

JOURNAL OF THE SENATE

Fifty-third Legislative Assembly

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Bismarck, February 11, 1993

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

The prayer was offered by Dr. Ron Rockey, Seventh Day Adventist Church, Bismarck.

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

A quorum was declared by the President.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bill was delivered to the Governor for his approval at the hour of 9:11 a.m., February 11, 1993: SB 2132.

SIGNING OF BILLS AND RESOLUTIONS

The President signed the following enrolled bills and resolution: SB 2075, SB 2268, SCR 4006.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2075, SB 2268, SCR 4006.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2020, SB 2039, SB 2086, SB 2144, SB 2251, SB 2269, SB 2285, SB 2296, SB 2304, SB 2334, SB 2358, SB 2367, SB 2373, SB 2375, SB 2419, SB 2471, SB 2473, SB 2474, SB 2482, SB 2489, SB 2510.

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

MADAM PRESIDENT: The House has passed unchanged: 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 1008, HB 1084, HB 1181, HB 1281, HB 1415, HB 1424, HB 1455, HB 1488, HB 1491.

CONSIDERATION OF AMENDMENTS

SB 2001: SEN. MUSHIK (Appropriations Committee) MOVED that the amendments on SJ page 443 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2001: A BILL for an Act providing an appropriation for defraying the expenses of the legislative branch of government; to amend and reenact subsection 2 of section 28-32-03, section 28-32-03.1, and subsections 3 and 4 of section 28-32-03.2 of the North Dakota Century Code, relating to publication of the administrative code; and to declare an emergency.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell;

Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Traynor

SB 2001 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

SB 2013: SEN. LINDAAS (Appropriations Committee) MOVED that the amendments on SJ pages 464-465 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2013: A BILL for an Act to provide an appropriation for defraying the expenses of the highway patrol.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Stenehjem, B.; Tennefos

ABSENT AND NOT VOTING: Naaden; Traynor

SB 2013 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2015: SEN. YOCKIM (Appropriations Committee) MOVED that the amendments on SJ pages 465-466 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2015: A BILL for an Act to provide an appropriation for defraying the expenses of the commissioner of university and school lands.

ROLL CALL

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

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

NAYS: Tennefos

ABSENT AND NOT VOTING: Mushik; Traynor

SB 2015 passed and the title was agreed to.

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3051.

CONSIDERATION OF AMENDMENTS

SB 2018: SEN. LIPS (Appropriations Committee) MOVED that the amendments on SJ pages 466-468 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2018: A BILL for an Act making an appropriation for defraying the expenses of the department of corrections and rehabilitation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 28 YEAS, 20 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Traynor

SB 2018 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that as United States Representative Earl Pomeroy is in the Senate Chamber, a committee of two be appointed to escort him to the rostrum, which motion prevailed.

THE PRESIDENT APPOINTED: Sens. DeMers and Nalewaja to such committee.

Congressman Pomeroy was escorted to the rostrum and introduced to the Senate.

REMARKS OF CONGRESSMAN POMEROY

Thank you very much, Madam Lieutenant Governor. It is very good to be back and I want to thank you for this invitation to address you, knowing that you are in the hectic days winding down to crossover. I am particularly pleased that you offered this time.

I want to congratulate each of you for being elected and therefore participating in the formation of a part of North Dakota's history as a member of this legislative assembly. The state legislature has been described as the people's branch of government. In fact, any of us who have ever served in the House during the time of Earl Strinden will remember his unique tones as he would talk about the people's branch of government. The dynamic commotion of a legislative session, which at its best finds a pace just short of chaos but well beyond order, is clearly the most exciting aspect of state government. Although I have not been a member of the One Hundred Third Congress for very long, I can tell you that the United States House of Representatives appears to be also very much a part of the people's branch of government. Four hundred thirty-five men and women, each

representing five to eight hundred thousand Americans and coming from districts with unbelievable variation between them, combine like a rich mosaic to form the United States House of Representatives.

As I begin my service, there are lessons I learned serving in the North Dakota Legislature that I think are going to be very valuable to me. First, a respect for members of both political parties and, in fact, respect for members of the minority party. My first legislative experience I was part of a twenty-seven member minority out of a house of one hundred. I also had the opportunity to serve in the majority; I liked that better. I learned from that experience in both sides that petty slights or procedural unfairness to the minority is unnecessary and it is destructive. Last week during the debate on the family medical leave bill, I saw a level of rancor and animosity between the political parties that you might find surface, and then only briefly, at the very final days of a legislative session when sleep is short, tempers are hot, and the line for the end of the session is very much upon us. To have this feeling between the parties at the very beginning of the session disturbs me, and I hope that it will become a less political and bitterly partisan place as the session moves forward.

I also learned as a member of the legislature that the legislative process works and that it has a purpose. Notice, hearing, debate, deliberation, and votes - all are an important process of putting a bill into law. Shortcuts have a great danger, I think, to the quality of the ultimate product. So as this Congress convenes I will do my best to fight amendments tossed in at the eleventh hour into some omnibus budget reconciliation act that have serious impact on the states and other dimensions of our nation. I think that any shortcut in the legislative process should simply not be allowed. I also learned that prima donnas pass no bills, that teamwork and constructive participation is extremely important. At the age of thirty, I chaired the House Judiciary Committee. I chaired the committee at that young age, not because of any particular merit, but because I was the only lawyer that had been reelected during that legislative session. On the committee with me were Patrick Conmy, Janet Wentz, Bill Kretschmar, Ruth Meiers, all legislative veterans. Every one of them constructively participated in making that committee go and did not on one instance try and upstage a brand new, very green committee chairman. That legislative session the House Judiciary Committee did not have one party line vote, a record I am very proud of, and I think it reflects the statesmanship that each of those veteran members brought to that committee.

That last lesson that I will mention today is the one that I carry most deeply. That was taught to me by Brynhild Haugland. Brynhild Haugland, in her fifty years of service in the North Dakota House, was really a terrific resource for North Dakota training literally generations of political leaders that would serve with her as they went through the House. Her adage, as she was so influential in that body, was "All good things can be accomplished, so long as people are not too worried about who gets credit". And that is something also that I will try to remember very much in my service in the United States House.

