

JOURNAL OF THE SENATE

Fifty-third Legislative Assembly

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Bismarck, March 9, 1993

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

The prayer was offered by Fr. Jim Braaten, St. Jerome Catholic Church, Mohall.

The roll was called and all members were present.

A quorum was declared by the President.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1172, HB 1183, HB 1229, HB 1344.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1419.

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

MR. SPEAKER: The Senate has failed to pass: HB 1209.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1125, HB 1152, HB 1153, HB 1154, HB 1156, HB 1171, HB 1173, HB 1176, HB 1177, HB 1185, HB 1233, HB 1235, HB 1253, HB 1301, HB 1319, HB 1331.

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your procedural Committee on Committees (Sen. Wogsland, Chairman) respectfully submit the following names for your Select Committee to consider the confirmation for the Securities Commissioner appointee, Cal Hoovestol: Senators Tomac; Tallackson; Redlin; Marks; Lips; W. Stenehjerm; Traynor.

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

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your procedural Committee on Committees (Sen. Wogsland, Chairman) announce the appointment of Senators Lindaas, Robinson, and Evanson to the Senate Memorial Committee.

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

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2028, SB 2379.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2028

Page 1, line 2, replace "establishing a service fee on" with "reimbursement of"

Page 1, line 3, remove "providing care to children whose families receive state"

Page 1, line 4, remove "assistance"

Page 1, line 8, replace "assistance service fee - When imposed - Special account" with "reimbursement"

Page 1, remove lines 9 through 21

Page 2, remove lines 1 through 3

Page 2, line 4, replace "funds and the" with "The", after "department" insert "shall", and replace "reimburses" with "reimburse"

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2379

Page 1, line 2, replace "graduate assistants" with "faculty"

Page 1, line 8, after "graduate" insert "teaching"

Page 1, line 10, overstrike "Any deficiency must be remedied by special training"

Page 1, line 11, overstrike "or coursework provided by the institution."

Page 1, line 11, after the period insert "The president of each state institution of higher education shall appoint a committee consisting of four students and two faculty members to set standards for the determination of written and verbal proficiency and to determine the written and verbal proficiency of each professor, instructor, teacher, assistant, and graduate teaching assistant at the institution before the person is permitted to teach in a classroom."

Renumber accordingly

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

MADAM PRESIDENT: The House has failed to pass: SB 2152.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2055, SB 2066, SB 2071, SB 2073, SB 2150, SB 2166, SB 2208.

SECOND READING OF HOUSE BILL

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

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 41 YEAS, 8 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: DeMers; Heinrich; Holmberg; Kelly; Mushik; Scherber; Stenehjem, W.; Tallackson

HB 1300 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1105: A BILL for an Act to amend and reenact sections 14-03-09, 16.1-15-08, 16.1-15-09, 16.1-15-11, 16.1-15-13, and 16.1-16-07 of the North Dakota Century Code, relating to the authority of clerks of district court to solemnize marriages and the duties of clerks of district court to preserve election ballots; to provide an effective date; and to provide an expiration date.

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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

HB 1105 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1112: A BILL for an Act to amend and reenact section 38-12.1-03, subdivision a of subsection 1 of section 38-12.1-04, and section 38-12.1-08 of the North Dakota Century Code, relating to a definition of road for coal exploration purposes and application of the penalty provisions.

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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

HB 1112 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1127: A BILL for an Act to amend and reenact section 57-02-08.1 of the North Dakota Century Code, relating to the definition of a permanent and totally disabled person for property tax credit purposes.

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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

HB 1127 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1131: A BILL for an Act to amend and reenact subsection 5 of section 49-02-02 of the North Dakota Century Code, relating to public service commission orders that may be issued without hearings.

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 44 YEAS, 5 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Holmberg; Jerome; Keller; Kelsh; Kinnoin; 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; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: DeMers; Heinrich; Kelly; Krauter; Mushik

HB 1131 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1133: A BILL for an Act to repeal section 60-09-03 of the North Dakota Century Code, relating to fees charged for weighing grain at grain elevators.

