27 YEAS, 20 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Naaden; Traynor

SB 2200 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2196: A BILL for an Act to create a new subsection to section 65-01-02 of the North Dakota Century Code, relating to a definition for workers' compensation purposes; to amend and reenact subsections 9, 29, and 30 of section 65-01-02 of the North Dakota Century Code, relating to workers' compensation definitions; 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 1 YEA, 46 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Krebsbach

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

ABSENT AND NOT VOTING: Naaden; Traynor

SB 2196 lost.

SECOND READING OF SENATE BILL

SB 2197: A BILL for an Act to amend and reenact section 65-05-32 of the North Dakota Century Code, relating to the privacy of records and hearings concerning workers' compensation matters; to provide for application of the Act; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 13 YEAS, 34 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Evanson; Grindberg; Krebsbach; Mutch; Nelson; Nething; Sand; Solberg; Stenehjem, B.; Streibel; Tennefos

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

ABSENT AND NOT VOTING: Naaden; Traynor

SB 2197 lost.

SECOND READING OF SENATE BILL

SB 2198: A BILL for an Act to amend and reenact section 65-05-25 of the North Dakota Century Code, relating to workers' compensation lump sum settlements; 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 22 YEAS, 25 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Evanson; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Lindgren; Lips; Mutch; Nalewaja; Nelson; Nething; Sand; Solberg; Stenehjerm, B.; Stenehjerm, W.; Streibel; Tennefos; Thane; Urlacher

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

ABSENT AND NOT VOTING: Naaden; Traynor

SB 2198 lost.

SECOND READING OF SENATE BILL

SB 2221: A BILL for an Act to amend and reenact section 65-01-09 of the North Dakota Century Code, relating to workers' compensation third party actions; 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 22 YEAS, 25 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Evanson; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Lindgren; Lips; Mutch; Nalewaja; Nelson; Nething; Sand; Solberg; Stenehjerm, B.; Stenehjerm, W.; Streibel; Tennefos; Thane; Urlacher

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

ABSENT AND NOT VOTING: Naaden; Traynor

SB 2221 lost.

SECOND READING OF SENATE BILL

SB 2224: A BILL for an Act to amend and reenact sections 65-02-15, 65-02-17, and 65-02-18 of the North Dakota Century Code, relating to workers' compensation binding arbitration; to repeal section 65-02-16 of the North Dakota Century Code, relating to removal of a binding arbitration panel member; 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 12 YEAS, 35 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Evanson; Grindberg; Krebsbach; Mutch; Sand; Solberg; Stenehjerm, B.; Streibel; Tennefos; Thane

NAYS: DeMers; Dotzenrod; Freborg; Goetz; Graba; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Stenehjerm, W.; Tallackson; Tomac; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Naaden; Traynor

SB 2224 lost.

SECOND READING OF SENATE BILL

SB 2241: A BILL for an Act to amend and reenact paragraph 2 of subdivision b of subsection 8 of section 65-01-02 and section 65-01-11 of the North Dakota Century Code, relating to injuries that are not compensable for workers' compensation purposes and testing for intoxication of an employee after a work-related injury.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 22 YEAS, 25 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Naaden; Traynor

SB 2241 lost.

SECOND READING OF SENATE BILL

SB 2246: A BILL for an Act to amend and reenact subsection 17 of section 65-01-02 of the North Dakota Century Code, relating to the definition of fairly traceable for purposes of workers' compensation.

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 12 YEAS, 35 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Freborg; Goetz; Krebsbach; Mutch; Nelson; Nething; Sand; Solberg; Streibel; Tennefos

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

ABSENT AND NOT VOTING: Naaden; Traynor

SB 2246 lost.

SECOND READING OF SENATE BILL

SB 2256: A BILL for an Act to amend and reenact sections 65-01-11 and 65-05-35 of the North Dakota Century Code, relating to the inactive claim presumption for workers' compensation claims.

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 20 YEAS, 27 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Naaden; Traynor

SB 2256 lost.

MOTION

SEN. MATHERN MOVED that the vote by which SB 2200 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

MOTION

SEN. MATHERN MOVED that the vote by which SB 2196, SB 2197, SB 2198, SB 2221, SB 2224, SB 2241, SB 2246, and SB 2256 failed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2043: SEN. TRAYNOR (Judiciary Committee) MOVED that the amendments on SJ page 356 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2086: SEN. MAXSON (Judiciary Committee) MOVED that the amendments on SJ page 357 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2144: SEN. W. STENEHJEM (Judiciary Committee) MOVED that the amendments on SJ pages 357-358 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2285: SEN. LINDGREN (Human Services Committee) MOVED that the amendments on SJ pages 364-365 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2358: SEN. GOETZ (Appropriations Committee) MOVED that the amendments on SJ page 365 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2367: SEN. MAXSON (Judiciary Committee) MOVED that the amendments on SJ pages 365-366 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2373: SEN. MARKS (Judiciary Committee) MOVED that the amendments on SJ page 366 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2412: SEN. KRAUTER (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 367 be adopted and then be placed on the Eleventh order with DO NOT PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2477: SEN. NALEWAJA (Human Services Committee) MOVED that the amendments on SJ page 367 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2479: SEN. LINDGREN (Human Services Committee) MOVED that the amendments on SJ pages 367-368 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2528: SEN. O'CONNELL (Education Committee) MOVED that the amendments on SJ page 369 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2529: SEN. MAXSON (Judiciary Committee) MOVED that the amendments on SJ page 369 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2039: SEN. KREBSBACH (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 380 be adopted and then be placed on the Eleventh order with DO NOT PASS, which motion prevailed.

MOTION

SEN. MATHERN MOVED that SB 2213, which is on the Sixth order, be rereferred to the Industry, Business and Labor Committee, which motion prevailed. Pursuant to Sen. Mathern's motion, SB 2213 was rereferred.

CONSIDERATION OF AMENDMENTS

SB 2251: SEN. ANDRIST (Political Subdivisions Committee) MOVED that the amendments on SJ pages 380-381 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

MOTION

SEN. MATHERN MOVED that SB 2251 not be rereferred to the Appropriations Committee, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2269: SEN. MARKS (Agriculture Committee) MOVED that the amendments on SJ page 381 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2295: SEN. NALEWAJA (Human Services Committee) MOVED that the amendments on SJ pages 381-382 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

MOTION

SEN. MATHERN MOVED that SB 2295 be rereferred to the Appropriations Committee, which motion prevailed. Pursuant to Sen. Mathern's motion, SB 2295 was rereferred.