In the remaining balance of my remarks, I want to talk a bit about the relationship between the federal and state governments. It is a unique aspect of our federalist system that this relationship is constantly changing and always in kind of a dynamic tension. Throughout this country's history debate has waged about what are the appropriate responsibilities of each of the respective sectors of government. The state's rights advocates would argue that the purpose of the federal government is a very limited one indeed and that the bulk of activities requiring government's attention are those that ought to be dealt with at the state governmental levels. More recently than the trend that disturbs me, there are those that think more and more activities ought to be taken by the federal government usurping state government activity. Basically, I think the driving concern behind this much more aggressive federalist role is that activity is not being undertaken and discharged at the state level and the federal must move in by default. An

example of this tension I got to watch in a very up close fashion as this state's insurance commissioner. Insurance is uniquely relegated to the states to regulate even though it is without question an aspect of national commerce. There are many in Washington that now think that federal government ought to get in this area as well and following concerns with the savings and loan bailout, were particularly worried about the state's ability of little old state governments to continue to discharge that responsibility. In fact, there are those that I have seen in Washington during some of the hearings I participate in as state insurance commissioner representing state governments, there are those in Washington that believe there is not a problem that cannot be better addressed with yet another federal rule. Well, in North Dakota with your help and close cooperation with the department, we created an insurance department that meets the test of competent regulation. We were by far the smallest state in the country to be accredited by the National Association of Insurance Commissioners. I think this represents to our critics in Washington that even the small states from a population standpoint can undertake insurance regulation, protect their consumers, and do it at the state level rather than requiring further intrusion from the federal government. In this upcoming session of Congress what will clearly be before the body is the relationship of state and governments relative to health care regulation and policy. I believe that health care reform represents an area of impending preemption on a massive scale in health care delivery and financing. Just as medical inflation has so pushed the cost of health insurance premiums over the eight years I served as insurance commissioner, it has now reached a dimension of urgent national crisis. This country, just to track what has happened in health care spending, spent 5.3 percent of its gross national product on health care services in 1960. That had jumped to 9.2 percent in 1980, in 1992 it was 14 percent, in 1993 it was 15 percent. At this trend, we would be at 100 percent of the gross national product on health care services in seventy years. Of course that cannot happen, and we must take immediate action to stabilize the growth of health care costs. I think it is clear that reform is imminent. There is also going to be, in my opinion, an opportunity for the states to provide leadership and control to a great degree their own destiny in health care reform matters, if they embark on a serious and aggressive effort to do that. Last week President Clinton met with the governors on three different occasions. He indicated expedited medicaid waivers would be forthcoming for those states that had embarked upon their own state reform scheme. I have a great concern about the unique North Dakota health care market with its distinctly rural character being completely conformed by a dictate and mandate out of Washington D.C. I believe that you in this body are much better positioned to chart the future course of North Dakota health care than we are with a one size fits all federal solution to this problem. This will only be possible however, with meaningful state activity imposing meaningful cost containment, insurance reform, and expanded access and cost containment, particularly in light of the federal deficit will have to be at the heart of any state plan that ultimately will receive federal recognition. By your action or inaction this session, you will determine what the ultimate federal state relationship will be relative to health care policy in North Dakota.

In conclusion, I want to tell you about an early experience I had in Congress that left me with some hope for serving in this body. We were gathered for the inauguration of the new President. Seated on the platform, behind where the swearing in took place, were the members of Congress. There on the mall before us were eight hundred thousand people, more than live in the entire state of North Dakota. The day was bright and clear, the flags were fluttering, and it was really a magnificent moment. I heard some commotion amongst my colleagues three or four chairs down. I looked down and there were a couple trying to see if they could get a wave going. I thought, this is a good sign. Hopefully, we will not take ourselves entirely too seriously and will embark upon our very pressing public responsibilities with an attitude of good humor and good sportsmanship. I wish you the very best for a productive legislative session. I deeply admire your work and appreciate being with you. Thank you.

REQUEST

SEN. MATHERN REQUESTED that the remarks of Congressman Pomeroy be printed in the Journal, which request was granted.

MOTION

SEN. MATHERN MOVED that SB 2056, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2080: SEN. W. STENEHJEM (Judiciary Committee) MOVED that the amendments on SJ pages 470-471 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2080: A BILL for an Act to amend and reenact section 27-05-02.1 of the North Dakota Century Code, relating to judgeship vacancies.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; 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; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Goetz; Traynor

SB 2080 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2206: SEN. KRAUTER (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 471-472 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2206: A BILL for an Act to create and enact a new section to chapter 26.1-45 of the North Dakota Century Code, relating to immunity from liability for volunteers of insurance counseling programs; and to amend and reenact subsection 4 of section 26.1-36.1-01, section 26.1-36.1-02, subsections 1 and 3 of section 26.1-36.1-05, subsection 4 of section 26.1-45-01, section 26.1-45-05.1, and subsection 1 of section 26.1-45-09 of the North Dakota Century Code, relating to medicare supplement insurance, long-term care insurance, and right to return a policy.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 39 YEAS, 8 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Andrist; Grindberg; Mutch; Naaden; Sand; Solberg; Streibel; Tennefos

ABSENT AND NOT VOTING: Goetz; Traynor

SB 2206 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2217: SEN. HEINRICH (Education Committee) MOVED that the amendments on SJ pages 472-477 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2217: A BILL for an Act to create and enact two new sections to chapter 15-60 of the North Dakota Century Code, relating to 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.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Nalewaja; Nelson; Nothing; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Tallackson; Tennefos; Thane; Tomac; Urlacher; Wogslund; Yockim

NAYS: Freborg; Naaden; Streibel

ABSENT AND NOT VOTING: Mutch; Traynor

SB 2217 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2313: SEN. ANDRIST (Judiciary Committee) MOVED that the amendments on SJ page 478 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2313: A BILL for an Act to amend and reenact sections 40-21-07 and 61-24.5-07 of the North Dakota Century Code, relating to petitions for nomination to elective office in cities and of city directors of the southwest water authority.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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; Kelsch; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Maxson; Mushik; Naaden; 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: Marks; Mutch; Traynor

SB 2313 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2361: SEN. SAND (Judiciary Committee) MOVED that the amendments on SJ pages 478-491 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2361: A BILL for an Act to amend and reenact sections 16.1-05-01, 16.1-05-02, 16.1-05-03, 16.1-05-04, 16.1-05-05, 16.1-06-04, 16.1-06-16, 16.1-06-18, 16.1-06-21, 16.1-07-06, 16.1-07-08, 16.1-07-09, 16.1-07-10, 16.1-11-22, 16.1-11-24, 16.1-11-31, 16.1-13-22, 16.1-15-02.1, and 16.1-15-08 of the North Dakota Century Code, relating to election officers and election ballots; to provide an effective date; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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; Kelsch; 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; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Mutch; Tallackson; Traynor

SB 2361 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that SB 2090, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

MOTION

SEN. MATHERN MOVED that SB 2337, which is on the Eleventh order, be laid over two legislative days, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2325: A BILL for an Act to create and enact a new chapter to title 11 of the North Dakota Century Code, relating to the establishment and operation of multicounty districts; to amend and reenact sections 11-04-01, 11-10-02, 11-11-01, and 11-11-08 of the North Dakota Century

Code, relating to county officers; to repeal chapters 11-02, 11-03, 11-05, 11-05.1, 11-06, 11-07, 11-08, sections 11-10-07, 11-11-02, chapters 11-12, 11-30, and 11-32 of the North Dakota Century Code, relating to organization of counties, division of counties, consolidation of counties, changing county lines, county redistricting, consolidated office form of county government, change in the number of county commissioners, disorganization of counties, and memorials erected by counties; and to provide an effective date.

MOTION

SEN. DOTZENROD MOVED that Engrossed SB 2325 be amended as follows, which motion prevailed.