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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

HB 1133 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1147: A BILL for an Act to create and enact a new subsection to section 61-04.1-08 of the North Dakota Century Code, relating to the powers and duties of the atmospheric resource board.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 32 YEAS, 17 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Holmberg; Keller; Kinnoin; Krebsbach; Langley; Lindgren; Lips; Mutch; Naaden; Nalewaja; Nelson; Nething; Redlin; Robinson; Sand; Solberg;

Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher

NAYS: DeMers; Heinrich; Jerome; Kelly; Kelsh; Krauter; Lindaas; Marks; Mathern; Maxson; Mushik; O'Connell; Scherber; Schoenwald; Tomac; Wogsland; Yockim

HB 1147 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1200: A BILL for an Act to amend and reenact section 54-12-04.2 of the North Dakota Century Code, relating to child sexual abuse investigation and prosecution.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 30 YEAS, 19 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Dotzenrod; Evanson; Goetz; Grindberg; Jerome; Keller; Kinnoin; Krebsbach; Lindaas; Lips; Marks; Maxson; Mutch; Nalewaja; Nelson; Nething; Redlin; Sand; Schoenwald; Solberg; Stenehjem, B.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher

NAYS: DeMers; Freborg; Graba; Heinrich; Holmberg; Kelly; Kelsh; Krauter; Langley; Lindgren; Mathern; Mushik; Naaden; O'Connell; Robinson; Scherber; Stenehjem, W.; Wogsland; Yockim

HB 1200 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

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.

ROLL CALL

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

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

NAYS: Yockim

HB 1214 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1254: A BILL for an Act to amend and reenact section 40-18-15.1 of the North Dakota Century Code, relating to transfer of cases from municipal court to county court or district court if a jury trial is not waived and transfer of cases to municipal court from county court or district court; 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 YEAS, 48 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Scherber

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

HB 1254 lost.

SECOND READING OF HOUSE BILL

HB 1258: A BILL for an Act to create and enact a new section to chapter 32-19 of the North Dakota Century Code, relating to commercial real property deficiency judgments.

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 40 YEAS, 9 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: DeMers; Dotzenrod; Kelsh; Langley; Marks; O'Connell; Schoenwald; Tomac; Wogsland

HB 1258 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1271: A BILL for an Act to amend and reenact section 38-14.1-37 of the North Dakota Century Code, relating to the expansion of the small operators assistance program to cover the cost of surface mining permit applications; 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 PASS, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

HB 1271 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1279: A BILL for an Act to amend and reenact section 32-19-41 of the North Dakota Century Code, relating to the disposal by a lender of abandoned personal property located on real estate foreclosed upon by a lender.

ROLL CALL

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

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

NAYS: Maxson

HB 1279 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1295: A BILL for an Act to amend and reenact section 54-56-01 of the North Dakota Century Code, relating to the membership of the children's services coordinating committee.

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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

HB 1295 passed and the title was agreed to.

POINT OF PERSONAL PRIVILEGE

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

I rise today to congratulate the Belcourt Braves on winning their first WDA title this past weekend and earning their first ever berth in the State Class A basketball tournament. This championship is a tribute to the hard work and effort these young men, the coaching staff, and other members of the team put forth. Their victories were won while displaying the highest levels of sportsmanship. I salute each and every one of them. They are champions in every sense of the word. These comments place the Belcourt Braves' exploits in the permanent record of the State of North Dakota. The school is deserving of this recognition.

CORRECTION AND REVISION OF THE JOURNAL

MADAM PRESIDENT: Your Committee on Correction and Revision of the Journal

(Sen. Yockim, Chairman) has carefully examined the Journal of the Forty-second Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 858, line 12, replace "Tenth" with "Fourteenth"

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

SIGNING OF BILLS AND RESOLUTIONS

The President signed the following enrolled bills: SB 2080, SB 2164, SB 2408, SB 2443, SB 2454, SB 2456, SB 2463.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2080, SB 2164, SB 2408, SB 2443, SB 2454, SB 2456, SB 2463.

