

JOURNAL OF THE SENATE

Fifty-third Legislative Assembly

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Bismarck, March 19, 1993

The Senate convened at 11:00 a.m., with President Myrdal presiding.

The prayer was offered by Mary Kay Sauter, United Theological Seminary of Minneapolis.

The roll was called and all members were present except Senators DeMers, Goetz, Holmberg, Kelly, Kinnoin, Lindaas, Lips, Mushik, Naaden, Nething, Redlin, Robinson, Tallackson, Teneffos, Thane, Tomac, and Yockim.

A quorum was declared by the President.

REQUEST

SEN. MATHERN REQUESTED that the record show that the members of the Appropriation Committee (Tallackson, Mushik, DeMers, Kelly, Lindaas, Redlin, Robinson, Yockim, Goetz, Holmberg, Lips, Naaden, Nething, and Thane) are in a committee meeting, which request was granted.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

March 18, 1993

This is to inform you that on March 18, 1993, I signed the following: SB 2073 and SB 2436.

CORRECTION AND REVISION OF THE JOURNAL

MADAM PRESIDENT: Your Committee on Correction and Revision of the Journal (Sen. Yockim, Chairman) has carefully reexamined the Journal of the Forty-ninth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 985, after line 31, insert:

"REPORT OF CONFERENCE COMMITTEE

SEN. KELSH MOVED that the conference committee report on SCR 4019 be adopted, which motion prevailed.

SCR 4019, as amended, was placed on the Eleventh order of business on the calendar."

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

SIGNING OF BILLS AND RESOLUTIONS

The President signed the following enrolled bills and resolutions: SB 2171, SB 2213, SB 2230, SB 2266, SB 2286, SB 2317, SCR 4005, SCR 4013, SCR 4015, SCR 4018, SCR 4025, SCR 4027, SCR 4037, SCR 4039, SCR 4046, SCR 4047, SCR 4050, SCR 4051, SCR 4053, SCR 4055, SCR 4056, SCR 4058, SCR 4061, SCR 4062, SCR 4063, SCR 4064, SCR 4066, SCR 4071.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2171, SB 2213, SB 2230, SB 2266, SB 2286, SB 2317, SCR 4005, SCR 4013, SCR 4015, SCR 4018, SCR 4025, SCR 4027, SCR 4037, SCR 4039, SCR 4046, SCR 4047, SCR 4050, SCR 4051, SCR 4053, SCR 4055, SCR 4056, SCR 4058, SCR 4061, SCR 4062, SCR 4063, SCR 4064, SCR 4066, SCR 4071.

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

MR. SPEAKER: The Senate has passed unchanged: HCR 3003, HCR 3015, HCR 3030,

HCR 3031, HCR 3034, HCR 3036, HCR 3045, HCR 3046, HCR 3052, HCR 3053, HCR 3056, HCR 3057, HCR 3058, HCR 3059, HCR 3061, HCR 3066, HCR 3069.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1075, HB 1079, HB 1097, HB 1139, HB 1142, HB 1158, HB 1178, HB 1184, HB 1187, HB 1203, HB 1347, HCR 3026.

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1275, HB 1315.

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

MADAM PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2040.

HOUSE AMENDMENTS TO SENATE BILL NO. 2040

Page 1, line 1, replace "section" with "sections" and after "65-05-01" insert "and 65-05-32"

Page 1, line 3, after "compensation" insert "and privacy of records and hearings concerning workers compensation matters; to provide for application of this Act; and to declare an emergency"

Page 2, after line 7, insert:

"SECTION 2. AMENDMENT. Section 65-05-32 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-05-32. Privacy of records and hearings. Information contained in the claim files and records of injured employees is confidential and is not open to public inspection, other than to bureau employees or agents in the performance of their official duties. Providing further that:

1. Representatives of a claimant, whether an individual or an organization, may review a claim file or receive specific information from the file upon the presentation of the signed authorization of the claimant. However, reserve information may not be made available to the claimant or the claimant's representatives. Availability of this information to employers is subject to the sole discretion of the bureau.
2. Employers or their duly authorized representatives may review and have access to any files of their own injured workers.
3. Physicians or health care providers treating or examining workers claiming benefits under this title, or physicians giving medical advice to the bureau regarding any claim may, at the discretion of the bureau, inspect the claim files and records of injured workers.
4. Other persons may have access to and make inspections of the files, if such persons are rendering assistance to the bureau at any stage of the proceedings on any matter pertaining to the administration of this title.
5. The claimant's name; social security number; date of birth; injury date; employer name; type of injury; whether the claim is accepted, denied, or pending; and whether the claim is in active or inactive pay status will be available to the public. This information may not be released in aggregate form, except to those persons contracting with the bureau for exchange of information pertaining to the administration of this title.

6. At the request of a claimant, the bureau may close the medical portion of a hearing to the public.

SECTION 3. APPLICATION OF ACT. Section 2 of this Act applies to all claims irrespective of the date information is requested.

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

Renumber accordingly

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

MADAM PRESIDENT: The House has failed to pass: SB 2381, SB 2392.

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to SB 2022, SB 2027, SB 2028, SB 2048, SB 2082, SB 2083, and SB 2095 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2022: Reps. Hausauer; Kunkel; Huether
SB 2027: Reps. Rydell; Stenehjem; Cleary
SB 2028: Reps. Rydell; Christopherson; Bodine
SB 2048: Reps. Austin; Gorder; Brodshaug
SB 2082: Reps. Keiser; Jacobs; Stenson
SB 2083: Reps. Tollefson; Keiser; Mahoney
SB 2095: Reps. Bernstein; Froseth; Stenson

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to SB 2097, SB 2108, SB 2144, SB 2327, and SB 2379 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2097: Reps. Shide; Keiser; Kilichowski
SB 2108: Reps. Dorso; Jacobs; Mahoney
SB 2144: Reps. DeWitz; Wentz; Wilkie
SB 2327: Reps. Kretschmar; Maragos; Gulleeson
SB 2379: Reps. Torgerson; Gates; Goffe

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2222, SB 2223, SB 2225, SB 2231, SB 2285, SB 2440, SB 2453, SCR 4068.

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2222

- Page 1, line 1, replace the second "and" with ", a new section to chapter 57-38," and after "57-38-60.2" insert ", and a new section to chapter 57-38.1"
- Page 1, line 3, after "Act" insert ", the income tax filing method of a limited liability company,"
- Page 1, line 8, remove "sections 57-38-08, 57-38-10, subsection 4 of section 57-38-12,"
- Page 1, line 9, remove "section 57-38-42,"
- Page 1, line 10, after the first comma insert "and" and remove ", and section 57-38.1-17.1"
- Page 8, line 5, remove "Agreement to give dissolution avoidance consent means a"
- Page 8, remove lines 6 through 10

Page 8, line 11, remove "4."

Page 8, line 15, replace "5." with "4."

Page 8, line 27, replace "6." with "5."

Page 8, line 29, replace "7." with "6."

Page 9, line 5, replace "8." with "7."

Page 9, line 7, remove "before or"

Page 9, line 16, replace "9." with "8."

Page 9, line 20, replace "10." with "9."

Page 9, line 22, replace "11." with "10."

Page 9, line 25, replace "12." with "11."

Page 10, line 3, replace "13." with "12."

Page 10, line 11, replace "14." with "13."

Page 10, line 16, replace "15." with "14."

Page 10, line 24, replace "16." with "15."

Page 11, line 3, replace "17." with "16."

Page 11, line 10, replace "18." with "17."

Page 11, line 17, replace "19." with "18."

Page 11, line 21, replace "20." with "19."

Page 11, line 23, replace "21." with "20."

Page 11, line 26, replace "22." with "21."

Page 12, line 1, replace "23." with "22."

Page 12, line 2, replace "24." with "23."

Page 12, line 12, replace "25." with "24."

Page 12, line 15, replace "26." with "25."

Page 12, line 21, replace "27." with "26."

Page 12, line 24, replace "28." with "27."

Page 13, line 1, replace "29." with "28."

Page 13, line 4, replace "30." with "29."

Page 13, line 9, replace "31." with "30."

Page 14, line 1, replace "32." with "31."

Page 14, line 8, replace "33." with "32."

Page 14, line 12, replace "34." with "33."

Page 14, line 15, replace "35." with "34."

Page 14, line 19, replace "36." with "35."

Page 14, line 25, replace "37." with "36."

Page 14, line 26, replace "38." with "37."

Page 15, line 6, replace "39." with "38."

Page 15, line 11, replace "40." with "39."

Page 15, line 14, replace "41." with "40."

Page 15, line 18, replace "42." with "41."

Page 15, line 20, replace "43." with "42."

Page 15, line 22, replace "44." with "43."

Page 15, line 27, replace "45." with "44."

Page 16, line 11, replace "46." with "45."

Page 16, line 22, replace "47." with "46."