Page 1, line 11, after the semicolon insert "to provide for a legislative council study;"

Page 9, after line 3, insert:

"SECTION 7. LEGISLATIVE COUNCIL STUDY. During the 1993-94 interim, the legislative council shall study and develop a plan for the consolidation of the governing bodies of cities in this state which share mutual boundaries. The council shall request assistance from the North Dakota league of cities in conducting the study and developing the plan. The plan must require the consolidation of cities with mutual boundaries by January 1, 1999, must provide that cities with mutual boundaries hold elections at the primary election in 1996 to determine the type of governing body under which the consolidated city will operate, and must provide that the elected officials for the consolidated cities be elected at the primary election in 1998 and take office on January 1, 1999. The legislative council shall report its findings and recommendations, together with legislation required to implement the recommendations, to the fifty-fourth legislative assembly."

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 19 YEAS, 28 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: DeMers; Evanson; Goetz; Graba; Grindberg; Heinrich; Holmberg; Kelly; Krebsbach; Lindgren; Mathern; Maxson; Mushik; Nalewaja; Scherber; Stenehjem, B.; Stenehjem, W.; Tennefos; Yockim

NAYS: Andrist; Bowman; Dotzenrod; Freborg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Lips; Marks; Mutch; Naaden; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Schoenwald; Solberg; Streibel; Thane; Tomac; Urlacher; Wogsland

ABSENT AND NOT VOTING: Tallackson; Traynor

SB 2325 lost.

MOTION

SEN. MATHERN MOVED that SB 2390 be moved two bills down on the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2391: SEN. TENNEFOS (Finance and Taxation Committee) MOVED that the amendments on SJ page 492 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2391: A BILL for an Act to create and enact a new subsection to section 57-02-08 of the North Dakota Century Code, relating to a property tax exemption that may be granted by the city or county governing body for a congregate living facility; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 19 YEAS, 28 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Freborg; Holmberg; Kelly; Krebsbach; Lindgren; Marks; Mathern; Naaden; Nalewaja; Nelson; Nething; Scherber; Solberg; Stenehjem, W.; Tennefos; Urlacher; Yockim

NAYS: DeMers; Dotzenrod; Evanson; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Lips; Maxson; Mushik; Mutch; O'Connell; Redlin; Robinson; Sand; Schoenwald; Stenehjem, B.; Streibel; Thane; Tomac; Wogsland

ABSENT AND NOT VOTING: Tallackson; Traynor

SB 2391 lost.

CONSIDERATION OF AMENDMENTS

SB 2421: SEN. MAXSON (Judiciary Committee) MOVED that the amendments on SJ page 492 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2421: A BILL for an Act to create and enact a new section to chapter 5-01 of the North Dakota Century Code, relating to the shipment of wine for personal use.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 37 YEAS, 10 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Bowman; Goetz; Holmberg; Kinnoin; Langley; Mutch; Naaden; Streibel; Tennefos; Urlacher

ABSENT AND NOT VOTING: Tallackson; Traynor

SB 2421 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2390: SEN. LINDGREN (Human Services Committee) MOVED that the amendments on SJ page 492 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2390: A BILL for an Act to amend and reenact section 26.1-17-16 of the North Dakota Century Code, relating to services of practitioners not participating under health service plans.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 37 YEAS, 9 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kinnoin; Krauter; Krebsbach; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Nalewaja; Nelson; Nething; Redlin; Sand; Scherber; Solberg; Stenehjem, B.; Stenehjem, W.; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

NAYS: Kelsh; Langley; Lindaas; Mutch; Naaden; O'Connell; Robinson; Schoenwald; Streibel

ABSENT AND NOT VOTING: Dotzenrod; Tallackson; Traynor

SB 2390 passed and the title was agreed to.

MOTION

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

MOTION

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

REPORT OF STANDING COMMITTEE

SB 2011: Appropriations Committee (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2011 was placed on the Sixth order on the calendar.

Page 1, line 7, remove "and from special funds derived from federal funds or other income,"

Page 1, line 10, replace "\$375,000" with "\$350,000"

Page 1, remove lines 11 and 12

Page 1, line 13, replace "\$294,000" with "\$350,000"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 665 - STATE FAIR ASSOCIATION

SENATE - This amendment reduces funding for premiums by \$25,000, from \$375,000 to \$350,000. The proposed special funds appropriation of \$81,000 from State Fair revenue included in the executive budget for premiums is removed and general fund support for premiums is increased by \$56,000, from \$294,000 to \$350,000. The 1991-93 legislative appropriation for premiums was \$350,000 from the general fund.

REPORT OF STANDING COMMITTEE

SB 2012: Appropriations Committee (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). SB 2012 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "\$361,815" with "\$359,511"

Page 1, line 16, replace "\$2,207,991" with "\$2,205,687"

Page 1, line 18, replace "\$636,884" with "\$634,580"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 709 - COUNCIL ON THE ARTS

SENATE - This amendment decreases the salaries and wages line item by \$2,304 from the general fund for reduced employee health insurance costs. This change was also included in Governor Schafer's recommendations.

REPORT OF STANDING COMMITTEE

SB 2110: Natural Resources Committee (Sen. Keller, Chairman) recommends DO PASS (4 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2110 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2165: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2165 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subsection 6 of section 15-51-11 and"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Subsection 6 of section 15-51-11 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6. The question of authorizing or discontinuing the unlimited taxing authority of the school district must be submitted to the qualified electors at the next regular election upon resolution of the school board or upon filing with the school board of a petition containing signatures of qualified electors of the district equal in number to twenty percent of the number of persons enumerated in the school census for the district for the most recent year the census was taken. However, the approval of discontinuing the unlimited taxing authority does not affect the tax levy in the calendar year in which the election is held. In addition, the minimum levy may not be less than the levy that was in force at the time of the election. ~~The, and the~~ district may increase its levy ~~in accordance with section 57-15-01 as provided by law.~~ If the district experiences growing enrollment, the district may increase the levy by an amount equal to the amount levied the preceding year per pupil times the number of additional pupils enrolled during the new year."

Page 3, line 15, replace ". The" with ", and the"

Page 3, line 16, replace "in accordance with section 57-15-01" with "as provided by law"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2170: Appropriations Committee (Sen. Tallackson, Chairman) recommends DO PASS (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2170 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2213: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2213 was placed on the Sixth order on the calendar.

In lieu of the proposed amendments as printed on page 380 of the Senate Journal, Senate Bill No. 2213 is amended as follows:

Page 3, line 2, after the underscored period insert "The term includes the initial application of a drug for the purpose of teaching utilization of a drug and excludes the regular ongoing delivery to the patient in a health care setting and parenteral administration of a drug."

Page 8, line 8, replace "right" with "rights"

Page 9, remove line 25

Page 9, line 26, remove "Pharmacy Doctor" or "P.D."

Page 17, line 23, overstrike "Physicians' prescriptions" and insert immediately thereafter "Prescriptions"

Page 17, line 25, overstrike "physician's"

Page 18, line 3, overstrike "new"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2279: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2279 was placed on the Sixth order on the calendar.

Page 2, line 2, remove "qualifying" and replace "was worked over" with "receives an exemption pursuant to subsection 4 of section 57-51.1-03 after June 30, 1993."