CONSIDERATION OF AMENDMENTS

SB 2296: SEN. URLACHER (Natural Resources Committee) MOVED that the amendments on SJ page 382 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2304: SEN. DOTZENROD (Finance and Taxation Committee) MOVED that the

amendments on SJ page 382 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2325: SEN. LINDGREN (Political Subdivisions Committee) MOVED that the amendments on SJ page 382 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2334: SEN. MARKS (Agriculture Committee) MOVED that the amendments on SJ pages 382-383 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2375: SEN. ANDRIST (Political Subdivisions Committee) MOVED that the amendments on SJ page 383 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2378: SEN. GRABA (Human Services Committee) MOVED that the amendments on SJ page 383 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

MOTION

SEN. MATHERN MOVED that SB 2378 be rereferred to the Appropriations Committee, which motion prevailed. Pursuant to Sen. Mathern's motion, SB 2378 was rereferred.

CONSIDERATION OF AMENDMENTS

SB 2395: SEN. MARKS (Agriculture Committee) MOVED that the amendments on SJ pages 384-387 be adopted and then be placed on the Eleventh order WITHOUT RECOMMENDATION, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2422: SEN. FREBORG (Agriculture Committee) MOVED that the amendments on SJ pages 387-388 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

MOTION

SEN. KELSH MOVED that Engrossed SB 2422 be amended as follows, which motion prevailed.

Page 7, line 9, after the underscored comma insert "the hours of the day and the number of hours per week the minor is employed to work."

Page 8, line 27, after "weeks" insert ", except that a minor may work until midnight on a day preceding a school day once a week"

Re-number accordingly

CONSIDERATION OF AMENDMENTS

SB 2444: SEN. JEROME (Human Services Committee) MOVED that the amendments on SJ page 388 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

MOTION

SEN. MATHERN MOVED that the Senate stand in recess until 5:00 p.m., which motion prevailed.

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

CONSIDERATION OF AMENDMENTS

SB 2462: SEN. STREIBEL (Industry, Business and Labor Committee) MOVED that

the amendments on SJ page 388 be adopted and then be placed on the Eleventh order WITHOUT RECOMMENDATION, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2467: SEN. BOWMAN (Agriculture Committee) MOVED that the amendments on SJ page 389 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

MOTION

SEN. MATHERN MOVED that SCR 4024 be placed at the top of the Eleventh order, which motion prevailed.

MOTION

SEN. WOGSLAND MOVED that SCR 4024 be moved two bills down on the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2035: A BILL for an Act to create and enact a new section to chapter 57-39.2, a new section to chapter 57-40.2, a new section to chapter 57-40.3, and a new section to chapter 57-40.5 of the North Dakota Century Code, relating to a separate and additional sales, use, motor vehicle excise, and aircraft excise tax to provide funds for foundation aid per-pupil payments to school districts; to amend and reenact section 57-39.2-08.2, relating to the bracket system for application of sales, use, motor vehicle excise, and aircraft excise taxes; to provide an appropriation; to provide an effective date; to provide an expiration date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 2 YEAS, 44 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: DeMers; Tallackson

NAYS: Andrist; Bowman; 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; Tennefos; Thane; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Naaden; Traynor; Urlacher

SB 2035 lost.

SECOND READING OF SENATE BILL

SB 2072: A BILL for an Act to amend and reenact sections 15-20.4-02 and 15-20.4-04 of the North Dakota Century Code, relating to postsecondary educational institutions.

MOTION

SEN. SCHERBER MOVED that Engrossed SB 2072 be amended as follows, which motion prevailed.

Page 3, line 2, replace "institutions other" with "nonacademic"

Page 3, line 3, remove "than academic", replace "professional" with "nonprofessional", and remove "that are"

Page 3, line 4, remove the underscored comma and replace "which enroll" with "enrolling"

Renumber accordingly

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Naaden; Traynor; Urlacher

SB 2072 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that SB 2205 be returned to the Senate floor from the **Industry, Business and Labor Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. LANGLEY REQUESTED the unanimous consent of the Senate to withdraw SB 2205. There being no objection, it was so ordered by the President.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4024: A concurrent resolution urging the Secretary of the United States Department of Transportation to place the entire state on central standard time.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS.

SCR 4024 was declared adopted, the title was agreed to, on a verification vote.

SECOND READING OF SENATE BILL

SB 2181: A BILL for an Act to amend and reenact section 15-21-04.6 and subdivision q of subsection 1 of section 28-32-01 of the North Dakota Century Code, relating to the process for the development and optional implementation of standards for student performance and student performance assessment methods and the adoption of rules by the superintendent of public instruction.

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 28 YEAS, 18 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; DeMers; Dotzenrod; Evanson; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krebsbach; Langley; Lindaas; Lindgren; Mathern; Mushik; Nalewaja; Redlin; Robinson; Scherber; Schoenwald; Stenehjem, W.; Tallackson; Wogsland; Yockim

NAYS: Bowman; Freborg; Goetz; Krauter; Lips; Marks; Maxson; Mutch; Nelson; Nething; O'Connell; Sand; Solberg; Stenehjem, B.; Streibel; Tennefos; Thane; Tomac

ABSENT AND NOT VOTING: Naaden; Traynor; Urlacher

SB 2181 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2293: A BILL for an Act to amend and reenact sections 23-29-07.4, 57-38-09.1, subsection 5 of section 57-38-30.3, sections 57-38-60, 57-38-61, subsections 1, 2, 5, and 8 of section 57-38.4-01, and subsection 1 of section 57-38.4-02 of the North Dakota Century Code, relating to reporting requirements for collection of the solid waste management surcharge, filing requirements for tax-exempt organizations, the definition of federal income tax liability for the simplified optional method of computing tax, the filing requirements for income withholding returns and wage information returns, penalties for failure to file wage information returns, federalizing the due date for employers' annual returns, applying the provisions for failing to complete returns or supply information to income withholding tax, definitions for water's edge elections, and requirements for using the water's edge method; to provide a penalty; to provide an effective date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Naaden; Traynor; Urlacher

SB 2293 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2298: A BILL for an Act to create and enact a new subsection to section 25-03.1-43 of the North Dakota Century Code, relating to confidential records and the notification of crime victims; and to amend and reenact subsection 16 of section 12.1-34-02 of the North Dakota Century Code, relating to fair treatment standards for victims and witnesses.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; 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; Stenhjem, B.; Stenhjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Naaden; Traynor; Urlacher

SB 2298 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2303: A BILL for an Act to amend and reenact section 12.1-17-01 of the North Dakota Century Code, relating to simple assault.