Page 16, line 26, replace "48." with "47."

Page 17, line 1, replace "49." with "48."

Page 17, line 9, replace "50." with "49."

Page 17, line 10, replace "51." with "50."

Page 17, line 14, replace "52." with "51."

Page 65, line 15, remove ", except that an agreement to give"

Page 65, line 16, remove "dissolution avoidance consent is not specifically enforceable"

Page 178, replace lines 23 through 29 with:

"SECTION 15. A new section to chapter 57-38 of the North Dakota Century Code is created and enacted as follows:

Taxation of limited liability companies. For purposes of this chapter, a limited liability company that is formed under either the laws of this state or under similar laws of another state, and that is considered to be a partnership for federal income tax purposes, is considered to be a partnership and the members must be considered to be partners. A limited liability company that is not treated as a partnership for federal income tax purposes must be treated as a corporation for state tax purposes."

Page 179, remove lines 1 through 29

Page 180, remove lines 1 through 6 and remove lines 18 through 29

Page 181, remove lines 1 through 29

Page 182, remove lines 1 through 29

Page 183, remove lines 1 through 8

Page 184, replace lines 15 through 29 with:

"SECTION 20. A new section to chapter 57-38.1 of the North Dakota Century Code is created and enacted as follows:

Taxation of limited liability companies. For purposes of this chapter, a limited liability company that is formed under either the laws of this state or under similar laws of another state, and that is considered to be a partnership for federal income tax purposes, is considered to be a partnership and the members must be considered to be partners. A limited liability company that is not treated as a partnership for federal income tax purposes must be treated as a corporation for state tax purposes."

Page 185, remove lines 1 and 2

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2223

Page 5, line 24, after the underscored period insert "The amendment must be accompanied by a report outlining the information, as of the date of the amendment, which is required under section 10-06.1-17, and the manner in which the corporation has divested itself of its owned or leased land holdings and its business of farming or ranching."

Page 6, line 6, after the underscored period insert "The amendment must be accompanied by a report outlining the information, as of the date of the amendment, which is required under section 10-06.1-17 and the manner in which the limited liability company has divested itself of its owned or leased land holdings and its business of farming or ranching."

Page 12, line 18, replace "at least one is an individual" with "each is actively engaged in operating the farm or ranch, whether each resides on the farm or ranch, and whether each depends principally on farming or ranching for a livelihood"

Page 12, line 19, remove "residing on or operating the farm or ranch"

Page 13, line 5, replace "secretary of state" with "corporation or limited liability company", replace "a" with "the official county", and remove "general"

Page 13, line 6, remove "circulation in"

Page 13, line 7, replace "each" with "the"

Page 13, line 9, replace "each" with "the"

Page 13, line 10, remove "respective"

Page 13, line 12, remove "each of" and replace "corporations and" with "corporation or"

Page 13, line 13, replace "companies listed" with "company"

Page 15, line 6, after the underscored period insert "The statement must also designate which, if any, of the acreage [hectarage] is leased from or jointly owned with any shareholder or member and list the name of the shareholder or member with that acreage [hectarage]."

Page 16, line 11, replace "10-06.1-14" with "10-06.1-15" and remove "10-06.1-16, and"

Page 16, line 12, after "10-06.1-17" insert ", and 10-06.1-18"

Page 134, line 16, remove "57-38-08, 57-38-10, 57-38-12," and remove "57-38-42,"

Page 134, line 17, remove "57-38.1-17.1,"

Renumber accordingly

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2225

Page 1, line 1, replace "a" with "two", replace "section" with "sections", and replace "26.1-40" with "26.1-25"

Page 1, line 6, replace "A" with "Two", replace "section" with "sections", and replace "26.1-40" with "26.1-25"

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

Page 1, line 8, replace "Accident" with "Motor vehicle accident" and after the underscored period insert "Concerning motor vehicle accidents occurring after August 1, 1993:"

Page 1, line 9, remove "An insurer may not assess an accident surcharge on the policy of"

Page 1, remove lines 10 and 11

Page 1, line 12, remove "2."

Page 1, line 16, replace "3." with "2."

Page 1, after line 19, insert:

"Disclosure of accident surcharge and loss of discount. Before, or at the time of issuance of a policy, an insurer insuring a motor vehicle must notify the insured in writing of the insurer's underwriting and rating procedures applicable to accident surcharges and loss of discounts."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2231

Page 2, line 9, after "sections" insert "26.1-03-02,"

Page 2, line 10, after "to" insert "valuation of securities held by a company,"

Page 23, line 25, overstrike "ten" and insert immediately thereafter "five"

Page 24, overstrike lines 23 through 28

Page 25, overstrike lines 1 and 2

Page 98, line 16, after "Sections" insert "26.1-03-02,"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2285

In lieu of the amendments adopted by the House as printed on page 1062 of the House Journal, Engrossed Senate Bill No. 2285 is amended as follows:

Page 2, line 7, replace "as provided in section 2 of this Act" with "and that a copy of the test results be released to the defendant's or alleged juvenile offender's physician and each requesting victim's physician. The physicians for the defendant or alleged juvenile offender and requesting victim must be specifically named in the court order, and the court order must be served on the physicians before any test"

Page 2, line 20, replace "laboratory" with "court"

Page 2, line 21, replace "defendant or alleged juvenile" with "physicians designated in the court order, who shall then release the test results to the defendant or alleged juvenile offender and each requesting victim as designated in the court order. The court order must be served on the physicians before any test"

Page 2, remove lines 22 through 26

Page 2, line 27, remove "minor's parents or guardian"

ReNUMBER accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2440

Page 1, line 4, after the semicolon insert "and"

Page 1, line 8, remove "; and to provide a continuing appropriation"

Page 3, line 11, remove the overstrike over "new"

Page 15, replace lines 24 through 29 with:

"SECTION 13. AMENDMENT. Section 49-21-22 of the 1991 Supplement to the North Dakota Century Code as amended by section 1 of Senate Bill No. 2393, as approved by the fifty-third legislative assembly, is amended and reenacted as follows:

49-21-22. Regulatory reform review commission - Appointments - Compensation - Report to legislative council. The regulatory reform review commission shall review the operation and effect of North Dakota telecommunications law on an ongoing basis during the interims between the 1993 and 1999 legislative sessions and shall submit a report regarding its operation and effect to the legislative council in 1994, 1996, and 1998. The regulatory reform review commission consists of one member of the public service commission who has responsibility for telecommunications regulation, two members of the senate, appointed by the president of the senate, and two members of the house of representatives, appointed by the speaker. The chairman of the legislative council shall designate the chairman and vice chairman of the regulatory reform review commission from the legislative members of the commission. The public service commission shall provide technical assistance and the legislative council shall provide staff services to the regulatory reform review commission. The legislative members of the regulatory reform review commission are entitled to the same compensation as provided for members of committees of the legislative council under section 54-35-10. The legislative council shall pay the compensation for the legislative members of the regulatory reform review commission. The public service commission shall pay the expenses of the member of the public service commission serving on the regulatory reform review commission and of the public service commission staff providing technical assistance while carrying out their duties."

Page 16, remove lines 1 through 22

Page 16, line 25, remove "- Continuing appropriation"

Page 18, line 2, replace "paid into the public" with "deposited in the general"

Page 18, line 3, remove "utility valuation revolving" and remove "and are"

Page 18, remove line 4

Page 18, line 5, remove "defraying the costs of undertaking the hearings"

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2453

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 12.1-28-02 of the North Dakota Century Code, relating to gambling offenses and dissemination of information about a lottery.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 12.1-28-02 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

12.1-28-02. Gambling - Related offenses - Classification of Offenses. Except as permitted by law:

1. It is an infraction to engage in gambling on private premises where the total amount wagered by an individual player exceeds twenty-five dollars per individual hand, game, or event.
2. It is a class A misdemeanor to:
 - a. Sell, purchase, receive, or transfer a chance to participate in a lottery, whether the lottery is drawn in state or out of state, and whether the lottery is lawful in the other state or country; or
 - b. Disseminate information about a lottery with intent to encourage participation in it, except that a legal lottery may be advertised in North Dakota;
 - c. Engage in gambling on private premises where the total amount wagered by an individual player exceeds five hundred dollars per individual hand, game, or event.
3. ~~Subsection 2 shall apply to a lottery drawn or to be drawn outside of this state, whether or not such lottery is lawful in such other state or country.~~
4. A person is guilty of a class C felony if he that person engages or participates in the business of gambling. Without limitation, a person ~~shall be~~ is deemed to be engaged in the business of gambling if he that person:
 - a. Conducts a wagering pool or lottery;
 - b. Receives wagers for or on behalf of another person;
 - c. Alone or with others, owns, controls, manages, or finances a gambling business;
 - d. Knowingly leases or otherwise permits a place to be regularly used to carry on a gambling business or maintain a gambling house;
 - e. Maintains for use on any place or premises occupied by ~~him~~ that person a coin-operated gaming device; or
 - f. Is a public servant who shares in the proceeds of a gambling business whether by way of a bribe or otherwise.
- 5- 4. a. As used in subsection 4 3 but with the exceptions provided by subdivision b of this subsection, the term

"coin-operated gaming device" means any machine ~~which~~ that is:

- (1) A so-called "slot" machine ~~which~~ that operates by means of the insertion of a coin, token, or similar object and which, by application of the element of chance, may deliver, or entitle the person playing or operating the machine to receive cash, premiums, merchandise, or tokens; or
 - (2) A machine ~~which~~ that is similar to machines described in paragraph 1 and is operated without the insertion of a coin, token, or similar object.
- b. The term "coin-operated gaming device" does not include a bona fide vending or amusement machine in which gambling features are not incorporated as defined in section 53-04-01, or an antique "slot" machine twenty-five years old or older ~~which~~ that is collected and possessed by a person as a hobby and is not maintained for the business of gambling.
- c. A law enforcement officer may seize any device described in subdivision a upon probable cause to believe that the device was used or is intended to be used in violation of this chapter or chapter 53-06.1. The court shall order the device forfeited in the same manner and according to the same procedure as provided under chapter 29-31.1."