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2307: Judiciary Committee (Sen. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2307 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "section 16.1-08-01," and remove the second comma

Page 1, remove lines 7 through 22

Page 2, remove lines 1 through 29

Page 3, remove lines 1 through 13

Page 4, remove lines 4 and 5

Page 4, line 6, replace "d." with "c."

Page 4, line 8, replace "e." with "d."

Page 4, line 14, replace "f." with "e."

Page 4, line 18, replace "g." with "f."

Page 4, line 21, replace "h." with "g."

Page 5, line 3, after "office" insert "or for the United States senate or United States house of representatives"

Page 5, line 8, after "A" insert "committee for a" and after "office" insert "or for the United States senate or house of representatives"

Page 5, line 11, after "and" insert "a committee for"

Page 5, remove lines 14 through 23

Page 5, line 24, replace "d." with "b.", after "A" insert "committee for a", and after "candidate" insert "for any office including the office of United States senator and United States representative"

Page 5, line 26, remove ", excluding loans."

Page 5, after line 29, insert:

"3. The secretary of state may not print on any ballot the name of any candidate for the office of United States senator or United States representative if the candidate does not agree to abide by the contribution limitations provided in this section. If a candidate agrees to abide by the limitations but exceeds the limitations, and the ballots have already been printed with the candidate's name on the ballot, the secretary of state shall arrange for the removal of the candidate's name from the ballot."

Page 6, line 1, replace "3." with "4."

Page 6, remove lines 17 and 18

Page 7, line 8, remove the overstrike over the colon

Page 7, remove the overstrike over lines 9 and 10

Page 7, line 11, remove the overstrike over "~~to~~ Time" and remove "time"

Page 7, remove the overstrike over line 13

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2308: Appropriations Committee (Sen. Tallackson, Chairman) recommends DO PASS (8 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING). SB 2308 was placed on the Eleventh order on the calendar.

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"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2315: Human Services Committee (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2315 was placed on the Sixth order on the calendar.

Page 2, line 9, remove "or patient"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2323: Human Services Committee (Sen. Mathern, Chairman) recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2323 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2333: Judiciary Committee (Sen. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2333 was placed on the Sixth order on the calendar.

Page 1, line 3, after "candidates" insert "and the counting of ballots"

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

Page 1, line 8, after "~~electors~~" insert "candidates for president of the United States - Counting of write-in votes"

Page 1, after line 8, insert:

"1. A person who intends to be a write-in candidate for president of the United States at the presidential preference primary election shall file a certificate of write-in candidacy with the secretary of state by four p.m. on the twenty-first day before the primary election. The certificate must contain the name and address of the candidate and be signed by the candidate. Before the thirteenth day before the election, the secretary of state shall certify the names of the presidential candidates to each county auditor as write-in candidates."

Page 1, line 9, replace "1." with "2." and after "candidate" insert "at the general election"

Page 2, remove lines 3 through 13

Page 2, line 14, replace "No" with "An" and replace "may" with "is not required to"

Page 2, line 16, after the first "candidacy" insert "under this section"

Page 2, line 17, after "candidate" insert "; for any fictitious person, nonperson, or person clearly not eligible to qualify for the office for which the vote was cast; or any statement concerning the candidates"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2357: Political Subdivisions Committee (Sen. Graba, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2357 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2362: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2362 was placed on the Sixth order on the calendar.

Page 3, line 2, replace "thirty" with "seventy-five"

Page 3, line 14, after "Investigation" insert " - Civil penalty"

Page 3, replace lines 22 through 25 with "The attorney general may institute a civil action in the name of the state in the district court for an injunction prohibiting any practice in violation of this Act. The court, upon notice to the defendant of not less than five days, and upon proof that the defendant has engaged in a practice in violation of this Act may enjoin the defendant from engaging in any practice in violation of this Act. In addition, the court may impose a civil penalty not to exceed five thousand dollars for each violation of this Act. The attorney general may recover costs and disbursements, including the costs of investigation and reasonable attorney's fees."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2388: Education Committee (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2388 was placed on the Sixth order on the calendar.

Page 1, line 9, remove the overstrike over "~~3.6~~" and remove "3.50"

Page 1, line 10, after the period insert "Scholars entering the scholars program during or after the 1994 fall semester are eligible to reapply for scholarships for subsequent academic years provided they maintain a 3.50 grade point average."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2394: Human Services Committee (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2394 was placed on the Sixth order on the calendar.

Page 1, line 4, replace "subsection" with "subsections 1 and", replace "and" with ", subsection 2 of section 23-06.4-05,", and after "23-06.4-07" insert ", subsection 1 of section 23-06.4-11, and section 23-06.4-14"

Page 1, after line 7, insert:

"SECTION 1. AMENDMENT. Subsection 1 of section 23-06.4-03 of the North Dakota Century Code is amended and reenacted as follows:

1. An individual of sound mind and eighteen or more years of age may execute at any time a declaration governing the use, withholding, or withdrawal of life-prolonging treatment, nutrition, and hydration. The declaration must be signed by the declarant, or another at the declarant's direction, and witnessed by two individuals who are not:
 - a. Related to the declarant by blood or marriage;
 - b. Entitled to any portion of the estate of the declarant under any will of the declarant or codicil to the will, existing by operation of law or otherwise, at the time of the declaration;
 - c. Claimants against any portion of the estate of the declarant at the time of the execution of the declaration;
 - d. Directly financially responsible for the declarant's medical care;
 - e. Attending physicians of the declarant."

Page 1, replace lines 10 through 21 with:

"3. A declaration must be substantially in the following form ~~set forth in subdivision a or b, as applicable~~, but the declaration may include additional specific directives. The invalidity of any additional specific directives does not affect the validity of the declaration.

- a. ~~A declaration to withdraw or withhold life-prolonging treatment must be substantially in the following form:~~

Declaration made this ___ day of _____ (month, year).

I, _____, ~~being at least eighteen years of age and of sound mind, willfully and voluntarily make known my desire that my life must not be artificially prolonged under the circumstances set forth below, and do hereby declare:~~

- ~~1. If at any time I should have an incurable condition caused by injury, disease, or illness certified to be a terminal condition by two physicians, and where the application of life-prolonging treatment would serve only to artificially prolong the process of my dying and my attending physician determines that my death is imminent whether or not life-prolonging treatment is utilized, I direct that such treatment be withheld or withdrawn, and that I be permitted to die naturally.~~
- ~~2. In the absence of my ability to give directions regarding the use of such life-prolonging treatment,~~

~~it is my intention that this declaration be honored by my family and physicians as the final expression of my legal right to refuse medical or surgical treatment and accept the consequences of that refusal, which is death.~~

I have made the following decision concerning life-prolonging treatment (initial 1, 2, or 3):

(1) [] I direct that life-prolonging treatment be withheld or withdrawn and that I be permitted to die naturally if two physicians certify that:

(a) I have an incurable or irreversible condition caused by injury, disease, or illness;

(b) The application of life-prolonging treatment would serve only to artificially prolong the process of my dying; and

(c) I am not pregnant.