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

MR. SPEAKER: The President has signed: HB 1034, HB 1035, HB 1036, HB 1037, HB 1053, HB 1059, HB 1074, HB 1095, HB 1098, HB 1117, HB 1130, HB 1146, HB 1159, HB 1244, HB 1288, HB 1358, HB 1385, HB 1493, HCR 3004, HCR 3005, HCR 3020, HCR 3023, HCR 3033.

MOTION

SEN. MATHERN MOVED that the Senate be on the Fourth, Fifth, Twelfth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Wednesday, March 10, 1993, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1097: 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). HB 1097 was placed on the Sixth order on the calendar.

Page 1, line 10, remove "under"

Page 1, line 21, remove the overstrike over "~~suspension~~" and after the first overstruck comma insert "for a violation requiring a license suspension of at least ninety days or"

Page 2, line 1, remove the overstrike over the overstruck comma

Page 2, line 2, remove the overstrike over "~~suspended~~" and after the first overstruck comma insert "or"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1104: Government and Veterans Affairs Committee (Sen. Tomac, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1104 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 provide for the donation of accumulated annual leave between state employees; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. State leave sharing program.

1. As used in this section:

- a. "Household members" means those persons who reside in the same home, who have reciprocal duties to and do provide

financial support for one another. This term includes foster children and legal wards even if they do not live in the household. The term does not include persons sharing the same general house when the living style is primarily that of a dormitory or commune.

- b. "Relative of the employee" is limited to the spouse, child, stepchild, grandchild, grandparent, stepparent, or parent of an employee.
 - c. "Severe" or "extraordinary" means serious, extreme, or life threatening.
 - d. "State employee" means a permanent employee with over six months continuous service with the state. It does not include employees in probationary status or employees on temporary or other limited term appointments.
2. A state employee may donate annual leave to a fellow state employee who is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition that has caused or is likely to cause the employee to take leave without pay or terminate employment.
 3. A state employee is eligible to receive shared leave pursuant to the following conditions:
 - a. The chief administrative officer of the employee determines that the employee meets the criteria described in this section.
 - b. The employee has abided by state policies regarding the use of sick leave.
 - c. The employee's use of shared leave does not exceed four months in any twelve-month period.
 4. A state employee may donate annual leave to another state employee only pursuant to the following conditions:
 - a. The receiving employee has exhausted, or will exhaust, all annual leave, sick leave, and compensatory time off due to an illness, injury, impairment, or physical or mental condition, that is of an extraordinary or severe nature, and involves the employee, a relative of the employee, or a household member of the employee;
 - b. The condition has caused, or is likely to cause, the receiving employee to go on leave without pay or terminate employment; and
 - c. The donating employee donates leave in full-hour increments and retains a leave balance of at least eighty hours.
 5. The chief administrative officer of the state employee shall require the employee to submit, prior to approval or disapproval, a medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the condition.
 6. Donated annual leave is transferable between employees in different state entities.

7. One hour of donated annual leave must be regarded as one hour of shared leave for the recipient.
8. Any donated leave may only be used by the recipient for the purposes specified in this section and is not payable in cash.
9. All forms of paid leave available for use by the recipient must be used prior to using shared leave.
10. Any shared leave not used by the recipient during each occurrence as determined by the chief administrative officer of the employee may be retained by the recipient.
11. All donated leave must be given voluntarily. No state employee may be coerced, threatened, intimidated, or financially induced into donating annual leave for purposes of the leave sharing program.