Renumber accordingly

HOUSE AMENDMENTS TO SENATE CONCURRENT RESOLUTION NO. 4068

Page 1, line 3, remove "it has become a common practice for"

Page 1, line 4, replace the first "to" with "may"

Renumber accordingly

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

MADAM PRESIDENT: The House has amended and subsequently failed to pass: SB 2149, SB 2207.

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

MADAM PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2088: Reps. Rennerfeldt; Johnson; Kerzman

SB 2131: Reps. Boehm; Bernstein; Allmaras

SB 2174: Reps. Dorso; Skarphol; Hokana

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

MADAM PRESIDENT: The Speaker has signed: SB 2187, SB 2215, SB 2242, SB 2253, SB 2257, SB 2273, SB 2284, SB 2324, SB 2341, SB 2357, SB 2388, SB 2414, SB 2437, SB 2438, SB 2446, SB 2461, SB 2464, SB 2469.

MOTION

SEN. MATHERN MOVED that HCR 3037 and HCR 3068 be placed at the bottom of the Tenth order, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR

HCR 3008: A concurrent resolution directing the Legislative Council to study the problems associated with solid waste management and the operation and effect of solid waste management districts and solid waste management plans.

- HCR 3009:** A concurrent resolution regarding the approval of state agency use of block grant funds, and authorizing the Budget Section of the Legislative Council to hold the required legislative hearings on state plans for the receipt and expenditure of new or revised block grants as passed by Congress.
- HCR 3019:** A concurrent resolution directing the Legislative Council to study veterans' preference employment laws.
- HCR 3022:** A concurrent resolution urging the United States Army Corps of Engineers to manage Missouri River mainstem reservoir storage in a manner that will maintain adequate and sufficient levels of water in Lake Sakakawea and Lake Oahe.
- HCR 3024:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of making the North Dakota Century Code, the North Dakota Administrative Code, the North Dakota Session Laws, and other legislative publications available in mediums other than published volumes, including CD-ROM and diskettes.
- HCR 3028:** A concurrent resolution directing the Legislative Council to study whether the state of North Dakota may be eligible to receive lands transferred pursuant to the Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act.
- HCR 3029:** A concurrent resolution directing the Legislative Council to study livestock industry concentration and the resulting problems faced by livestock producers.
- HCR 3039:** A concurrent resolution urging the Secretary of Agriculture to increase commodity loan rates, implement the Target Option Payment program, appropriately index target prices, increase acceptance rates by the Farmer Owned Reserve, adjust milk marketing orders, study the relationship between support levels, production costs, and farm income, and review current regulations governing commodity support programs.
- HCR 3041:** A concurrent resolution directing the Legislative Council to study the short-term and long-term capital construction needs of state agencies and institutions and methods of financing capital construction projects.
- HCR 3042:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of consolidating counties.
- HCR 3043:** A concurrent resolution directing the Legislative Council to study the medical assistance eligible population in this state to determine if there is a need for a more equitable distribution of medical assistance reimbursement to certain providers.
- HCR 3047:** A concurrent resolution directing the Legislative Council to study issues related to the employment of minors, including the need for employment, the academic and financial impact of employment, and safety requirements in the workplace.
- HCR 3049:** A concurrent resolution directing the Legislative Council to study noxious weed laws to determine the feasibility and desirability of identifying purple loosestrife as a noxious weed and instituting appropriate methods of control or eradication.
- HCR 3050:** A concurrent resolution directing the Legislative Council to study the state's hunting laws to determine changes that can be made to improve the relationship between hunters and private landowners, including the issuance of gratis permits.

- HCR 3054:** A concurrent resolution directing the Legislative Council to study the supplying of water to rural areas and small towns.
- HCR 3055:** A concurrent resolution directing the Legislative Council to study the structure and organization of the Division of Emergency Management and local emergency management organizations.
- HCR 3060:** A concurrent resolution directing the Legislative Council to study authorized investments of political subdivision funds.
- HCR 3063:** A concurrent resolution directing the Legislative Council to study alternatives for establishing mechanisms for facilitating long-term policy development and other foresight processes in North Dakota state and local government.
- HCR 3064:** A concurrent resolution directing the Legislative Council to study the membership, duties, and responsibilities of all statutory boards, councils, committees, and commissions.
- HCR 3065:** A concurrent resolution directing the Legislative Council to study alternative administrative structures for forecasting state revenues.

ROLL CALL

The question being on the final adoption of the resolutions, which have been read, the roll was called and there were 31 YEAS, 0 NAYS, 0 EXCUSED, 18 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Dotzenrod; Evanson; Freborg; Graba; Grindberg; Heinrich; Jerome; Keller; Krauter; Krebsbach; Langley; Lindgren; Marks; Mathern; Maxson; Mutch; Nalewaja; Nelson; O'Connell; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Traynor; Uriacher; Wogsland

ABSENT AND NOT VOTING: DeMers; Goetz; Holmberg; Kelly; Kelsh; Kinnoin; Lindaas; Lips; Mushik; Naaden; Nething; Redlin; Robinson; Tallackson; Tennefos; Thane; Tomac; Yockim

HCR 3008, HCR 3009, HCR 3019, HCR 3022, HCR 3024, HCR 3028, HCR 3029, HCR 3039, HCR 3041, HCR 3042, HCR 3043, HCR 3047, HCR 3049, HCR 3050, HCR 3054, HCR 3055, HCR 3060, HCR 3063, HCR 3064, and HCR 3065 were declared adopted and the titles were agreed to.

MOTION

SEN. MATHERN MOVED that HB 1026 and HB 1234 be placed at the bottom of the Sixth order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1103: SEN. DOTZENROD (Finance and Taxation Committee) MOVED that the amendments on SJ pages 1049-1050 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1383: SEN. LINDGREN (Human Services Committee) MOVED that the amendments on SJ pages 1050-1052 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. LANGLEY MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1222, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1222: Sens. Schoenwald, Krauter, Krebsbach.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. LANGLEY MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1168, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1168: Sens. Krauter, Schoenwald, Mutch.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LANGLEY MOVED that the Senate do not concur in the House amendments to Engrossed SB 2362 as printed on SJ page 989 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2362: Sens. Keller, Schoenwald, Krebsbach.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELLER MOVED that the Senate do not concur in the House amendments to SB 2289 as printed on SJ pages 911-912 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2289: Sens. Keller, Krauter, Nalewaja.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELSH MOVED that the Senate do not concur in the House amendments to SCR 4031 as printed on SJ page 991 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SCR 4031: Sens. Kelsh, Kinnoin, Bowman.

MOTION

SEN. MATHERN MOVED that the Senate stand in recess until 12:30 p.m., which motion prevailed.

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

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2289 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2289: Sens. Keller; Krauter; Nalewaja

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2362 and SCR 4031 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2362: Sens. Keller; Schoenwald; Krebsbach

SCR 4031: Sens. Kelsh; Kinnoin; Bowman

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

MR. SPEAKER: The President has appointed as a conference committee to act with a like committee from the House on:

HB 1168: Sens. Krauter; Schoenwald; Mutch

HB 1222: Sens. Schoenwald; Krauter; Krebsbach

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

MADAM PRESIDENT: The Speaker has signed: SB 2030, SB 2115, SB 2154, SB 2185, SB 2186, SB 2345, SB 2411, SCR 4001, SCR 4010, SCR 4012, SCR 4021, SCR 4028, SCR 4030, SCR 4032, SCR 4035.

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1267 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1267: Reps. Stenehjem; Henegar; Boucher

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

MADAM PRESIDENT: The House has failed to pass: SB 2431, SB 2530.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2092, SB 2110, SB 2529.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2155.