It is my intention that this declaration be honored by my family and physicians as the final expression of my legal right to refuse medical or surgical treatment and that they accept the consequences of that refusal, which is death.

(2) [] I direct that life-prolonging treatment, which could extend my life, be used if two physicians certify that I have an incurable or irreversible condition caused by injury, disease, or illness. It is my intention that this declaration be honored by my family and physicians as the final expression of my legal right to direct that medical or surgical treatment be provided.

(3) [] I make no statement concerning life-prolonging treatment.

b. I have made the following decisions concerning the administration of nutrition and hydration during the process of dying (initial 1, 2, or 3 and 4, 5, or 6):

(1) [] During the process of dying, I wish to receive nutrition.

(2) [] During the process of dying, I do not wish to receive nutrition.

(3) [] I make no statement concerning the administration of nutrition.

(4) [] During the process of dying, I wish to receive hydration.

(5) [] During the process of dying, I do not wish to receive hydration.

(6) [] I make no statement concerning the administration of hydration.

c. Concerning the administration of nutrition and hydration, I understand that:

(1) If I make no statement about nutrition or hydration, my attending physician may withhold or withdraw nutrition if the physician determines that I cannot physically assimilate nutrition or hydration, that nutrition or hydration would be physically harmful or unreasonably painful, or that nutrition or hydration would only prolong the process of my dying.

(2) Nutrition or hydration appropriately administered under certain circumstances may provide comfort and alleviate pain.

(3) Nutrition or hydration when administered under certain circumstances may be physically harmful or painful.

3- d. If I have been diagnosed as pregnant and that diagnosis is known to my physician, this declaration is not effective during the course of my pregnancy.

4- e. I understand the ~~full import~~ importance of this declaration, I am voluntarily signing this declaration, I am at least eighteen years of age, and I am emotionally and mentally competent to make this declaration.

5- f. I understand that I may revoke this declaration at any time.

Signed _____

City, County, and State of Residence _____ "

Page 2, remove lines 1 through 29

Page 3, remove lines 1 through 18

Page 3, line 19, overstrike "has been personally" and insert immediately thereafter "is"

Page 4, replace lines 1 through 29 with:

~~"b- A declaration to direct the use of life-prolonging treatment must be substantially in the following form:~~

~~Declaration made this _____ day of _____ (month, year).~~

~~I, _____, being at least eighteen years of age and of sound mind, willfully and voluntarily make known my desire to extend my life under the circumstances set forth below, and do hereby declare:~~

~~1- If at any time I should have an incurable condition caused by injury, disease, or illness certified to be a terminal condition by two physicians, I direct the use of life prolonging treatment that could extend my life.~~

~~2- In the absence of my ability to give directions regarding the use of such life-prolonging treatment, it is my intention that this declaration be honored by my family and physicians as the final expression of my legal right to direct medical or surgical treatment and accept the consequences of that directive.~~

~~3. I understand the full import of this declaration, and I am emotionally and mentally competent to make this declaration.~~

~~4. I understand that I may revoke this declaration at any time.~~

Signed _____

City, County, and State of Residence _____

~~The declarant has been personally known to me and I believe the declarant to be of sound mind. I am not related to the declarant by blood or marriage, nor would I be entitled to any portion of the declarant's estate upon the declarant's death. I am not the declarant's attending physician, a person who has a claim against any portion of the declarant's estate upon the declarant's death, or a person directly financially responsible for the declarant's medical care.~~

Witness _____

Witness _____"

Page 5, replace lines 1 through 14 with:

"SECTION 3. AMENDMENT. Subsection 2 of section 23-06.4-05 of the North Dakota Century Code is amended and reenacted as follows:

2. A revocation is effective upon communication to the attending physician or other health care provider by the declarant ~~or a witness to the revocation.~~"

Page 7, after line 10, insert:

"SECTION 6. AMENDMENT. Subsection 1 of section 23-06.4-11 of the North Dakota Century Code is amended and reenacted as follows:

1. Death resulting from the withholding or withdrawal of life-prolonging treatment, nutrition, or hydration pursuant to a declaration and in accordance with this chapter does not constitute, for any purpose, a suicide or homicide.

SECTION 7. AMENDMENT. Section 23-06.4-14 of the North Dakota Century Code is amended and reenacted as follows:

~~23-06.4-14. Effect of previous declaration. An instrument executed before July 10, 1989, which basically complies with the intent of subsection 1 of section 23-06.4-03, must be given effect pursuant to this chapter. A previously executed instrument that purports to comply with the intent of this chapter is valid for five years from July 10, 1989, unless the declarant becomes incompetent within five years after the execution of the declaration and remains incompetent at the time of the determination of a terminal condition under section 23-06.4-04, in which case the declaration continues in effect. When the declaration expires, a new declaration must be executed if the declarant wishes to make a written declaration under this chapter."~~

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2402: Agriculture Committee (Sen. Kelsh, Chairman) recommends DO NOT PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2402 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2415: Transportation Committee (Sen. Schoenwald, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2415 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2417: Human Services Committee (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2417 was placed on the Sixth order on the calendar.

Page 3, line 5, remove the overstrike over "~~a recognized member of the energy,~~"

Page 3, line 6, remove the overstrike over "~~, or a person as may be~~"

Page 3, remove the overstrike over line 7

Page 3, line 8, remove the overstrike over "~~for the county in which the facility is located,~~"

Page 3, line 23, remove the overstrike over "~~a person designated by the hospital~~" and after "hospital" insert "or"

Page 3, line 25, remove the overstrike over "person" and remove "attorney"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2426: Appropriations Committee (Sen. Tallackson, Chairman) recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (10 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). SB 2426 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2434: Education Committee (Sen. Heinrich, Chairman) recommends DO NOT PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2434 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2441: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2441 was placed on the Sixth order on the calendar.

Page 1, line 6, remove the overstrike over "~~Inception of hail~~"

Page 1, line 7, remove the overstrike over "~~insurance policies~~"

Page 1, line 9, remove the overstrike over "~~However, a policy of insurance on growing crops~~"

Page 1, line 10, remove the overstrike over "~~against loss by hail takes effect~~", after "at" insert "one hour after", remove the overstrike over "~~the time~~", and remove the overstrike over "~~stated on the~~"

Page 1, line 11, remove the overstrike over "~~application for the insurance.~~"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2442: Transportation Committee (Sen. Schoenwald, Chairman) recommends DO PASS (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2442 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2447: Education Committee (Sen. Heinrich, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2447 was placed on the Sixth order on the calendar.