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1168: Industry, Business and Labor Committee (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1168 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "subsection" with "subsections 2, 3, and"

Page 2, line 3, replace "Subsection" with "Subsections 2, 3, and"

Page 2, line 4, replace "is" with "are"

Page 2, after line 5, insert:

- "2. An insurance company, nonprofit health service corporation, health maintenance organization, or prepaid legal service organization subject to the tax imposed by subsection 1 is entitled to a credit against the tax due for the amount of any assessment paid as a member of a comprehensive health association under subsection 4 of section 26.1-08-09 for which the member may be liable for the year in which the assessment was paid, a credit as provided under section 26.1-38.1-10, a credit against the tax due for an amount equal to the examination fees paid to the commissioner for a financial examination or any examination done in conjunction with a financial examination under sections 26.1-01-07, 26.1-02-02, 26.1-03-19 through 26.1-03-22, 26.1-17-32, and 26.1-18-27, and 26.1-19-14, except that no credit may be allowed for reimbursement of expenses incurred by regular employees of the commissioner for travel outside of this state, and a credit against the tax due for an amount equal to the ad valorem taxes, whether direct or in the form of rent, on that proportion of premises occupied as the principal office in this state for over one-half of the year for which the tax is paid. The credits under this subsection must be prorated on a quarterly basis and may not exceed the total tax liability under subsection 1.
3. Any person failing to pay the tax imposed by subsection 1, within the time required, is subject to a penalty of five percent of the amount of tax due or one hundred dollars,

whichever is greater, plus interest of one percent per month on the unpaid tax for each month or fraction of a month of delay, excepting the first day after the tax became due, or twenty-five dollars per day, whichever is greater. Any person failing to file the appropriate tax statement required by rule if the tax is zero is subject to a penalty of twenty-five dollars per day for each day's neglect. The commissioner, if satisfied that the delay was excusable, may waive, and if paid, issue a premium tax credit for all or any part of the penalty and interest."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1217: Transportation Committee (Sen. Schoenwald, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1217 was placed on the Sixth order on the calendar.

Page 1, remove lines 19 and 20

Page 2, remove lines 1 and 2

Page 2, remove lines 17 through 20

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1225: Human Services Committee (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1225 was placed on the Sixth order on the calendar.

Page 2, line 2, remove "or should know"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1228: 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). HB 1228 was placed on the Sixth order on the calendar.

Page 2, line 22, after the underscored period insert "The continuing education requirements are waived as a condition of licensure for licensees who have been in the practice of barbering for at least thirty years prior to August 1, 1993."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1256: Government and Veterans Affairs Committee (Sen. Tomac, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1256 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "section" with "sections" and after "54-03-19.2" insert "and 54-03-20"

Page 1, line 3, remove "procedures of the", remove "in determining" and after "and" insert "travel reimbursement; and to declare an emergency."

Page 1, remove lines 4 and 5

Page 1, line 17, remove "Bill introduction -"

Page 2, line 3, remove "consult with the majority and minority leaders of the house and senate."

Page 2, line 4, remove "and"

Page 2, line 12, remove ", and file with the legislative council a bill"

Page 2, remove lines 13 through 20

Page 2, line 21, remove "election of members of the house of representatives"

Page 3, after line 2, insert:

"SECTION 3. AMENDMENT. Section 54-03-20 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-03-20. Compensation and expense reimbursement of members of the legislative assembly. Each member of the legislative assembly of the state of North Dakota is entitled to receive as compensation for services the sum of ninety dollars for each calendar day during any organizational, special, or regular legislative session. Each member of the legislative assembly is entitled to receive reimbursement for lodging, which may not exceed a maximum of six hundred dollars per calendar month for lodging in state, at the rates and in the manner provided in section 44-08-04 for each calendar day during the period of any organizational, special, or regular session. Members of the legislative assembly who receive reimbursement for lodging are also entitled to reimbursement for travel for not to exceed one round trip taken during any calendar week, or portion of a week, the legislative assembly is in session, between their residences and the place of meeting of the legislative assembly, at the rate provided for state employees with the additional limitation that reimbursement for travel by common carrier may not exceed thirty-five cents per mile based upon air mileage. ~~Members~~ A member of the legislative assembly who ~~do~~ does not receive reimbursement for lodging and ~~who do not live whose place of residence in a~~ the legislative district ~~completely or partially that the member represents is not~~ within the city of Bismarck ~~are~~ is entitled to reimbursement at the rate provided for state employees for necessary travel for not to exceed one round trip taken per day between ~~their residences~~ the residence and the place of meeting of the legislative assembly when it is in session and may receive reimbursement for lodging at the place of meeting of the legislative assembly as provided in section 44-08-04 for each calendar day for which round trip travel reimbursement is not claimed, provided that ~~this~~ the total reimbursement may not exceed six hundred dollars per month. The amount to which each legislator is entitled must be paid following the organizational session in December and following each month during a regular or special session.