HOUSE AMENDMENTS TO SENATE BILL NO. 2155

Page 1, line 1, after the second "to" insert "section 53-06.2-05 and a new subsection to"

Page 1, line 2, after "to" insert "receipt of moneys from the North Dakota horse racing foundation and"

Page 1, line 3, remove the first "and", replace "subsection" with "subsections", and after "1" insert "and 11"

Page 1, line 5, replace "and section" with "sections" and after "53-06.2-09" insert ", 53-06.2-10, and subsections 3 and 6 of section 53-06.2-11"

Page 1, line 6, replace "breeders" with "breeders'" and after "and" insert "'racing",

Page 1, line 7, remove the second "and" and after "days" insert ", definition of parimutuel racing, powers of the racing commission, and deposits of moneys in purse, breeders', and racing funds; and to declare an emergency"

Page 1, line 9, replace "Subsection" with "Subsections" and after "1" insert "and 11"

Page 1, line 10, replace "is" with "are"

Page 1, after line 15, insert:

"11. "Racing" means live or simulcast horse racing under the certificate system or simulcast dog racing under the certificate system."

Page 2, after line 13, insert:

"SECTION 3. A new subsection to section 53-06.2-05 of the 1991 Supplement to the North Dakota Century Code is created and enacted as follows:

Receive moneys from the North Dakota horse racing foundation for deposit in the purse fund, breeders' fund, or racing promotion fund in accordance with subsection 6 of section 53-06.2-11."

Page 2, line 17, overstrike "and" and insert immediately thereafter an underscored comma and after "track" insert an underscored comma

Page 2, line 22, overstrike "However, races" and insert immediately thereafter "Races"

Page 2, line 23, overstrike "only between nine a.m. and twelve midnight" and insert immediately thereafter "during the hours approved by the commission, and within the hours permitted by state law"

Page 3, after line 15, insert:

"SECTION 7. AMENDMENT. Section 53-06.2-10 of the North Dakota Century Code is amended and reenacted as follows:

53-06.2-10. Certificate system - Rules. The certificate system allows a licensee to receive money from any person present at a live horse race, simulcast horse race, or simulcast dog race who desires to bet on any ~~horse-entered~~ entry in that race. A person betting on a horse an entry to win acquires an interest in the total money bet on all ~~horses~~ entries in the race, in proportion to the amount of money bet by that person, under rules adopted by the commission. The licensee shall receive ~~such~~ the bets and for each bet shall issue a certificate to the bettor on which is at least shown the number of the race, the amount bet, and the number or name of the ~~horse~~ entry selected by the bettor. The commission may ~~also~~ adopt rules for place, show, quinella, combination, or other types of betting usually connected with racing.

SECTION 8. AMENDMENT. Subsections 3 and 6 of section 53-06.2-11 of the September 1992 Advance Code Service of the North Dakota Century Code are amended and reenacted as follows:

3. Unclaimed tickets and breakage from each live race meet and simulcast program as defined by the commission and the percentage of the wagering pool to be paid to the racing promotion fund under subsections 1 and 2 must be retained by the commission in a special fund to assist in improving and upgrading racetracks in the state, for the promotion of horse racing within the state, and in developing new racetracks in the state as necessary and approved by the commission. Unclaimed tickets and breakage from the simulcast program, as defined by the commission, must be retained by the commission in a special fund to assist in improving and upgrading racetracks in the state, for the promotion of horse racing within the state, and in developing new racetracks in the state as necessary and approved by the commission. Notwithstanding this section, the commission may, upon approval of the emergency commission, receive no more than twenty-five percent of this fund for the purpose of payment of operating expenses of the commission.
6. The racing commission shall deposit the moneys received pursuant to subsections 1, 2, and 3 and from the North Dakota horse racing foundation pursuant to section 3 of this Act in three special funds in the state treasury. These funds must be known as the breeders' fund, the purse fund, and the racing promotion fund. Moneys, and any earnings on the moneys, in the breeders' fund, purse fund, and racing promotion fund are appropriated to the commission on a continuing basis to carry out the purposes of those funds under this chapter and must be administered and disbursed in accordance with rules adopted by the commission.

SECTION 9. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

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

MADAM PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2487.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2487

Page 1, line 3, remove "and" and after "appropriation" insert "; and to declare an emergency"

Page 1, line 20, replace "\$100,000" with "\$51,400"

Page 2, line 2, replace "biennium" with "period" and replace "July 1, 1993," with "with the effective date of this Act"

Page 2, after line 3, insert:

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

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 165 - ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

HOUSE - This amendment reduces the appropriation for planning grants to counties and cities from \$100,000 of other funds to \$51,400 of other funds. The \$51,400 has not been included in Governor Schafer's projected June 30, 1993, state aid distribution fund balance to be transferred to the general fund and is the remaining balance of the \$250,000 appropriation made for this same program during the 1991 legislative session.

This amendment also adds an emergency clause and makes the appropriation effective from the effective date of this Act through June 30, 1995.

MOTION

SEN. MATHERN MOVED that Gena West, American Honey Queen, is in the chamber and that a committee of two be appointed to escort her to the rostrum, which motion prevailed.

THE PRESIDENT APPOINTED Sens. Kelsh and Bowman to escort Ms. West to the rostrum.

REQUEST

SEN. MATHERN REQUESTED that the remarks of Gena West be printed in the Journal, which motion prevailed.

REMARKS OF GENA WEST, AMERICAN HONEY QUEEN

Lieutenant Governor, Members of the Senate, and guests: It gives me great pleasure to address this body of the North Dakota legislature. Agriculture Day is an important occasion and I am proud to represent an industry so vital to this state and the nation.

My home state, Tennessee, hosts large numbers of hobbyist beekeepers and it is interesting to learn that so many commercial beekeepers make their living keeping bees here in the Flickertail State. It is a wonderful opportunity for me to be able to travel throughout this great land, from our beautiful Smoky Mountains to your tremendous plains. I hope I will be invited to return in the fall and see fields of golden grain and sunflowers. If I do return when the sunflowers are blooming, I am sure there will be beeyards in

these same areas, as both the beekeeper and the grower benefit from our essential pollinators.

Nationally the honeybee is responsible for 11 billion dollars worth of agricultural pollination annually and the basket you see in front of me represents the fruits, nuts, and vegetables that help feed the world's population.

Please join the North Dakota Honey Queen, Princess, and myself in the Great Hall where the North Dakota beekeepers will treat you to some of the delicious produce made possible because of a small and important insect, the honeybee.

MOTION

SEN. MATHERN MOVED that a committee of two be appointed to escort Gena West from the chambers, which motion prevailed.

THE PRESIDENT APPOINTED Sens. Kelsh and Bowman to escort Ms. West from the chambers.

CONSIDERATION OF AMENDMENTS

HB 1426: SEN. KELSH (Education Committee) MOVED that the amendments on SJ page 1052 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1476: SEN. SCHERBER (Education Committee) MOVED that the amendments on SJ pages 1053-1058 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a verification vote.

CONSIDERATION OF AMENDMENTS

HB 1026: SEN. SCHERBER (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 1047-1049 be adopted and then be placed on the Fourteenth order **WITHOUT RECOMMENDATION**, which motion prevailed on a verification vote.

MOTION

SEN. MATHERN MOVED that HB 1026 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Mathern's motion, HB 1026 was rereferred.

CONSIDERATION OF AMENDMENTS

HB 1234: SEN. EVANSON (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 1050 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1357: A BILL for an Act to amend and reenact section 26.1-25-04.1 of the North Dakota Century Code, relating to the discounts from certain motor vehicle insurance premiums.