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 45 YEAS, 0 NAYS, 0 EXCUSED, 4 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; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Mutch; Naaden; Traynor; Urlacher

SB 2303 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2399: A BILL for an Act to amend and reenact section 11-11.1-01 of the North Dakota Century Code, relating to the election question to discontinue a job development authority and to the job development authority board of directors.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Naaden; Traynor; Urlacher

SB 2399 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that SB 2432, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2063: A BILL for an Act to create and enact a new section to chapter 54-52.1 and a new section to chapter 57-15 of the North Dakota Century Code, relating to participation by school districts in the uniform group insurance program; and to amend and reenact sections 54-52-03, 54-52.1-03.1, and 54-52.1-06 of the North Dakota Century Code, relating to the retirement board and participation by school districts in the uniform group insurance program.

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 30 YEAS, 16 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; DeMers; Dotzenrod; Evanson; Graba; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Lips; Mathern; Maxson; Mushik; Nalewaja; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Stenehjem, W.; Tallackson; Thane; Wogsland; Yockim

NAYS: Bowman; Freborg; Goetz; Grindberg; Krebsbach; Lindgren; Marks; Mutch; Nelson; Nething; Sand; Solberg; Stenehjem, B.; Streibel; Tennefos; Tomac

ABSENT AND NOT VOTING: Naaden; Traynor; Urlacher

SB 2063 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2408: A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to the establishment of a state unified dental service insurance coverage plan.

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 39 YEAS, 6 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Bowman; Mutch; Sand; Solberg; Stenehjem, B.; Streibel

ABSENT AND NOT VOTING: Maxson; Naaden; Traynor; Urlacher

SB 2408 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2034: A BILL for an Act to amend and reenact sections 27-05-00.1 and 27-05-01 of the North Dakota Century Code, relating to the abolition of county courts and establishment of new judgeships.

POINT OF PERSONAL PRIVILEGE

SEN. W. STENEHJEM: Madam President: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

REQUEST

SEN. W. STENEHJEM REQUESTED that his remarks be printed in the Journal, which request was granted.

Madam President and Members of the Senate:

This bill represents the core of the issue of separation of powers and interrelation of the three branches of government in North Dakota.

It has to do with our authority as a legislature, as well as that of the judiciary and the executive branch.

By the way of background, I would remind the Senate that in 1991 this legislature passed HB 1517 which, commencing January 1, 1995, elevates all of the state's county judges to the level of district judges. The law also ultimately reduces the total number of district judges to 42 prior to January 2, 2001.

To accomplish this change, the law provides that the new judges must initially run for staggered terms of office - two, four, or six years - in order to provide an orderly transition, and, most importantly, to allow the citizens of the various judicial districts of the state an opportunity to exercise their ultimate authority to elect their judges on a regular basis.

I mention this background because of the issue here concerning interpretation of the North Dakota Constitution; a claim by a couple of judges; an opinion of the Attorney General; and the analysis of the issue by our own attorneys in the Legislative Council.

The Constitution contains two sections relevant to this discussion:

Article VI, §1 provides:

The judicial power of the state is vested in a unified judicial system consisting of a supreme court, a district court, and such other courts as may be provided by law.

Article VI, §9 states, in part, that:

...in each district, one or more judges, as provided by law, shall be chosen by the electors of the district. The term of office shall be six years, and a district judge shall hold office until his successor is duly qualified.

As I mentioned, in implementing this law, we decided the right of our citizens to elect judges on a regular and continuing basis is paramount, and we provided for the staggered initial terms of office.

Since last session, however, the former Attorney General issued his opinion saying, in effect, that the staggered-term provision of HB 1517 is unconstitutional because it does not guarantee each new district judge an initial term of six years.

We, in the legislature, as a separate branch of government, are not bound by the opinions of the Attorney General.

We also have our own attorneys in the Legislative Council. During the Interim Committee study of this issue, we received a memorandum from the Legislative Council and based thereon concluded in our report to this session "The committee's research did not support a finding of unconstitutionality of this section." (page 87)

The Interim Committee felt then, and the Judiciary Committee feels now, that the Attorney General was wrong in failing to look at all of the provisions of the Constitution, which are interrelated.

For example, the parts that provide:

1. The legislature has the authority to establish additional courts.
2. The rights of the citizens, especially their right to meaningful and regular election of officials is paramount.

3. An Act of the legislature is presumed to be valid, and any doubt as to its constitutionality must, where possible, be resolved in favor of its validity. So long as the legislative enactments do not infringe on constitutional rights and privileges, express or implied, our will is absolute. Four of five justices' votes are required to declare a legislative act unconstitutional.

We on the Judiciary Committee knew in 1991, and we know now, what is in the Constitution. We know that the term of a district judge is six years. We also are aware of our authority to establish new judgeships.

What this bill would do, is create a mythical hurdle over which we jump in an effort to satisfy any claim of unconstitutionality.

It provides that these new judges would be called "interim district judges" and to make it appear that there is a real distinction between the classes. It eliminates the authority of these "interim judges" to hear Class AA felony cases - a rare type of case in North Dakota.

We feel that this is a distinction without a real difference, and that the legislature should not be required to perform this idle act in order to accomplish our will.

The Attorney General also failed to consider a corollary to this issue - that of the terms of state senators, which under the constitution, is four years. Yet, after reapportionment - whether accomplished by the courts or the legislature - we have traditionally provided for some two-year Senate terms in order to provide for regular elections, and staggered terms of senators.

Finally, we feel that a judge who seeks these offices, runs for it knowing at the beginning the term for which he or she will serve, and should hardly be heard to complain thereafter that the initial term is not the full six years.

I read this into the record, Madam President, so that if this issue should ultimately wind up in court, the position of the Judiciary Committee, and if our recommendation is adopted, that of the Senate, will be clear.

For all of these reasons, the Judiciary Committee urges this bill do not pass.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 45 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Maxson; Naaden; Traynor; Urlacher

SB 2034 lost.

MOTION

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

MOTION

SEN. MATHERN MOVED that the Senate be on the Fifth, Ninth, Thirteenth, and

Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Tuesday, February 9, 1993, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2020: Appropriations Committee (Sen. Tallackson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2020 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "\$521,980" with "\$519,676"

Page 1, line 15, replace "\$624,341" with "\$622,037"

Page 1, line 16, replace "519,923" with "391,093"

Page 1, line 17, replace "\$104,418" with "\$230,944"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 140 - OFFICE OF ADMINISTRATIVE HEARINGS

SENATE - This amendment reduces the salaries and wages line item by \$2,304, of which \$346 is from the general fund, related to adjusting the health insurance to the level proposed by Governor Schafer. This amendment also changes the agency's funding source by increasing the general fund appropriation by \$126,872 and decreasing the special fund appropriation by the same amount. This amendment accommodates the elimination of the proposed billing of general fund agencies for administrative services contained in the original executive budget and Senate Bill No 2086 as introduced.