Page 1, line 8, after "parties" insert "may utilize the impasse procedures provided in section 15-38.1-13, except that the aggrieved school board or representative organization"

Page 1, line 9, replace "enter into a written negotiated agreement" with "request assistance from the commission no later than ninety days"

Page 1, line 10, remove "as", after "provided" insert "for", after the period insert "Within forty days after the request to render assistance is received, the findings and recommendations of the commission must be transmitted to the contending parties. If the issue has not been resolved, the commission shall, between ten and twenty days after the transmittal, make its findings and recommendations public.", after "If" insert "any issue remains unresolved fifteen days prior to the election, the parties shall adopt the recommendation of the commission as to any unresolved issue. This section does not prevent", and after "parties" insert "from continuing the good faith negotiation process during the impasse"

Page 1, remove line 12

Page 1, line 13, remove "have reached an agreement"

Page 1, line 15, replace "that" with a comma

Page 1, line 17, after "15-27.6-10" insert a comma

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2449: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2449 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new subsection to section 6-03-47.2 of the North Dakota Century Code, relating to investments by banks; to" and after "reenact" insert "sections 6-03-38, 10-30.2-11, 10-30.2-12, 10-30.2-13, 10-30.2-13.1, 10-30.2-13.2,"

Page 1, line 2, replace "57-38.01.2" with "57-38-01.2"

Page 1, line 3, after "to" insert "investments by banks, tax credits for investments in small business investment companies,"

Page 1, after line 8, insert:

"SECTION 1. AMENDMENT. Section 6-03-38 of the North Dakota Century Code is amended and reenacted as follows:

6-03-38. Assets not to be used in other business - Exceptions - Penalty. No bank, except as otherwise authorized in this title, may employ its money or other assets as principal, directly or indirectly, in trade or commerce, nor may it employ or invest any of its assets or funds in the stock of any corporation, bank, partnership, firm, or association, ~~provided, however, that,~~ However, a state bank may, to the extent that banks subject to the laws of the federal government are permitted to do so, purchase voting common stock of Myron G. Nelson Fund, Incorporated, pursuant to section 10-30.2-04, or purchase shares

of stocks ~~in~~, or any other type of securities offered by small business investment companies organized and licensed under Public Law No. 85-699, 85th Congress, known as the Small Business Investment Company Act of 1958 [72 Stat. 689; 15 U.S.C. 661 et. seq.], and the Small Business Equity Enhancement Act of 1992 [Pub. L. 102-366; 106 Stat. 1007-1020; 15 U.S.C. 661 et. seq.], and any amendments thereto, or chapter 10-30, but in no event may any state bank hold ~~shares in securities~~ of small business investment companies in an amount aggregating more than two percent of the bank's capital and surplus, nor in speculative margins of stock, bonds, grain, provisions, produce, or other commodities, except that it is lawful for a bank to make advances for grain or other products in store or in transit to market, and to invest in stocks of subsidiary corporations, when the activities of such corporations are incidental to banking activities, with the specific approval of the state banking board for each such subsidiary. The state banking board has the same power to make rules ~~and regulations~~ for the subsidiary corporations, and to examine its records and affairs, as it has for other financial corporations under ~~the provisions of~~ section 6-01-04. ~~In the event that~~ If the state banking board determines that such investments would be detrimental to the interests of a bank's depositors, it may direct the bank to divest itself of such subsidiary investments. In addition ~~to the above~~, the state banking board has power to authorize state banks to engage in any banking activity in which such banks could engage were they operated as national banks at the time such authority is granted, notwithstanding any restriction elsewhere contained in this code. Any officer, director, or employee of any bank who invests or uses its funds contrary to ~~the provisions of~~ this title is guilty of a class A misdemeanor.

SECTION 2. A new subsection to section 6-03-47.2 of the 1991 Supplement to the North Dakota Century Code is created and enacted as follows:

Investments, in either equity or debt instruments or securities, offered by small business investment companies organized and licensed by the Small Business Administration under the Small Business Investment Company Act of 1958 [Pub. L. 85-699; 72 Stat. 689; 15 U.S.C. 661 et. seq.], and the Small Business Enhancement Act of 1992 [Pub. L. 102-366; 106 Stat. 1007-1020; 15 U.S.C. 661 et. seq.], and any amendments thereto.

SECTION 3. AMENDMENT. Section 10-30.2-11 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

10-30.2-11. Tax credits for investment by banks, savings and loan associations, trust companies, and insurance companies. A bank, savings and loan association, trust company, or insurance company that invests in stock issued by the corporation, or in a separate legal entity such as a limited partnership created by the corporation as an affiliate for the purpose of obtaining investment capital from the public, or investments in either equity or debt instruments or securities offered by a small business investment company created by the corporation and licensed by the Small Business Administration under the Small Business Investment Company Act of 1958 [Pub. L. 85-699; 72 Stat. 689; 15 U.S.C. 661 et. seq.], or the Small Business Equity Enhancement Act of 1992 [Pub. L. 102-366; 106 Stat. 1007-1020; 15 U.S.C. 661 et. seq.], and any amendments thereto, is entitled, subject to section 10-30.2-13, to a credit in an amount equal to twenty-five percent of the total amount invested against the tax liability imposed against the taxpayer pursuant to sections 26.1-03-17, 57-35-02, 57-35.1-02, and 57-35.2-02, if applicable. The tax credit allowed under this section must be credited against the taxpayer's tax liability for the taxable year in which full consideration for the

investment is paid by the taxpayer. The amount by which the credit allowed by this section exceeds the taxpayer's tax liability in that year may be carried forward for seven taxable years.

SECTION 4. AMENDMENT. Section 10-30.2-12 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

10-30.2-12. Income tax credits for investment. A taxpayer that invests in stock issued by the corporation, or in a separate legal entity such as a limited partnership created by the corporation as an affiliate for the purpose of obtaining investment capital from the public, or in investments in either equity or debt instruments or securities offered by a small business investment company created by the corporation and licensed by the Small Business Administration under the Small Business Investment Company Act of 1958 [Pub. L. 85-699; 72 Stat. 689; 15 U.S.C. 661 et. seq.], or the Small Business Equity Enhancement Act of 1992 [Pub. L. 102-366; 106 Stat. 1007-1020; 15 U.S.C. 661 et. seq.], and any amendments thereto, is entitled, subject to section 10-30.2-13, to a credit in the amount equal to twenty-five percent of the total amount invested against any state income tax liability imposed against the taxpayer. The tax credit allowed under this section must be credited against the taxpayer's tax liability for the taxable year in which full consideration for the investment is paid by the taxpayer. The amount by which the credit allowed by this section exceeds the taxpayer's tax liability in that year may be carried forward for seven taxable years. No taxpayer claiming a credit under this section is eligible to claim a credit for the same investment under chapter 10-30.1.

SECTION 5. AMENDMENT. Section 10-30.2-13 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

10-30.2-13. Limitation on tax credits. The state tax commissioner shall allow tax credits pursuant to sections 10-30.2-11 and 10-30.2-12 which are attributable to not more than the first ten million dollars of total investment in the corporation or in an affiliate of the corporation, or in investments in either equity or debt instruments or securities offered by a small business investment company created by the corporation and licensed by the Small Business Administration under the Small Business Investment Company Act of 1958 [Pub. L. 85-699; 72 Stat. 689; 15 U.S.C. 661 et. seq.], or the Small Business Equity Enhancement Act of 1992 [Pub. L. 102-366; 106 Stat. 1007-1020; 15 U.S.C. 661 et. seq.], and any amendments thereto. However, the total amount of investments for which tax credits are allowed for all taxpayers under this chapter for the period beginning January 1, 1989, and ending December 31, 1990, is one million two hundred fifty thousand dollars. If investments reported to the state tax commissioner pursuant to section 10-30.2-13.1 exceed the ten million dollar limitation imposed by this section, the credit must be allowed to taxpayers in the chronological order of their investments in either the corporation or an affiliate of the corporation or a small business investment company created by the corporation and licensed by the Small Business Administration under the Small Business Investment Company Act of 1958 [Pub. L. 85-699; 72 Stat. 689; 15 U.S.C. 661 et. seq.], or the Small Business Equity Enhancement Act of 1992 [Pub. L. 102-366; 106 Stat. 1007-1020; 15 U.S.C. 661 et. seq.], and any amendments thereto, as determined from the forms provided for in section 10-30.2-13.1.