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 45 YEAS, 1 NAY, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Heinrich

ABSENT AND NOT VOTING: Holmberg; Kinnoin; Tennefos

HB 1357 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1376: A BILL for an Act to amend and reenact section 40-55-01 of the North Dakota Century Code, relating to the power of a county commission to act on behalf of an unorganized township for a public recreation system.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; 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; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Holmberg; Kinnoin; Tennefos

HB 1376 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

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

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; 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; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Holmberg; Kinnoin; Tennefos

HB 1393 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1400: A BILL for an Act to create and enact a new chapter to title 54 of the North Dakota Century Code, relating to the establishment of a tourism department; to amend and reenact subdivision g of subsection 1 of section 6-09-15, subsection 3 of section 10-06-04.3, sections 24-02-37.1, 24-03-21, subdivision o of subsection 1 of section 28-32-01, section 37-03-14, paragraph 7 of subdivision a of subsection 2 of section 39-01-01, section 39-24-05, subsection 3 of section 39-24-08, sections 39-24-09.1, 39-24-11, 39-29-01.1, subsection 2 of section 39-29-05, subsection 3 of section 39-29-08, section 39-29-10, 39-29-12, sections 55-08-01.1, 55-08-01.2, 55-08-01.3, 55-08-02.1,

subsection 1 of section 55-08-03.1, sections 55-08-07, 55-08-07.1, 55-08-07.2, 55-08-08, 55-08-09, 55-08-10, 55-08-11, 55-08-12, 55-08-13, 55-08-14.1, 55-10-04, subsection 3 of section 55-11-02, section 57-02-08.7, subsection 6 of section 57-39.2-28, section 61-29-04, and subsection 1 of section 61-33-09 of the North Dakota Century Code, relating to the parks and tourism department and the allocation of powers and duties to the parks and recreation department or the tourism department; and to repeal sections 55-08-01.4, 55-08-01.5, and 55-08-01.6 of the North Dakota Century Code, relating to the tourism division of the parks and tourism department.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 27 YEAS, 18 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; DeMers; Dotzenrod; Evanson; Goetz; Graba; Jerome; Keller; Krauter; Lindaas; Lips; Mathern; Maxson; Mushik; Nalewaja; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Tallackson; Thane; Tomac; Traynor; Urlacher; Wogsland

NAYS: Bowman; Freborg; Grindberg; Heinrich; Kelly; Kelsh; Krebsbach; Lindgren; Marks; Mutch; Naaden; Nelson; Nething; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Yockim

ABSENT AND NOT VOTING: Holmberg; Kinnoin; Langley; Tennefos

HB 1400 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that HB 1429 and HB 1468 be moved to the bottom of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 5 YEAS, 40 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: DeMers; Kelly; Lindaas; Lips; Tallackson

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

ABSENT AND NOT VOTING: Holmberg; Kinnoin; Langley; Tennefos

HB 1450 lost.

SECOND READING OF HOUSE BILL

HB 1463: A BILL for an Act relating to job protection for employees who report illegal activities.

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 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; 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; Thane; Tomac; Traynor; Urlacher; Yockim

ABSENT AND NOT VOTING: Holmberg; Kinnoin; Tennefos; Wogsland

HB 1463 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1485: A BILL for an Act to amend and reenact sections 26.1-36-10 and 26.1-36-29 of the North Dakota Century Code, relating to coordination of accident and health insurance benefits.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; 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; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Holmberg; Kinnoin; Tennefos

HB 1485 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1491: A BILL for an Act to create and enact a new section to chapter 34-05, 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 determining an independent contractor's status and 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.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 30 YEAS, 15 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Evanson; Freborg; Goetz; Grindberg; Jerome; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mutch; Nalewaja; Nelson; Nething; Robinson; Sand; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Thane; Tomac; Traynor; Urlacher; Yockim

NAYS: DeMers; Dotzenrod; Graba; Heinrich; Keller; Kelly; Kelsh; Mathern; Maxson; Mushik; O'Connell; Redlin; Scherber; Schoenwald; Wogsland

ABSENT AND NOT VOTING: Holmberg; Kinnoin; Naaden; Tennefos

HB 1491 passed and the title was agreed to.

REQUEST

SEN. NAADEN REQUESTED that his vote show as "Yea" on HB 1491, which request was granted.

SECOND READING OF HOUSE BILL

HB 1497: A BILL for an Act to amend and reenact sections 44-04-18 and 44-04-18.4 of the North Dakota Century Code, relating to copying of open records and confidentiality of trade secrets and commercial and financial information.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; 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; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Holmberg; Kinnoin; Tennefos

HB 1497 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1504: A BILL for an Act relating to group health care coverage and small employer employee health insurance coverage; to create and enact three new sections to chapter 26.1-36 of the North Dakota Century Code, relating to copayments and deductibles, children's preventive health services, and loss ratios; to amend and reenact section 26.1-36-37.1 of the North Dakota Century Code, relating to a standard health insurance proof of loss form; and to repeal chapter 26.1-36.2 of the North Dakota Century Code, relating to small employer employee health insurance coverage.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; 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; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Holmberg; Kinnoin; Tennefos

HB 1504 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3048: A concurrent resolution directing the Legislative Council to study the bill introduction process and the process of drafting fiscal notes.

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

HCR 3048 was declared lost.

SECOND READING OF HOUSE BILL

HB 1019: A BILL for an Act making an appropriation for defraying the expenses of various state departments and institutions; and to declare an emergency.

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 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; 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; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Holmberg; Kinnoin; Langley; Tennesfos

HB 1019 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1023: A BILL for an Act to authorize the state to purchase oil put options; to provide an appropriation; and to provide an expiration date.

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 36 YEAS, 8 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Maxson; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Robinson; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Traynor; Wogsland; Yockim

NAYS: Heinrich; Mathern; Naaden; Redlin; Sand; Streibel; Tomac; Urlacher

ABSENT AND NOT VOTING: DeMers; Holmberg; Kinnoin; Langley; Tennesfos

HB 1023 passed and the title was agreed to.

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

MADAM PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1110, HB 1182, HB 1217, HB 1262, HB 1297, HB 1323, HB 1332, HB 1345, HB 1356, HB 1377, HB 1380, HB 1424, HCR 3013, HCR 3044.

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

MADAM PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1401, HB 1419, HB 1216, HB 1336, HB 1360, HB 1373.

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

MADAM PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2359: Reprs. Wardner; Klein; Goffe

SECOND READING OF HOUSE BILL

HB 1084: A BILL for an Act to limit the fraudulent transfer of assets to avoid medical creditors.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 6 YEAS, 39 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: DeMers; Graba; Heinrich; Mathern; Scherber; Stenehjem, B.

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

ABSENT AND NOT VOTING: Holmberg; Kinnoin; Tallackson; Tennefos

HB 1084 lost.

MOTION

SEN. MATHERN MOVED that the Senate stand in recess until 2:45 p.m., which motion prevailed.

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

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

MADAM PRESIDENT: The House has passed unchanged: SB 2086, SB 2199, SB 2226, SB 2351, SB 2396, SB 2475, SB 2482, SB 2492, SB 2498, SB 2528, SB 2536, SB 2537, SB 2538, SCR 4011, SCR 4014.

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

MADAM PRESIDENT: The House has amended and subsequently failed to pass: SB 2421, SB 2522.

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

MADAM PRESIDENT: The House has failed to pass: SB 2106, SB 2109, SCR 4034.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2015, SB 2018, SB 2020, SB 2116, SB 2245, SB 2295, SB 2361, SB 2418, SB 2441, SB 2448, SB 2490.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2015

Page 1, line 6, after "fund" insert "and the lands and minerals trust fund"

Page 1, line 11, replace "1,503,079" with "1,470,409"

Page 1, line 12, replace "54,044" with "48,640"

Page 1, after line 15, insert:

"Mineral leasing refunds 266,000"

Page 1, line 17, replace "7,411,847" with "7,639,773"

Page 2, after line 3, insert:

"SECTION 3. SPECIAL FUNDS. The amount of \$266,000, or so much of the amount as may be necessary, included in the mineral leasing refunds line item in section 1 of this Act may be spent from the lands and minerals trust fund by the commissioner of university and school lands for the purpose of refunding bonus and rental moneys received on oil and gas leases covering the Little Missouri riverbed for the biennium beginning July 1, 1993, and ending June 30, 1995."

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 226 - LAND DEPARTMENT

HOUSE - This amendment reduces the salaries and wages line item by \$32,670 from other funds to reflect Governor Schafer's salary increase recommendation.

In addition to the change made to reflect Governor Schafer's recommended appropriations, this amendment makes the following changes:

- Reduces the information services line item by \$5,404 from other funds, to reflect a 10 percent decrease.
- This amendment also provides \$266,000 from the lands and minerals trust fund to the Land Department for refunding bonus and rental moneys received on oil and gas leases covering the Little Missouri riverbed. The payments are needed to comply with a court ruling that stated that the state of North Dakota does not own the Little Missouri River and therefore should not have collected the moneys. The moneys were deposited into the lands and minerals trust fund when collected and therefore the refunds are coming out of that fund.