REPORT OF STANDING COMMITTEE

SB 2217: Education Committee (Sen. Heinrich, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2217 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 subsection to section 15-29-08 and two new sections to chapter 15-60 of the North Dakota Century Code, relating to the authority of school boards to purchase or lease a telecommunication system, the authority of the board of university and school lands to make loans to school districts out of moneys in the coal development trust fund for school construction, and the authority of a school board to issue evidences of indebtedness to repay a loan from the board of university and school lands; to amend and reenact sections 15-35-01.1, 15-60-01, subsection 7 of section 21-03-07, subsection 1 of section 28-32-01, subsection 1 of section 57-15-16, and subsection 1 of section 57-62-02 of the North Dakota Century Code, relating to approval by the superintendent of public instruction of certain school district construction projects, the state school construction fund, the issuance of general obligation bonds for certain projects, exceptions to the administrative agencies practice act, the use of moneys in the school building fund for the payment of bonds, and authorizing loans to be made from moneys in the coal development trust fund to school districts for school construction; and to repeal sections 15-21-20, 15-60-03, 15-60-06, 15-60-07, and 15-60-08 of the North Dakota Century Code, relating to the creation of and use of moneys in the state school construction fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 15-29-08 of the 1991 Supplement to the North Dakota Century Code is created and enacted as follows:

To purchase or lease a telecommunication system or network, or to participate with other school districts or other entities in the purchase or lease of a telecommunication system or network.

SECTION 2. AMENDMENT. Section 15-35-01.1 of the North Dakota Century Code is amended and reenacted as follows:

15-35-01.1. Approval required for certain school district construction projects.

1. Notwithstanding the powers and duties of school boards of public school districts otherwise provided by law, all construction, purchase, repair, improvement, renovation, or modernization of any school building or facility within a school district estimated by the school boards to cost in excess of twenty-five thousand dollars shall may not be commenced unless approved by the superintendent of public instruction. The superintendent of public instruction shall not approve such school building project unless he shall find that the building will be fully or substantially usable by any reorganized school district which in his judgment is likely to be created and which would encompass all or a major portion of the school district applying for approval of the building project. No such construction, purchase, repair, improvement, renovation, or modernization of any school building or facility may be approved unless the school district proposing the project demonstrates the need and the educational utility of the project under rules adopted by the superintendent of public instruction pursuant to chapter 28-32 after receiving input from the state board of public school education. In the event of disagreement between the superintendent of public instruction and the school board applying for approval of a construction project under this section, such the school board shall have the right to may appeal such the application to the state board of public school education and the decision of the state board approving or disapproving such the application shall be is final.
2. If a school district intends to apply for a loan from the board of university and school lands pursuant to chapter 15-60, the school district must demonstrate fiscal need and capacity to repay the loan under rules adopted by the superintendent of public instruction pursuant to chapter 28-32 after receiving input from the board of university and school lands.
3. For purposes of this section, "facility" includes a parking lot, athletic complex, or any other improvement to real property owned by the school district.

SECTION 3. AMENDMENT. Section 15-60-01 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-60-01. Definitions. As used ~~or referred to~~ in this chapter, unless the context clearly indicates otherwise requires:

1. "Bank" means the Bank of North Dakota.

2. "Board" means the state board of public university and school education lands.
- ~~2-~~ 3. "Construction" means acquisition and purchase, lease, or construction, and the term "to construct" means to acquire and to purchase, lease, or construct in such manner as may be deemed desirable.
- ~~3-~~ "Department" means the department of public instruction.
4. "Fund" means the state school construction coal development trust fund created by this chapter section 21 of article X of the Constitution of North Dakota and section 57-62-02.
5. "Improvement" means extension, enlargement, and or improvement, and the term "to improve" means to extend, to enlarge, and or to improve in such manner as may be deemed desirable.
6. "Project" means any structure, or facility, or undertaking including a technological undertaking which the board is that a school district is authorized to construct or improve, under this chapter section 15-35-01.1 and which is estimated to cost in excess of fifty thousand dollars.
7. "Superintendent" means the superintendent of public instruction.

SECTION 4. A new section to chapter 15-60 of the North Dakota Century Code is created and enacted as follows:

Loans.

1. The board may make loans for purposes described in this chapter to school districts from moneys deposited in the coal development trust fund established pursuant to section 21 of article X of the Constitution of North Dakota and subsection 1 of section 57-62-02. The board shall consider an application for a loan in the order of its approval by the superintendent under subsection 2 of section 15-35-01.1. The outstanding principal balance of loans made from the fund under this chapter may not exceed twenty-five million dollars.
2. An application for a loan must be approved by the superintendent pursuant to section 15-35-01.1 before the application may be submitted to the board. The application must contain information deemed necessary by the superintendent, including a discussion of alternative sources or methods for financing the construction or improvement, and must be considered in the order of its approval under subsection 1 of section 15-35-01.1. If the superintendent approves the loan, the superintendent may also determine the loan amount and a percent of interest to be paid on the loan. In determining the amount of a loan, the superintendent shall take into account the cost of the project and the fiscal capacity of the school district. To be eligible for a loan, the school district must have an existing indebtedness equal to at least fifteen percent of the school district's taxable valuation. The interest on a loan may not exceed the rate of two percent below the net interest rate on comparable tax-exempt obligations as determined on the date the application is approved by the superintendent pursuant to section 15-35-01.1. However, the interest rate may not exceed six percent.

3. Loan applications approved by the board must be forwarded to the Bank. The Bank shall assist the board by preparing and approving the loan documents, handling the loan closing, and servicing the loan. The Bank shall receive payments of principal and interest from the school districts, and shall remit payments of principal to the board for redeposit in the fund. The interest must be used and deposited in accordance with section 21 of article X of the Constitution of North Dakota.

SECTION 5. A new section to chapter 15-60 of the North Dakota Century Code is created and enacted as follows:

School board may issue evidences of indebtedness. The school board of a school district may issue and sell evidences of indebtedness pursuant to chapter 21-03 to finance the construction or improvement of a project approved under this chapter. The principal amount of the loan and the evidences of indebtedness to repay the loan may not exceed the lesser of thirty percent of the taxable valuation of the school district or five million dollars. Evidences of indebtedness issued pursuant to this chapter constitute a general obligation of the school district.