A day, or portion of a day, spent in traveling to or returning from an organizational, special, or regular session must be included as a calendar day during a legislative session for the purposes of this section.

In addition, each member ~~shall~~ is entitled to receive during the term for which the member was elected, as compensation for the execution of public duties during the biennium, the sum of one hundred eighty dollars a month, which is payable every six months. If a member dies or resigns from office during the member's term, the member may be paid only the allowances provided for in this section for the period for which the member was actually a member.

Attendance at any organizational, special, or regular session of the legislative assembly by any member is a conclusive presumption of entitlement as set out in this section and compensation and expense allowances must be excluded from gross income for income tax purposes to the extent permitted for federal income tax purposes under section 127 of the Economic Recovery Tax Act of 1981 [Pub. L. 97-34; 95 Stat. 202; 26 U.S.C. 162(i)].

SECTION 4. EMERGENCY. Section 3 of this Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1264: Government and Veterans Affairs Committee (Sen. Tomac, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1264 was placed on the Sixth order on the calendar.

Page 1, line 4, after "code" insert "; and to provide an effective date"

Page 2, after line 28, insert:

"SECTION 3. EFFECTIVE DATE. This Act becomes effective on August 1, 1994."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1336: Government and Veterans Affairs Committee (Sen. Tomac, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1336 was placed on the Sixth order on the calendar.

Page 2, line 5, remove "Council of American Building Officials Model Energy Code, 1989"

Page 2, line 6, remove "Edition," and overstrike "and any amendments or additions thereto." and insert immediately thereafter "Council of American Building Officials Model Energy Code, 1989 Edition,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1356: Government and Veterans Affairs Committee (Sen. Tomac, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1356 was placed on the Sixth order on the calendar.

Page 6, line 21, replace "An" with "Notwithstanding subsection 2 of section 28-32-15, an"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1488: Transportation Committee (Sen. Schoenwald, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1488 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "section 39-08-20 and"

Page 1, line 2, after "to" insert "driving without liability insurance and"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Section 39-08-20 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

39-08-20. Driving without liability insurance prohibited - Penalty. A person may not drive, or the owner may not cause or knowingly permit to be driven, a motor vehicle in this state without a valid policy of liability insurance in effect in order to respond in damages for liability arising out of the ownership, maintenance, or use of that motor vehicle in the amount required by chapter 39-16.1. Upon being stopped by a law enforcement officer for the purpose of enforcing or investigating the possible violation of an ordinance or state law or during the investigation of an accident, the person driving the motor vehicle shall provide to the officer upon request satisfactory evidence of the policy required under this section. If unable to comply with the request, that person may ~~not~~ be charged with a violation of this section if that person ~~submits~~ fails to submit such evidence to the officer or the officer's agency within twenty days of the date of the request. If that person produces a valid policy of liability insurance in effect at the time of violation of this section to the officer, officer's agency, or a court, that person may not be convicted or assessed any court costs for violation of this section. Violation of this section is a class B misdemeanor and the sentence imposed must include a fine of at least one hundred fifty dollars."

Renumber accordingly

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

CAROL SIEGERT, Secretary