SECTION 6. AMENDMENT. Section 10-30.2-13.1 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

10-30.2-13.1. Investment reporting forms. Within thirty days of the date on which an investment is purchased, or within sixty days from

July 1, 1989, the corporation ~~or~~, an affiliate of the corporation, or a small business investment company created by the corporation and licensed by the Small Business Administration under the Small Business Investment Company Act of 1958 [Pub. L. 85-699; 72 Stat. 689; 15 U.S.C. 661 et. seq.], or the Small Business Equity Enhancement Act of 1992 [Pub. L. 102-366; 106 Stat. 1007-1020; 15 U.S.C. 661 et. seq.], and any amendments thereto, must file with the state tax commissioner and provide to the investor the completed form prescribed by the state tax commissioner stating with respect to the investment in the corporation or an affiliate of the corporation the following:

1. The name, address, and identification number of the taxpayer who purchased the investment.
2. The dollar amount paid by the taxpayer for the investment.
3. The date on which the corporation or an affiliate of the corporation received full consideration for the investment.

SECTION 7. AMENDMENT. Section 10-30.2-13.2 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

10-30.2-13.2. Tax credit procedure. To receive the tax credit provided by this chapter, a taxpayer must claim the credit on the taxpayer's annual tax return in the manner prescribed by the state tax commissioner and file with that tax return a copy of the form issued by the corporation ~~or~~, an affiliate of the corporation, or a small business investment company created by the corporation and licensed by the Small Business Administration under the Small Business Investment Company Act of 1958 [Pub. L. 85-699; 72 Stat. 689; 15 U.S.C. 661 et. seq.], or the Small Business Equity Enhancement Act of 1992 [Pub. L. 102-366; 106 Stat. 1007-1020; 15 U.S.C. 661 et. seq.], and any amendments thereto, pursuant to section 10-30.2-13.1."

Reumber accordingly

REPORT OF STANDING COMMITTEE

SB 2451: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2451 was placed on the Sixth order on the calendar.

Page 1, line 20, replace "\$900.00" with "\$1,227.00" and replace "twelve" with "ten"

Page 2, line 1, replace "\$900.00" with "\$1,227.00"

Page 2, line 2, replace "\$108.00" with "\$122.70" and replace "thirteen" with "fourteen"

Page 2, line 3, replace "\$900.00" with "\$1,227.00"

Page 2, line 5, replace "\$265.95" with "\$247.02"

Page 2, line 8, replace "\$445.95" with "\$427.02" and replace "sixteen" with "nineteen"

Page 2, line 11, replace "\$1,852.67" with "\$2,097.50" and replace "eighteen" with "twenty"

Page 2, line 15, replace "twelve" with "ten"

Page 2, line 17, replace "\$304.20" with "\$253.50" and replace "thirteen" with "fourteen"

Page 2, line 20, replace "\$694.20" with "\$673.50"

Page 2, line 23, replace "\$1,744.20" with "\$1,723.50" and replace "sixteen" with "nineteen"

Page 2, line 26, replace "\$2,965.00" with "\$3,173.20" and replace "eighteen" with "twenty"

Page 3, line 2, replace "twelve" with "ten"

Page 3, line 4, replace "\$152.10" with "\$126.75" and replace "thirteen" with "fourteen"

Page 3, line 7, replace "\$347.10" with "\$336.75"

Page 3, line 10, replace "\$863.70" with "\$853.35" and replace "sixteen" with "nineteen"

Page 3, line 13, replace "\$1,483.06" with "\$1,588.84" and replace "eighteen" with "twenty"

Page 3, line 17, replace "\$1,935.00" with "\$1,860.00" and replace "twelve" with "ten"

Page 3, line 18, replace "\$1,935.00" with "\$1,860.00"

Page 3, line 19, replace "\$232.20" with "\$186.00" and replace "thirteen" with "fourteen"

Page 3, line 20, replace "\$1,935.00" with "\$1,860.00"

Page 3, line 22, replace "\$10,600.00" with "\$6,015.00" and replace "\$557.85" with "\$547.20"

Page 3, line 24, replace "\$10,600.00" with "\$6,015.00"

Page 3, line 25, replace "\$1,481.85" with "\$783.45" and replace "sixteen" with "nineteen"

Page 3, line 26, replace "\$10,600.00" with "\$6,015.00"

Page 3, line 28, replace "\$2,592.89" with "\$2,973.96" and replace "eighteen" with "twenty"

Page 4, line 3, replace "twelve" with "ten"

Page 4, line 5, replace "\$39.15" with "\$32.63" and replace "thirteen" with "fourteen"

Page 4, line 8, replace "\$69.86" with "\$65.71"

Page 4, line 11, replace "\$217.91" with "\$213.76" and replace "sixteen" with "nineteen"

Page 4, line 14, replace "\$395.99" with "\$425.23" and replace "eighteen" with "twenty"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2456: Human Services Committee (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2456 was placed on the Sixth order on the calendar.

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

Page 3, after line 3, insert:

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2457: Political Subdivisions Committee (Sen. Graba, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2457 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2458: Natural Resources Committee (Sen. Keller, Chairman) recommends DO PASS (4 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2458 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2461: Education Committee (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2461 was placed on the Sixth order on the calendar.

Page 5, line 27, replace "April" with "March"

Page 6, line 12, after "causes" insert "as described in subsection 3 of section 15-47-38"

Page 7, line 28, replace "three" with "two"

Page 8, line 1, replace "June" with "April"

Page 8, line 3, replace "June" with "April"

Page 8, line 7, after "reasons" insert "may not be frivolous or arbitrary, must be related to the ability, competence, or qualifications of the superintendent, must be sufficient to justify the contemplated action of the board, and"

Page 9, line 2, replace "July" with "May"

Page 9, line 4, replace "May" with "March" and replace "June" with "April"

Page 9, line 7, replace "fifteenth" with "first"

Page 9, line 12, replace "three" with "two"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2466: 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 2466 was placed on the Sixth order on the calendar.

Page 8, line 1, remove "and resources from the"

Page 8, remove line 2

Page 8, line 3, remove "this Act to achieve these goals"

Page 8, line 13, replace "17" with "18" and replace "18" with "19"

Page 10, line 24, after the period insert "The state treasurer may invest the funds of the program as permitted by law."