SECTION 6. AMENDMENT. Subsection 7 of section 21-03-07 of the North Dakota Century Code is amended and reenacted as follows:

7. The governing body of any public school district may also by resolution adopted by a two-thirds vote dedicate the tax levies as authorized by section 15-51-11, 15-51-13, or 57-15-16 and may authorize and issue general obligation bonds to be paid by these dedicated levies for the purpose of providing funds for the purchase, construction, reconstruction, or repair of public school buildings; ~~provided, that the~~ or for the construction or improvement of a project pursuant to chapter 15-60. The initial resolution authorizing the tax levy dedication and general obligation bonds must be published in the official newspaper of the school district, and any owner of taxable property within the school district may, within sixty days after publication, file with the business manager of the school district a protest against the adoption of the resolution. Protests must be in writing and must describe the property ~~which~~ that is the subject of the protest. If the governing body finds ~~such~~ the protests to have been signed by the owners of taxable property having an assessed valuation equal to five percent or more of the assessed valuation of all taxable property within the school district, as theretofore last finally equalized, all further proceedings under the initial resolution are barred.

SECTION 7. AMENDMENT. Subsection 1 of section 28-32-01 of the North Dakota Century Code is amended and reenacted as follows:

1. "Administrative agency" or "agency" means each board, bureau, commission, department, or other administrative unit of the executive branch of state government, including one or more officers, or employees, or other persons directly or indirectly purporting to act on behalf or under authority of the agency. An administrative unit located within or subordinate to an administrative agency shall be treated as part of that agency to the extent it purports to exercise authority subject to this chapter. The term administrative agency does not include:

- a. The office of management and budget except with respect to rules relating to the central personnel system as authorized under section 54-44.3-07, rules relating to state purchasing practices as required under section 54-44.4-04, rules relating to records management as authorized or required under chapter 54-46, and rules relating to the central microfilm unit as authorized under chapter 54-46.1.
- b. The adjutant general with respect to the division of emergency management.
- c. The council on the arts.
- d. The state auditor.
- e. The department of economic development and finance.
- f. The dairy promotion commission.
- g. The education factfinding commission.
- h. The educational telecommunications council.
- i. The board of equalization.
- j. The board of higher education.
- k. The Indian affairs commission.
- l. The industrial commission with respect to the activities of the Bank of North Dakota, the North Dakota housing finance agency, the North Dakota municipal bond bank, and the North Dakota mill and elevator association.
- m. The department of corrections and rehabilitation.
- n. The board of pardons.
- o. The parks and tourism department.
- p. The parole board.
- q. The superintendent of public instruction except with respect to rules prescribed under section 15-21-07, rules relating to teacher certification, and rules relating to professional codes and standards approved under section 15-38-18.
- ~~r. The state board of public school education while administering the state school construction fund.~~
- ~~s.~~ The state fair association.
- ~~t.~~ s. The state toxicologist.
- ~~u.~~ t. The board of university and school lands except with respect to activities under chapter 47-30.1.
- ~~v.~~ u. The administrative committee on veterans' affairs except with respect to rules relating to the supervision and government of the veterans' home and the implementation of programs or services provided by the veterans' home.

~~w-~~ v. The industrial commission with respect to the lignite research fund except as required under section 57-61-01.5.

SECTION 8. AMENDMENT. Subsection 1 of section 57-15-16 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. The governing body of any school district shall levy taxes annually for a school building fund, not in excess of twenty mills, which levy ~~shall be~~ is in addition to and not restricted by the levy limitations prescribed by law, when authorized to do so by sixty percent of the qualified electors voting upon the question at a regular or special election in any school district. The governing body of ~~such~~ the school district may create ~~such~~ the building fund by appropriating and setting up in its budget for ~~such~~ an amount not in excess of twenty percent of the current annual appropriation for all other purposes combined, exclusive of appropriations to pay interest and principal of the bonded debt, and not in excess of the limitations prescribed by law. ~~In all cases where~~ If a portion or all of the proceeds of ~~such~~ the levy have been allocated by contract to the payment of rentals upon contracts with the state board of public school education as administrator of the state school construction fund, ~~such~~ the levy ~~shall~~ must be made annually by the governing body of the school district until the full amount of all such obligations is fully paid. Any portion of a levy for a school building fund which has not been allocated by contract with the state board of public school education must be allocated by the governing body pursuant to section 57-15-17. Upon the completion of all payments to the state school construction fund or upon payment and cancellation or defeasance of the bonds, ~~such~~ the levy may be discontinued at the discretion of the governing body of the school district, or upon petition of twenty percent of the qualified electors who voted in the last school election, the question of discontinuance of the levy ~~shall~~ must be submitted to the qualified electors of the school district at any regular or special election and, upon a favorable vote of sixty percent of the qualified electors voting, ~~such~~ the levy ~~shall~~ must be discontinued. Any school district, executing a contract or lease with the state board of public school education or issuing general obligation bonds, which contract or lease or bond issue requires the maintenance of the levy provided in this section, shall immediately file a certified copy of ~~such~~ the contract or, lease, or bond issue with the county auditor or auditors of the county or counties in which ~~such~~ the school district is located. The county auditor or auditors shall register ~~such~~ the contract or, lease, or bond issue in the bond register in substantially the manner provided in section 21-03-23. Upon the filing of ~~such~~ the contract or, lease, or bond issue with the county auditor or auditors, the school district ~~shall be without power to may not~~ shall ~~discontinue~~ must ~~such~~ the levy and ~~such~~ the levy ~~shall~~ must automatically be included in the tax levy of ~~such~~ the school district from year to year by the county auditor or auditors until a sufficient sum of money has been collected to pay to the state treasurer for the retirement of all obligations of ~~such~~ the school district with the state board of public school education or to pay to the custodian of the bond sinking fund all amounts due or to become due on the bonds.

SECTION 9. AMENDMENT. Subsection 1 of section 57-62-02 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. Fifteen percent must be deposited in a permanent trust fund in the state treasury, to be known as the coal development trust fund, pursuant to section 21 of article X of the Constitution of North Dakota. Those funds held in trust and administered by the board of university and school lands on March 5, 1981, pursuant to section 12, chapter 563, 1975 Session Laws; section 12, chapter 560, 1977 Session Laws; or section 13, chapter 626, 1979 Session Laws must also be deposited in the trust fund created pursuant to this subsection. The fund must be held in trust and administered by the board of university and school lands for loans to coal impacted counties, cities, and school districts as provided in section 57-62-03, and for loans to school districts pursuant to chapter 15-60. The board of university and school lands may invest such funds as are not loaned out as provided in this chapter and may consult with the state investment board as provided by law. The income, including interest payments on loans, from the trust must be used first to replace uncollectible loans made from the fund and the balance must be deposited in the state's general fund. Loan principal payments must be redeposited in the trust fund. ~~Such~~ The trust fund must be perpetual and held in trust as a replacement for depleted natural resources subject to the provisions of this chapter and chapter 15-60.