In total, this amendment increases the appropriation to the Land Department by \$227,926 from other funds.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2018

Page 1, line 13, replace "505,238" with "493,954"

Page 1, line 14, replace "7,160" with "6,444"

Page 1, line 17, replace "972,598" with "960,598"

Page 1, line 18, replace "401,946" with "400,253"

Page 1, line 19, replace "appropriations" with "appropriation" and replace "570,652" with "560,345"

Page 2, line 1, replace "1,892,863" with "1,853,935"

Page 2, line 2, replace "50,425" with "45,383"

Page 2, line 6, replace "4,065,822" with "4,021,852"

Page 2, line 7, replace "1,456,678" with "1,452,273"

Page 2, line 8, replace "2,609,144" with "2,569,579"

Page 2, line 11, replace "5,724,563" with "5,604,774"
Page 2, line 12, replace "69,648" with "62,683"
Page 2, line 17, replace "7,655,212" with "7,528,458"
Page 2, line 18, replace "2,051,058" with "2,033,090"
Page 2, line 19, replace "5,604,154" with "5,495,368"
Page 2, line 22, replace "13,058,831" with "12,784,512"
Page 2, line 23, replace "99,813" with "89,832"
Page 2, line 28, replace "20,212,725" with "19,928,425"
Page 2, line 29, replace "3,633,052" with "3,591,904"
Page 3, line 1, replace "16,579,673" with "16,336,521"
Page 3, line 4, replace "1,949,044" with "1,907,073"
Page 3, line 5, replace "30,000" with "27,000"
Page 3, line 8, replace "6,730,953" with "6,685,982"
Page 3, line 11, replace "3,374,424" with "3,305,093"
Page 3, line 12, replace "55,348" with "49,813"
Page 3, line 16, replace "5,493,540" with "5,418,674"
Page 3, line 17, replace "1,850,759" with "1,849,177"
Page 3, line 18, replace "3,642,781" with "3,569,497"
Page 3, line 19, replace "29,006,404" with "28,531,310"
Page 3, line 20, replace "16,124,446" with "16,012,679"
Page 3, line 21, replace "45,130,850" with "44,543,989"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 531 - CORRECTIONS CENTRAL OFFICE

HOUSE - The salaries and wages line item is decreased by \$11,284, of which \$9,591 is from the general fund and \$1,693 from other funds to reflect Governor Schafer's salary increase recommendation.

The information services line item is reduced by \$716 from the general fund for a 10 percent reduction.

DEPARTMENT 532 - COMMUNITY SERVICES

HOUSE - The salaries and wages line item is decreased by \$38,928, of which \$35,035 is from the general fund and \$3,893 from other funds to reflect Governor Schafer's salary increase recommendation.

The information services line item is reduced by \$5,042 (10 percent), of which \$4,530 is from the general fund and \$512 from other funds.

DEPARTMENT 533 - INDUSTRIAL SCHOOL

HOUSE - The salaries and wages line item is decreased by \$119,789, of which \$101,821 is from the general fund and \$17,968 from other funds to reflect Governor Schafer's salary increase recommendation.

The information services line item is reduced by \$6,965 (10 percent) from the general fund.

DEPARTMENT 534 - STATE PENITENTIARY

HOUSE - The salaries and wages line item is decreased by \$274,319, of which \$233,171 is from the general fund and \$41,148 is from other funds to reflect Governor Schafer's salary increase recommendation.

The information services line item is reduced by \$9,981 (10 percent) from the general fund.

DEPARTMENT 535 - ROUGHRIDER INDUSTRIES

HOUSE - The salaries and wages line item is decreased by \$41,971 from other funds to reflect Governor Schafer's salary increase recommendation.

The information services line item is decreased by \$3,000 (10 percent) from other funds.

DEPARTMENT 536 - PAROLE AND PROBATION

HOUSE - The salaries and wages line item is decreased by \$69,331 from the general fund to reflect Governor Schafer's salary increase recommendation.

The information services line item is decreased by \$5,535 (10 percent) of which \$3,953 is from the general fund and \$1,582 from other funds.

The total amendments to the bill reduce the general fund appropriation by \$475,094, other funds by \$111,767, and the total appropriations by \$586,861.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2020

Page 1, line 11, replace "519,676" with "507,942"

Page 1, line 12, replace "19,000" with "17,100"

Page 1, line 15, replace "622,037" with "608,403"

Page 1, line 16, replace "391,093" with "359,219"

Page 1, line 17, replace "230,944" with "249,184"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 140 - OFFICE OF ADMINISTRATIVE HEARINGS

HOUSE - The salaries and wages line item is decreased by \$11,734, of which \$1,760 is from the general fund to reflect Governor Schafer's salary increase recommendation.

The information services line item is decreased by \$1,900 (10 percent) from other funds.

In addition, estimated income is reduced by \$20,000 and the general fund increased by \$20,000 to reflect the Insurance Department (\$5,000) and the Department of Banking and Financial Institutions (\$15,000) funded from the general fund.

In total, the amendments to the bill increase the general fund appropriation by \$18,240, other funds are decreased by \$31,874, and the total appropriation is reduced by \$13,634.

HOUSE AMENDMENTS TO SENATE BILL NO. 2116

Page 1, line 21, remove the overstrike over "~~child's life or safety requires it~~" and insert immediately thereafter "or the"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2245

Page 1, line 4, replace "an" with "a continuing"

Page 6, line 10, remove "North Dakota stockmen's"

Page 6, line 11, remove "association, and approved by the" and after "health" insert ", upon the recommendation of the North Dakota stockmen's association, and may not exceed fifteen dollars"

Page 7, line 21, after the period insert "Performance bond -"

Page 7, line 22, after "agriculture" insert "- Continuing appropriation - Discrimination prohibited" and after "All" insert "The North Dakota stockmen's association shall file with the secretary of state a performance bond in the amount of forty thousand dollars, payable to the state of North Dakota and conditioned upon the faithful performance of the requirements of this chapter."

Page 7, line 25, replace "and may be spent only pursuant to legislative appropriations" with ". The fees deposited under this chapter and section 36-22-03 are appropriated as a continuing appropriation to the North Dakota stockmen's association. The North Dakota stockmen's association may not discriminate between or among members of the association and persons who are not members of the association with respect to fees, recordings, complaints, requests for assistance, and any other services to be provided under this chapter."

Page 7, remove lines 26 through 28

Page 8, remove lines 1 and 2

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2295

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

Page 1, replace lines 6 through 13 with:

1. "Cooperative agreement" means an agreement among two or more health care providers or third-party payers for the sharing, allocation, or referral of patients, personnel, instructional programs, support services and facilities, or medical, diagnostic, or laboratory facilities or procedures or other services traditionally offered by health care providers.
2. "Department" means the department of health and consolidated laboratories."

Page 2, replace lines 1 through 12 with:

5. "Third-party payer" means any insurer or other entity responsible for providing payment for health care services, including the workers compensation bureau, the comprehensive

health association of North Dakota, and any self-insured entity.

SECTION 2. Application for cooperative agreements - Departmental review. A health care provider may negotiate a cooperative agreement with another health care provider or third-party payer if the likely benefits resulting from the agreement outweigh the disadvantages attributable to a reduction in competition that may result from the agreement. The parties to a cooperative agreement may apply to the department for a certificate of public advantage governing the agreement. The application must include an executed copy of the cooperative agreement and must describe the nature and scope of the cooperation in the agreement and any consideration passing to any party under the agreement. The applicants shall file a copy of the application and related materials with the attorney general and the department. The department shall review the application and shall hold a public hearing on the application. The department shall grant or deny the application within ninety days of the date of filing of the application. The decision must be in writing and must set forth the basis for the decision. The department shall furnish a copy of the decision to the applicants, the attorney general, and any intervenor."

Page 2, line 13, remove "cooperative agreement approved under this Act."

Page 2, line 14, after "representatives" insert "of a health care provider or third-party payer"

Page 2, replace lines 18 through 29 with:

"SECTION 3. Standards for certification. The department shall issue a certificate of public advantage for cooperative agreement if the department determines that the applicants have demonstrated by clear and convincing evidence that the likely benefits to health care consumers resulting from the agreement outweigh any disadvantages attributable to a reduction in competition that may result from the agreement. The department shall consult with the attorney general regarding its evaluation of any potential reduction in competition resulting from a cooperative agreement.

1. In evaluating the potential benefits of a cooperative agreement to health care consumers, the department shall consider whether any of the following benefits may result from the cooperative agreement:
 - a. Enhancement of the quality of health care services provided to residents of this state;
 - b. Preservation of health care facilities in geographical proximity to the communities traditionally served by those facilities;
 - c. Gains in the cost efficiency of services provided by the parties involved;
 - d. Improvements in the utilization of health care resources and equipment; and
 - e. Avoidance of duplication of health care resources.
2. The department's evaluation of any disadvantages attributable to any reduction in competition likely to result from the agreement may include the following factors:
 - a. The extent of any likely adverse impact on the bargaining power of health maintenance organizations, preferred

- provider organizations, managed health care service agents, or other health care payers in negotiating payment and service arrangements with hospitals, physicians, allied health care professionals, or other health care providers;
- b. The extent of any reduction in competition among physicians, allied health professionals, other health care providers, or persons furnishing goods or services to or in competition with providers or third-party payers that is likely to result directly or indirectly from the cooperative agreement;
 - c. The extent of any likely adverse impact on patients in the quality, availability, and price of health care services; and
 - d. The availability of arrangements that are less restrictive to competition and achieve the same benefits or a more favorable balance of benefits to health care consumers over disadvantages attributable to any reduction in competition likely to result from the agreement.

SECTION 4. Certificate termination. The department may, after notice and hearing, terminate a certificate of public advantage if the department determines that:

1. The likely or actual benefits to health care consumers that result from a certified agreement no longer outweigh the disadvantages attributable to a potential reduction in competition resulting from the agreement; or
2. Performance by the parties under the certified agreement does not conform to the representations made by the parties in the application or to the provisions of any conditions attached to the certificate of public advantage by the department at the time the application was granted.