Page 11, line 3, remove "The board may invest the funds of the program as"

Page 11, remove line 4

Page 12, after line 20, insert:

"SECTION 15. Copayments authorized. The program may establish a copayment amount for a person receiving services under the program. A copayment amount for service from a physician, a visit to a physician's office, a visit to a hospital, or a visit to a clinic may not exceed five dollars for each service or visit. A copayment amount for a prescription drug may not exceed two dollars for each prescription."

Page 15, line 3, replace "20" with "21"

Page 15, line 17, replace "20" with "21"

Page 17, line 11, replace "16" with "17"

Page 17, line 15, replace "20" with "21"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2488: Judiciary Committee (Sen. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2488 was placed on the Sixth order on the calendar.

Page 1, line 8, after "The" insert "making of" and after "allegations" insert "not made in good faith"

Page 1, line 13, after "unfounded" insert "and not made in good faith"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2490: Education Committee (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2490 was placed on the Sixth order on the calendar.

Page 1, line 19, overstrike "immediately"

Page 1, line 20, overstrike "preceding" and insert immediately thereafter "1990-91"

Page 2, line 3, replace "attends a" with "attended an out-of-state" and replace "district in a bordering state" with "during the 1990-91 school year"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2491: Agriculture Committee (Sen. Kelsh, Chairman) recommends DO NOT PASS (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2491 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2494: 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 2494 was placed on the Sixth order on the calendar.

Page 1, line 13, after the period insert "For purposes of this section, a company is deemed to have designated its principal place of business at a place in this state if the company locates its home office in this state."

Page 2, replace lines 1 through 5 with:

"2. After an insurance company has redomesticated to this state and located and maintained its home office in this state, the insurance company is allowed a credit against the premium tax imposed and due under section 26.1-03-17 for an amount equal to the premium tax paid in this state during the first two years as a domestic company in this state. This credit must be used in the third and fourth years following the company's redomestication to this state and may not be carried over beyond the fourth year."

Page 2, line 13, replace "The" with "In the discretion of the commissioner, the"

Page 2, line 17, after "method" insert a comma

Page 2, line 22, remove "a" and replace "form" with "forms"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2499: Agriculture Committee (Sen. Kelsh, Chairman) recommends DO NOT PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2499 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2500: Education Committee (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2500 was placed on the Sixth order on the calendar.

Page 1, line 20, after "state" insert "and the ratio of students to certificated teachers does not exceed fifty to one"

Page 2, line 1, after "the" insert "mean"

Page 2, line 2, remove "this or" and remove "other"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2507: Human Services Committee (Sen. Mathern, Chairman) recommends DO NOT PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2507 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2533: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2533 was placed on the Sixth order on the calendar.

Page 1, line 15, overstrike the second "or"

- Page 1, line 16, overstrike "installments of special assessments"
- Page 1, line 18, after "delinquent" insert "and current"
- Page 1, line 19, overstrike "or installments of special"
- Page 1, line 20, overstrike "assessments"
- Page 1, line 21, overstrike "'Delinquent taxes" and insert immediately thereafter "Taxes"
- Page 2, line 1, overstrike "or installments of special assessments"
- Page 2, line 19, after the second "of" insert "delinquent and"
- Page 2, line 20, remove the second "current"
- Page 2, line 21, replace "Current taxes" with "Taxes" and remove "or installments of"
- Page 2, line 22, remove "special assessments"
- Page 2, line 24, remove "or"
- Page 2, line 25, remove "installments of special assessments"
- Page 3, line 22, overstrike "or" and remove the second "delinquent"
- Page 3, line 23, remove "and current" and overstrike "installments of special assessments"
- Page 3, line 25, overstrike "or installments of special"
- Page 3, line 26, overstrike "assessments"
- Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2537: Political Subdivisions Committee (Sen. Graba, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2537 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4031: Agriculture Committee (Sen. Kelsh, Chairman) recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SCR 4031 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4037: Agriculture Committee (Sen. Kelsh, Chairman) recommends DO PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SCR 4037 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4034: Natural Resources Committee (Sen. Keller, Chairman) recommends DO PASS (4 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4034 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4042: Human Services Committee (Sen. Mathern, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4042 was placed on the Tenth order on the calendar.

FIRST READING OF HOUSE BILLS

- HB 1008:** A BILL for an Act making an appropriation for defraying the expenses of the state board of animal health.
Was read the first time and referred to the **Appropriations Committee.**
- HB 1084:** A BILL for an Act to limit the fraudulent transfer of assets to avoid medical creditors.
Was read the first time and referred to the **Human Services Committee.**
- HB 1181:** A BILL for an Act to create and enact a new section to chapter 14-09, a new subsection to section 14-09-08.6, and a new section to chapter 50-09 of the North Dakota Century Code, relating to provisions for child support; to amend and reenact sections 14-09-08.1, 14-09-08.2, 14-09-08.3, subsection 3 of section 14-09-08.4, sections 14-09-08.5, 14-09-08.8, 14-09-08.11, 14-09-08.12, if House Bill No. 1021 of the fifty-third legislative assembly does not become effective, subsection 3 of section 14-09-09.7, sections 14-09-09.13, 14-09-09.16, 14-09-09.17, subsection 2 of section 14-12.1-19, section 14-12.1-24, subsection 1 of section 14-12.1-40, sections 14-17-09, 14-17-18, and 50-09-02.1 of the North Dakota Century Code and subsection 3 of section 16 of chapter 148 of the 1989 Session Laws of North Dakota, as amended by section 1 of chapter 152 of the 1991 Session Laws of North Dakota, relating to provisions for child support; and to provide an effective date.
Was read the first time and referred to the **Human Services Committee.**
- HB 1281:** A BILL for an Act relating to a waiver from the federal government to allow employment incentives for recipients of aid to families with dependent children benefits; and to declare an emergency.
Was read the first time and referred to the **Human Services Committee.**
- HB 1415:** A BILL for an Act to provide a partnership for long-term care program.
Was read the first time and referred to the **Human Services Committee.**
- HB 1424:** A BILL for an Act to amend and reenact subsection 3 of section 57-15-14.2 of the North Dakota Century Code, relating to the transfer of school district general funds and state school aid funds.
Was read the first time and referred to the **Education Committee.**
- HB 1455:** A BILL for an Act relating to the acceptance and use of certain grant funds by the Williston research center.
Was read the first time and referred to the **Natural Resources Committee.**
- HB 1488:** A BILL for an Act to amend and reenact subsection 3 of section 39-16.1-19 of the North Dakota Century Code, relating to reissuance of a motor vehicle operator's license following certain cancellations of financial responsibility; and to declare an emergency.
Was read the first time and referred to the **Transportation Committee.**
- HB 1491:** A BILL for an Act to create and enact a new section to chapter 34-14, a new section to chapter 52-04, and a new section to chapter 65-04 of the North Dakota Century Code, relating to independent contractors for purposes of wage claims, unemployment compensation contributions, and workers' compensation premiums; and to amend and reenact section 65-01-03 of the North Dakota Century Code, relating to independent contractors for purposes of workers' compensation.
Was read the first time and referred to the **Industry, Business and Labor Committee.**

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

CAROL SIEGERT, Secretary