SECTION 10. REPEAL. Section 15-21-20 of the North Dakota Century Code and sections 15-60-03, 15-60-06, 15-60-07, and 15-60-08 of the 1991 Supplement to the North Dakota Century Code are repealed."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2309: Agriculture Committee (Sen. Kelsh, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). SB 2309 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections 35-31-01 and" with "section"

Page 1, remove lines 4 through 17

Page 1, line 22, remove "shall notify, within"

Page 2, remove lines 1 through 3

Page 2, line 4, remove "supplier's lien and" and remove the overstrike over "~~supplies are~~"

Page 2, line 5, remove the overstrike over "~~furnished or the services performed~~" and remove "notice of intent to claim the lien is"

Page 2, line 6, remove "given"

Page 2, line 7, after the period insert "The person entitled to the lien shall also notify the person to whom the supplies are furnished within thirty days after the lien is filed."

Page 2, line 9, remove "shall notify, within"

Page 2, remove lines 10 and 11

Page 2, line 12, remove "supplier's lien and" and remove the overstrike over "petroleum"

Page 2, line 13, remove the overstrike over "products are furnished or delivered" and remove "notice of intent to claim the lien is"

Page 2, line 14, remove "given"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2389: Transportation Committee (Sen. Schoenwald, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2389 was placed on the Sixth order on the calendar.

Page 1, line 2, after "to" insert "requiring the"

Page 1, line 3, replace "responsibility for" with "to adopt highway" and replace "safety measures" with "guidelines"

Page 1, line 7, replace "determine" with "adopt highway" and replace "safety measures - Standards" with "guidelines"

Page 1, replace lines 8 through 22 with:

1. Before June 30, 1995, the department shall develop guidelines for relocation, vacation, and establishment of highway railroad crossings in this state. The guidelines must be limited to roadway alignment and geometrics. The guidelines are effective until preempted by federal law or regulation.
2. None of the actions, proceedings, findings, or orders of the department, nor the actions of the railroad or other road authorities regarding the guidelines are admissible in evidence in any civil action for personal injury, death, or damage to property arising out of a public highway railroad crossing accident."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2398: Natural Resources Committee (Sen. Keller, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2398 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2400: Human Services Committee (Sen. Mathern, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2400 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2404: Human Services Committee (Sen. Mathern, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2404 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2419: Transportation Committee (Sen. Schoenwald, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2419 was placed on the Sixth order on the calendar.

Page 1, line 11, remove "rural"

Page 1, line 12, remove "agricultural business and" and overstrike "destination" and insert immediately thereafter "rural agricultural business and"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2426: Human Services Committee (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION and BE REREFERRED to the Appropriations Committee (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2426 was placed on the Sixth order on the calendar.

Page 1, line 5, replace the first "a" with "two", replace the second "section" with "sections", replace the second "a" with "three", and replace the third "section" with "sections"

Page 1, line 10, after "practices" insert ", a health plan for children and pregnant women"

Page 1, line 12, after "26.1-18-12" insert a comma and replace ", and section 15 of chapter" with "of the North Dakota Century Code"

Page 1, line 13, remove "404 of the 1987 Session Laws of North Dakota"

Page 1, line 15, after the comma insert "and"

Page 1, line 16, remove ", and the expiration date of chapter 404 of the 1987 Session Laws"

Page 1, line 17, remove "of North Dakota on tort liability"

Page 2, line 25, remove "clinic, therapy center, physician-owned"

Page 2, line 26, remove "laboratory, and"

Page 9, line 20, remove "The standards used to determine whether the"

Page 9, remove lines 21 and 22

Page 10, remove line 18

Page 10, line 19, remove "commissioner"

Page 12, line 20, remove "or for basic preventive services as defined by the"

Page 12, line 21, remove "commissioner"

Page 12, after line 21, insert:

"SECTION 22. A new section to chapter 26.1-36 of the North Dakota Century Code is created and enacted as follows:

Health insurance policy and health service contract - Children's preventive health care coverage.

1. An insurance company, nonprofit health service corporation, or health maintenance organization may not deliver, issue, execute, or renew any health insurance policy, health service contract, or evidence of coverage which provides coverage for a family member of the insured person on a group, blanket, franchise, or association basis unless the policy, contract, or evidence of coverage provides coverage for routine periodic physical examinations for the covered person from

birth through the age of sixteen, unless specifically rejected in writing by the contractholder. The benefits for children's preventive health care services on a periodic basis must include eighteen visits from birth through the age of sixteen at approximately the following intervals: birth, two months, four months, six months, nine months, twelve months, fifteen months, eighteen months, two years, three years, four years, five years, six years, eight years, ten years, twelve years, fourteen years, and sixteen years. Services may be covered only to the extent they are provided by, or under the supervision of, one physician during a visit.

2. For purposes of this section:
 - a. "Children's preventive health care services" means physician-delivered or physician-supervised services for eligible dependents from birth through the age of sixteen, including medical history, physical examination, developmental assessment, anticipatory guidance, and appropriate immunizations and laboratory tests, in keeping with prevailing medical standards.
 - b. "Periodic physical examinations" means the routine tests and procedures for the purpose of detection of abnormalities or malfunctions of bodily systems and parts according to accepted medical practice.
3. The reimbursement to a physician for benefits required under this section may not exceed the reimbursements established for the same services under chapter 50-24.1. Copayments and deductibles may not be imposed for visits under this section.
4. This section does not apply to a disability income, specified disease, medicare supplement, hospital indemnity, or accident only policy."

Page 13, remove lines 27 through 29

Page 14, remove lines 1 through 3

Page 14, replace lines 18 through 28 with:

"SECTION 27. A new section to chapter 50-24.1 of the North Dakota Century Code is created and enacted as follows:

Definitions. As used in this chapter:

1. "County agency" means a county social service board.
2. "Department" means the department of human services.

SECTION 28. A new section to chapter 50-24.1 of the North Dakota Century Code is created and enacted as follows:

Health services for children and pregnant women.

1. As used in this section:

- a. "Eligible child" means a minor, or an adult with respect to the remaining days of the month in which the minor became an adult, whose countable income is less than one and sixty-three hundredths times the poverty line.