SECTION 5. Records. The department shall maintain all cooperative agreements for which the certificates of public advantage remain in effect. Any party to a cooperative agreement who terminates the agreement shall file a notice of termination with the department within thirty days after termination.

SECTION 6. Investigation by attorney general. The attorney general, at any time after an application is filed under section 2 of this Act, may require by subpoena the attendance and testimony of witnesses and the production of documents in the county in which the applicants are located for the purpose of investigating whether the cooperative agreement satisfies the standards set forth in section 3 of this Act. The attorney general may seek an order from the district court compelling compliance with a subpoena issued under this section.

SECTION 7. Cooperative agreement enjoined - Automatic stay - Standards for adjudication. The attorney general may seek to enjoin the operation of a cooperative agreement for which an application for certificate of public advantage has been filed by filing suit against the parties to the cooperative agreement in district court. The attorney general may file an action before or after the department acts on the application for a certificate, but the action must be brought no later than forty days following the department's approval of an application for certificate of public advantage. Upon the filing of the complaint, the department's certification, if previously issued, must be stayed and the cooperative agreement is of no further force

unless the court orders otherwise or until the action is concluded. The attorney general may apply to the court for ancillary temporary or preliminary relief necessary to stay the cooperative agreement pending final disposition of the case. In any action, the applicants for a certificate bear the burden of establishing by clear and convincing evidence that the likely benefits to health care consumers which result from the cooperative agreement outweigh any disadvantages attributable to a reduction in competition that may result from the agreement. The court shall review whether the agreement constitutes an unreasonable restraint of trade under state or federal law in assessing disadvantages attributable to a reduction in competition likely to result from the agreement.

SECTION 8. Cancellation of a certificate of public advantage.

If, at any time following the forty-day period specified in section 7 of this Act, the attorney general determines that, as a result of changed circumstances, the benefits to health care consumers which result from a certified agreement no longer outweigh the disadvantages attributable to a reduction in competition resulting from the agreement, the attorney general may file suit in district court seeking to cancel the certificate of public advantage. In an action brought under this section, the attorney general has the burden of establishing by a preponderance of the evidence that, as a result of changed circumstances, the benefits to health care consumers which result from the agreement and the unavoidable costs of canceling the agreement are outweighed by disadvantages attributable to a reduction in competition resulting from the agreement. If the attorney general first establishes by a preponderance of the evidence that the department's certification was obtained as a result of material misrepresentation to the department or the attorney general as the result of coercion, threats, or intimidation toward any party to the cooperative agreement, the parties to the agreement bear the burden of establishing by clear and convincing evidence that the benefits to health care consumers which result from the agreement and the unavoidable costs of canceling the agreement are outweighed by disadvantages attributable to any reduction in competition resulting from the agreement.

SECTION 9. Resolution by consent decree - Attorney fees.

The district court may resolve any action brought by the attorney general under section 7 or 8 of this Act by entering an order that, with the consent of the parties, modifies the cooperative agreement. Upon the entry of the order, the parties to the cooperative agreement have the protection specified in section 10 of this Act and the cooperative agreement has the effectiveness specified in section 10 of this Act. If the attorney general prevails in an action under section 6, 7, or 8 of this Act, the attorney general is entitled to an award of the reasonable costs of the investigation or litigation and reasonable attorney fees, expert witness fees, and court costs incurred in litigation.

SECTION 10. Effective certification - Validity - Application.

A cooperative agreement for which a certificate of public advantage has been issued is a lawful agreement. If the parties to a cooperative agreement file an application for a certificate of public advantage governing the agreement with the department, the conduct of the parties in negotiating a cooperative agreement is lawful conduct. This section does not immunize any person for conduct in negotiating a cooperative agreement for which an application for a certificate of public advantage is not filed. If the department or the district court determines that the applicants have not established by clear and convincing evidence that the likely benefits to health care consumers which result from a cooperative agreement outweigh any disadvantage attributable to a potential reduction in competition resulting from the agreement, the agreement is invalid and has no force or effect. This section does not exempt hospitals or other health care providers from

compliance with laws governing hospital cost reimbursement. This Act does not apply to any agreement among hospitals by which ownership or control over substantially all of the stock, assets, or activities of one or more previously licensed and operating hospitals is placed under the control of another licensed hospital or hospitals. Notwithstanding any provisions to the contrary, any improvements, construction, expansion, or acquisition of health care equipment or services approved as a condition of a cooperative agreement is not subject to laws governing certificate of need.

SECTION 11. Assessment to fund cooperative agreement evaluation process. The department shall establish an assessment to be paid by each party to a cooperative agreement. The aggregate amount of the assessment for a cooperative agreement may not exceed forty thousand dollars. The parties shall pay the assessment to the department when the application for the cooperative agreement is submitted to the department. The department shall deposit the assessment in the general fund of the state treasury.

SECTION 12. EXPIRATION DATE. This Act is effective through June 30, 1995, and after that date is ineffective. Any agreements allowed by this Act, entered into prior to June 30, 1995, are not affected by the expiration of this Act."

Page 3, remove lines 1 through 27

Page 4, remove lines 1 through 28

Page 5, remove lines 1 through 28

Page 6, remove lines 1 through 5

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2361

Page 1, line 1, after "sections" insert "15-47-06,"

Page 1, after line 7, insert:

"**SECTION 1. AMENDMENT.** Section 15-47-06 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-47-06. Election procedure in all school districts - Canvass of boards - Tie vote - Absent voters - Recounts. An election in a public school district, except as otherwise provided in this title, must be conducted and the votes must be canvassed in the manner provided by the laws of this state for the election of county officers. Immediately after the polls are closed, the judges shall count and canvass the votes for each office and within ~~twenty-four~~ forty-eight hours after the polls are closed, the returns must be signed by the judges and clerks of the election and filed with the business manager of the school district. If the election results in a tie, the business manager of the district immediately, and in writing, shall notify the candidates between whom the tie exists, and within three days after the election, and at a time agreed upon by the candidates, the election must be decided in the presence of the judges and clerks of election in a manner agreed upon by the candidates. A record of the proceedings must be made in the records of the business manager of the district. The school board shall canvass all election returns and shall declare the result of any election within three days of the election, and in the case of a tie, within three days of the breaking of the tie pursuant to this section. The result of the election must be entered upon the records of the board. The person receiving the highest number of votes for each office in the district must be declared elected. Absent voters' ballots must be available in any school district

election in accordance with chapter 16.1-07. Section 16.1-16-01 applies to public school district elections, except the members of the school board not subject to a recount and not disqualified under subdivision c of subsection 2 of section 16.1-05-02 shall perform the duties of the recount board, the school district business manager shall perform the duties of the county auditor, the school board takes the place of the county canvassing board, and all expenses of the recount must be paid as provided in section 15-28-10."

Page 2, line 9, after the first "the" insert "auditor shall appoint an individual to fill the", remove "must", and overstrike "be filled for that election by the"

Page 2, line 10, overstrike "auditor.", remove "Before" and overstrike "the next election, the appropriate"

Page 2, overstrike line 11

Page 2, line 12, overstrike "the remainder of the term"

Page 2, line 16, remove the overstrike over "~~are the precinct committeemen~~"

Page 2, remove the overstrike over lines 17 through 20

Page 2, line 21, remove the overstrike over "~~does not wish to serve as an election judge, the~~", after "committeeman" insert "district party chairman for that committeeman's party", and remove the overstrike over "shall"

Page 2, remove the overstrike over line 22

Page 2, line 23, remove the overstrike over "~~committeeman's party to serve as election judge.~~"

Page 2, line 24, overstrike "must be"

Page 2, line 25, remove "appointed", overstrike "by the district party", and remove "chairmen representing the"

Page 2, remove lines 26 and 27

Page 2, line 28, remove "a governor was elected" and overstrike the period

Page 5, line 10, remove the overstrike over "~~A person serving as a member of the election board shall, prior to~~"

Page 5, remove the overstrike over lines 11 through 14

Page 5, line 15, remove the overstrike over "5."

Page 6, line 12, overstrike "Not more than twenty days", after "at" insert "At", and remove the overstrike over "~~least three days~~"

Page 6, line 13, overstrike the first comma and insert immediately thereafter "and" and overstrike ", or special statewide or legislative district"

Page 6, line 17, after "county" insert "and may conduct training sessions at least three days before any special statewide or legislative district election"

Page 7, line 9, replace "one" with "two" and replace "session" with "sessions"

Page 7, line 10, replace "After" with "If"

Page 7, line 11, after "session" insert "within the six months preceding an election"

Page 7, line 13, replace "any" with "that"

Page 7, line 14, replace "subsequent elections" with "election"

Page 14, line 20, after "d." insert "The applicant's current home telephone number."

e."