- b. "Eligible pregnant woman" means a woman who is pregnant and, if she was found eligible under this section while pregnant, a formerly pregnant woman for sixty days after the day the pregnancy ends and for the remaining days of the month in which the sixtieth day falls, whose countable income is less than one and sixty-three hundredths times the poverty line.
 - c. "Health services" means any medical care provided under this chapter except nursing facility services, a level of care in a medical institution equivalent to that of nursing facility services, and services otherwise made available under 42 U.S.C 1396n(c), (d), or (e).
 - d. "Poverty line" means the income official poverty line as defined by the United States office of management and budget, and as revised annually in accordance with 42 U.S.C. 9847 and 42 U.S.C. 9902(2).
2. The department shall establish a health plan to provide health services to eligible children and eligible pregnant women. In addition to administering the health plan through county agencies, the department may contract with any other governmental or private entity to administer any part of the plan.
 3. The plan must encourage the use of physician's assistants, registered nurses with advanced licenses, and other licensed medical providers determined by the department to provide necessary and cost-effective services.
 4. The department may set conditions under which medical providers may participate under the plan. The conditions must encourage the use of cost containment measures.
 5. The department, within the limits of legislative appropriation, shall make payments to medical providers at rates and under conditions determined by the department.
 6. The department shall provide for the payment of coinsurance amounts and deductible amounts, for an eligible child or an eligible pregnant woman who is covered under a group or individual health insurance coverage contract or policy, issued by an insurance company, nonprofit health service corporation, or health maintenance organization, when the department determines it to be cost effective.
 7. The department shall make application forms and other information available to eligible provider offices, private and public human service agencies, school districts, private and public elementary schools, headstart facilities, community health offices, program sites for the women, infants, and children program, and other locations the department determines would facilitate the distribution of information and application forms. The department shall establish an outreach program to encourage potentially eligible persons to receive information about the plan and other medical care programs administered or supervised by the department.
 8. The department may contract with any entity that receives application forms to accept an application, collect information necessary to determine eligibility under the plan, collect any enrollment fee that may be imposed, and

forward the information to the department or to a county agency, as the department may direct.

9. If at any time it becomes lawful for a state medicaid agency to impose upon a medicaid applicant an enrollment fee or a sliding fee scale, with respect to the health services provided under this section, the department shall impose an enrollment fee or a sliding fee scale. If authority to impose an enrollment fee or a sliding fee scale is available only upon approval of a request for a waiver submitted to federal officials charged with the administration of the medical assistance program pursuant to 42 U.S.C. 1396 et seq., the department shall request a waiver. No deduction, cost sharing, or similar charge may be imposed for services furnished to an eligible child or services furnished to an eligible pregnant woman, if those services relate to the pregnancy or any other medical condition that may complicate the pregnancy, emergency services, or family planning services and supplies, and that any deduction, cost sharing, or similar charge, which may be imposed with respect to other services, must be nominal in amount, as provided by 42 U.S.C. 1396o. An enrollment fee, premium, or similar charge may not be imposed except as permitted under 42 U.S.C. 1396o(c). To the extent consistent with the requirements of federal law, the department shall impose an enrollment fee of fifty dollars, not to exceed one hundred fifty dollars per family, for each eligible child or eligible pregnant woman for whom an application for coverage for health services under this chapter is submitted. To the extent consistent with the requirements of federal law, the department shall establish a sliding fee scale under which an eligible child or an eligible pregnant woman with higher income pays a larger proportion of the cost of services furnished under this section than does an eligible person with lower income. The department shall deposit fees collected under this section in the health services fund."

Page 15, remove lines 1 and 2

Page 15, line 10, remove "The department"

Page 15, remove lines 11 through 26

Page 16, line 2, replace "pursuant to sections 27 through 34" with "under section 28"

Page 16, remove lines 6 through 29

Page 17, remove lines 1 through 15

Page 18, replace lines 13 through 26 with:

"SECTION 34. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income to the department of human services for the purpose of administering sections 28 through 30 of this Act for the biennium beginning July 1, 1993, and ending June 30, 1995.

Total all funds	\$42,677,067
Less estimated income	<u>31,677,067</u>
Total general fund appropriation	\$11,000,000"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2427: Education Committee (Sen. Heinrich, Chairman) recommends DO PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2427 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2438: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2438 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2446: Natural Resources Committee (Sen. Keller, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2446 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2454: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2454 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2463: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2463 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2469: Natural Resources Committee (Sen. Keller, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2469 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2471: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2471 was placed on the Sixth order on the calendar.

Page 8, line 1, after "as" insert "well as"

Page 9, line 26, after "constituent" insert "business"

Page 9, line 27, replace "in the case of business" with an underscored semicolon

Page 9, line 28, replace "corporations, or" with "each domestic constituent not for profit corporation shall comply" and replace "in the case of not for profit" with an underscored semicolon

Page 9, line 29, remove "corporations, with respect to the merger of corporations,"

Page 10, line 3, after "governed" insert ", with respect to the merger of corporations"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2473: Transportation Committee (Sen. Schoenwald, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2473 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "fee" with "surcharge"

Page 1, line 2, remove "; to create" and remove "enact a new chapter to title 50"

Page 1, line 3, remove "of the North Dakota Century Code, relating" and after "to" insert "provide"

Page 1, line 5, remove "to provide an appropriation;"

Page 1, line 8, replace "fee" with "surcharge"

Page 1, line 12, replace the first "fee" with "surcharge"

Page 1, line 13, replace "fees" with "surcharges"

Page 1, line 16, replace "fee" with "surcharge"

Page 1, line 17, remove "A new chapter to title 50 of the North Dakota Century Code"

Page 1, remove line 18

Page 1, line 19, after "in" insert "sections 2 through 5 of" and replace "chapter" with "Act"

Page 2, line 10, before "Department" insert "SECTION 3."

Page 2, line 16, replace "section" with "sections" and after "2" insert "through 5"

Page 2, line 17, replace "section" with "sections" and after "2" insert "through 5"

Page 2, line 20, before "Department" insert "SECTION 4."

Page 2, line 22, remove the first "this", after "title" insert "50", replace "section" with "sections", and after "2" insert "through 5"

Page 2, line 25, before "Authority" insert "SECTION 5."

Page 3, line 5, replace "section" with "sections" and after "2" insert "through 5"

Page 3, remove lines 7 through 20

Page 3, line 21, replace "Section" with "Sections", after "2" insert ", 4, and 5", and replace "becomes" with "become"

Page 3, line 22, after "1993" insert ", and section 3 of this Act becomes effective on July 1, 1995"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2474: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2474 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "all valid" with "a certificate of insurance indicating" and replace "insurance policies" with "coverage"

Page 1, line 13, remove "in the amount prescribed by the registrar"

Page 2, line 17, remove "all"

Page 2, line 18, replace "valid" with "a certificate of insurance indicating" and replace "insurance policies" with "coverage"

Page 2, line 19, remove "in the amount prescribed by the registrar"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2475: Political Subdivisions Committee (Sen. Graba, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2475 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2482: Political Subdivisions Committee (Sen. Graba, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2482 was placed on the Sixth order on the calendar.

Page 1, line 8, replace "in" with "within"

Page 1, line 9, replace "week" with "ten days"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2489: 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 2489 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections 61-16.1-14 and" with "section"

Page 1, remove lines 5 through 22

Page 2, remove lines 1 through 6

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2510: 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 2510 was placed on the Sixth order on the calendar.

Page 1, line 11, after "cruelty" insert ", such as bear fighting, kangaroo boxing, or similar activity,"

Page 1, line 19, remove "No person may sponsor, promote, or train a wild animal to"

Page 1, remove lines 20 and 21

Page 2, remove lines 1 and 2

Page 2, line 3, remove "3."

Page 2, line 4, remove "or"

Page 2, line 5, remove "2"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2521: Natural Resources Committee (Sen. Keller, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2521 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4023: Agriculture Committee (Sen. Kelsch, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (7 YEARS, 0 DAYS, 0 ABSENT AND NOT VOTING). SCR 4023 was placed on the Tenth order on the calendar.

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sen. W. Stenehjem introduced:

SCR 4043: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a family court for the resolution of domestic relations cases for low income persons.
Was read the first time and referred to the **Judiciary Committee**.

Sens. Goetz, Andrist, Redlin and Rep. Kempenich introduced:

SCR 4044: A concurrent resolution directing the Legislative Council to study the implementation of the North Dakota historic sites, state parks, and tourism development plan and potential funding mechanisms for specific projects listed in the plan.
Was read the first time and referred to the **Natural Resources Committee**.

FIRST READING OF HOUSE BILLS

HB 1036: A BILL for an Act to amend and reenact section 18-04-05 and subsection 1 of section 26.1-03-17 of the North Dakota Century Code, relating to allocation of insurance premium tax revenues to fire protection districts.
Was read the first time and referred to the **Appropriations Committee**.

HB 1061: A BILL for an Act to amend and reenact subsection 1 of section 57-38-40 of the North Dakota Century Code, relating to an extension of the time for claiming a credit or refund of income taxes paid to another state; and to provide an effective date.
Was read the first time and referred to the **Finance and Taxation Committee**.

HB 1142: A BILL for an Act to regulate the disposal of dredged and fill material in certain waters of the state of North Dakota; to provide a penalty; and to provide an effective date.
Was read the first time and referred to the **Natural Resources Committee**.

HB 1214: A BILL for an Act to create and enact a new chapter to title 57 of the North Dakota Century Code, relating to taxation of department of transportation highway contracts; and to provide an expiration date.
Was read the first time and referred to the **Finance and Taxation Committee**.

HB 1253: A BILL for an Act to authorize counties to conduct mail ballot primary elections.
Was read the first time and referred to the **Judiciary Committee**.

HB 1264: A BILL for an Act to amend and reenact subdivision a of subsection 1 of section 28-32-01 and section 54-21.3-03 of the North Dakota Century Code, relating to exclusions from the definition of administrative agency and the state building code.
Was read the first time and referred to the **Government and Veterans Affairs**.

HB 1364: A BILL for an Act to amend and reenact sections 23-16-01 and 23-16-04 of the North Dakota Century Code, relating to licensure of medical hospitals.
Was read the first time and referred to the **Human Services Committee**.

HB 1370: A BILL for an Act to create and enact section 11-19.1-07.2 of the North Dakota Century Code, relating to appointment of persons who may make a declaration of death in certain circumstances when the coroner or assistant coroner is unavailable.
Was read the first time and referred to the **Human Services Committee**.

HB 1378: A BILL for an Act to create and enact a new section to chapter 29-01 and a new section to chapter 29-08 of the North Dakota Century

Code, relating to rules of criminal procedure governing discovery by the prosecution and bail factors.

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

HB 1385: A BILL for an Act to create and enact a new section to chapter 48-01 of the North Dakota Century Code, relating to the definition of contractors for public improvements.

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

HB 1393: A BILL for an Act to amend and reenact section 14-05-22 and subsection 1 of section 14-09-06.2 of the North Dakota Century Code, relating to consideration of evidence of domestic violence by courts in determining rights to custody and visitation of children.

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

HB 1395: A BILL for an Act to amend and reenact section 14-09-07 of the North Dakota Century Code, relating to residence of a child of divorced parents.

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

HB 1401: A BILL for an Act to amend and reenact subsection 4 of section 19-02.1-14.1 of the North Dakota Century Code, relating to the prescription of generic name drug products.

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

HB 1410: A BILL for an Act to amend and reenact section 6-08-16.2 of the North Dakota Century Code, relating to issuing a check without an account or with insufficient funds.

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

HB 1429: A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to an income tax credit for equipment to convert motor vehicles to alternative fuel and an income tax credit for alternative fuel refueling station equipment; and to provide an effective date.

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

HB 1444: A BILL for an Act to amend and reenact section 60-07-11 of the North Dakota Century Code, relating to storage company license exemptions.

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

HB 1450: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 57-38-01.2 of the North Dakota Century Code, relating to an income tax deduction for contributions to and investments in local development corporations; to amend and reenact subsections 3 and 4 of section 57-38-30.3 of the North Dakota Century Code, relating to an income tax liability reduction for contributions to and investments in local development corporations; and to provide an effective date.

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

HB 1492: A BILL for an Act to amend and reenact section 57-51-16 of the North Dakota Century Code, relating to disposition of unallocated revenues from oil and gas gross production taxes.

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

HB 1495: A BILL for an Act to create and enact a new subsection to section 20.1-03-11 of the North Dakota Century Code, relating to licenses issued to landowners to hunt moose; and to amend and reenact section 20.1-08-04.2 of the North Dakota Century Code, relating to the governor's proclamation concerning the hunting of moose.

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

HB 1506: A BILL for an Act to create and enact a new subsection to section 10-23-04 and a new subsection to section 10-28-01 of the North Dakota Century Code, relating to the filing fee for cancellation of a reserved corporate name; to amend and reenact sections 10-19.1-16, 10-19.1-23, 10-22-09, 10-22-13, 10-24-07.1, 10-24-09, 10-24-36, 10-27-09, and 10-27-13 of the North Dakota Century Code, relating to requirements of filings with the secretary of state by domestic and foreign business and nonprofit corporations.

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

HB 1507: A BILL for an Act to create and enact section 47-22-06.1 of the North Dakota Century Code, relating to the change of name of a trademark owner; and to amend and reenact sections 47-22-03 and 47-22-08 of the North Dakota Century Code, relating to trademark requirements.

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

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

CAROL SIEGERT, Secretary