Page 14, line 21, replace "e." with "f."

Page 14, line 23, replace "f." with "g."

Page 14, after line 23, insert:

"h. An affirmation that the applicant has resided in the precinct for at least thirty days."

Page 14, line 24, replace "g." with "i."

Page 17, line 18, overstrike "twenty-four" and insert immediately thereafter "forty-eight"

Page 17, line 21, after "~~four~~" insert "before five", remove the overstrike over "~~p.m.~~", and remove "before the normal"

Page 17, line 22, remove "closing time of that office"

Page 22, line 26, overstrike "county judge or"

Page 22, line 27, overstrike "magistrate" and insert immediately thereafter "clerk of the district court"

Page 23, line 19, overstrike "county judge or to the"

Page 23, line 20, overstrike "magistrate for the county appointed and assigned under section 27-07.1-07" and insert immediately thereafter "clerk of the district court"

Page 23, line 27, overstrike "district judge or"

Page 23, line 28, overstrike "magistrate" and insert immediately thereafter "clerk of the district court"

Page 24, line 20, overstrike "a district judge serving the"

Page 24, overstrike line 21

Page 24, line 22, overstrike "district" and insert immediately thereafter "the clerk of the district court"

Page 24, line 27, replace "19" with "20"

Page 24, line 28, replace "20" with "21"

Page 25, line 1, replace "20" with "21"

Renumber accordingly

- Page 1, line 6, after "board" insert ", and the duties of the administrator's professional practices board"
- Page 4, line 6, after "board" insert "and the administrator's professional practices board"
- Page 4, line 8, after "board" insert "or the administrator's professional practices board in the case of a school administrator" and after "teacher" insert "or administrator"
- Page 4, line 14, after "board" insert "or the administrator's professional practices board in the case of a school administrator" and after "teacher's" insert "or administrator's"
- Page 4, line 26, after "board" insert "or the administrator's professional practices board in the case of a school administrator"
- Page 4, line 27, after "teacher" insert "or administrator"
- Page 4, line 28, after "board" insert "or the administrator's professional practices board"
- Page 5, line 18, after "board" insert "or the administrator's professional practices board in the case of a school administrator"
- Page 6, line 2, after "board" insert "or the administrator's professional practices board"
- Page 6, line 3, after "~~superintendent~~" insert "appropriate"
- Page 6, line 10, after "board" insert "or the administrator's professional practices board"
- Page 6, line 14, after "~~superintendent~~" insert "appropriate"
- Page 6, line 18, after "teacher" insert "or administrator"
- Page 6, line 19, after "~~instruction~~" insert "appropriate", after "teacher" insert "or administrator", and after the second comma insert "that"
- Page 6, line 21, after "teacher" insert "or administrator"
- Page 6, line 25, after "board" insert "and administrator's professional practices board"
- Page 6, line 27, remove the overstrike over "~~four~~" and remove "five"
- Page 6, line 28, after "~~two~~" insert "one classroom teacher from a private school."
- Page 7, line 2, after the underscored period insert "The administrator's professional practices board consists of five members from the education standards and practices board. The administrator's professional practices board includes the two school administrators who are members of the education standards and practices board, the one school board member who is a member of the education standards and practices board, and two teacher members who are members of and are selected by the education standards and practices board."
- Page 7, line 3, overstrike "commission" and insert immediately thereafter "education standards and practices board and the administrator's professional practices board"
- Page 7, line 9, overstrike "the" and after "~~commission~~" insert "either"

- Page 7, line 10, after the first "the" insert "education standards and practices"
- Page 7, line 12, replace the first "the" with "either"
- Page 7, line 21, after "~~commission~~" insert "education standards and practices board and the administrator's professional practices" and after "shall" insert "each"
- Page 7, line 24, overstrike the second "shall" and insert immediately thereafter "of either board must"
- Page 7, line 26, overstrike "the" and after "~~commission~~" insert "either"
- Page 7, line 28, overstrike "the" and after "It" insert "either"
- Page 7, line 29, replace "The" with "Each"
- Page 8, line 3, overstrike "the" and after "~~commission~~" insert "each"
- Page 8, line 4, after "~~commission~~" insert "appropriate"
- Page 8, line 6, overstrike the second "the" and after "~~commission~~" insert "either"
- Page 8, line 8, after "~~commission~~" insert "appropriate"
- Page 9, line 20, after "teachers" insert "and school administrators" and after "~~commission~~" insert "education standards and practices board or the administrator's professional practices"
- Page 9, line 22, after "teaching" insert "or administration"
- Page 9, line 26, after "the" insert "appropriate"
- Page 10, line 1, after the third "the" insert "appropriate" and replace the fourth "the" with "that"
- Page 10, line 2, after "teacher" insert "or administrator"
- Page 10, line 4, after the first "teacher" insert "or administrator", after the second "teacher" insert "or administrator", and after the third "the" insert "appropriate"
- Page 10, line 6, after "teacher" insert "or administrator" and after the second "the" insert "appropriate"
- Page 10, line 7, after the second "the" insert "appropriate"
- Page 10, line 9, after "teacher" insert "or administrator" and after the second "the" insert "appropriate"
- Page 10, line 28, after "teacher" insert "or administrator"
- Page 10, line 29, after "board" insert "or the administrator's professional practices board"
- Page 11, line 2, after "teacher" insert "or administrator"
- Page 11, line 3, after "teaching" insert "or administration"
- Page 11, line 7, after "teacher" insert "or administrator"
- Page 11, line 10, after "board" insert "or the administrator's professional practices board"

Page 11, line 11, after "teacher" insert "or administrator"

Page 11, line 14, after "board" insert "or the administrator's professional practices board"

Page 12, line 13, remove the overstrike over "The", after "~~commission~~" insert "education standards and practices board and the administrator's professional practices board", and remove the overstrike over the overstruck period

Page 12, line 14, remove the overstrike over "~~k-~~"

Page 12, line 15, remove the overstrike over "~~l-~~" and remove "k."

Page 12, line 16, remove the overstrike over "~~m-~~" and remove "l."

Page 12, line 17, remove the overstrike over "~~n-~~" and remove "m."

Page 12, line 18, remove the overstrike over "~~o-~~" and remove "n."

Page 12, line 19, remove the overstrike over "~~p-~~" and remove "o."

Page 12, line 20, remove the overstrike over "~~q-~~" and remove "p."

Page 12, line 21, remove the overstrike over "~~r-~~" and remove "q."

Page 12, line 22, remove the overstrike over "~~s-~~" and remove "r."

Page 12, line 23, remove the overstrike over "~~t-~~" and remove "s."

Page 12, line 24, remove the overstrike over "~~u-~~" and remove "t."

Page 12, line 25, remove the overstrike over "~~v-~~" and remove "u."

Page 12, line 26, remove the overstrike over "~~w-~~" and remove "v."

Re-number accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2441

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 at~~", after "and" insert "12:01 a.m.", remove the overstrike over "~~on the day~~", after "day" insert "after the date", and remove the overstrike over "~~stated on the~~"

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

Re-number accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2448

Page 1, line 8, after the semicolon insert "and"

Page 1, line 9, remove "; and to provide an appropriation"

Page 2, remove lines 22 through 26

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 127 - TAX COMMISSIONER

HOUSE - This amendment removes the \$234,000 general fund appropriation provided to implement the electronic fund transfer system of collecting certain taxes due.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2490

Page 1, line 1, replace "section" with "sections" and after "15-40.2-09" insert "and 15-40.2-10"

Page 2, line 19, overstrike "pupil's" and insert immediately thereafter "student's"

Page 2, line 20, overstrike "pupil's" and insert immediately thereafter "student's"

Page 2, line 24, overstrike "pupil" and insert immediately thereafter "student"

Page 2, line 25, overstrike "pupils" and insert immediately thereafter "students"

Page 2, after line 25, insert:

"SECTION 2. AMENDMENT. Section 15-40.2-10 of the North Dakota Century Code is amended and reenacted as follows:

15-40.2-10. Reciprocal master agreements for ~~pupil~~ student attendance in other states. The superintendent of public instruction shall enter into reciprocal master agreements with the appropriate state educational agencies or officers of bordering states in regard to the cost of educating elementary and high school ~~pupils~~ students in the public schools or institutions in ~~such~~ bordering states. ~~Such~~ The reciprocal agreements shall provide for payment on a ~~per-pupil per student~~ basis from the state foundation aid program for ~~pupils~~ students from this state attending schools in bordering states in a sum equal to payments received by the district of the ~~pupil's~~ student's residence from the state foundation aid program. The superintendent of public instruction, by certificate to the office of management and budget shall authorize payments from the appropriation for state payments to school districts pursuant to chapter 15-40.1 for the attendance of ~~pupils~~ students in bordering states, and the office of management and budget, within the limits of legislative appropriations, shall make ~~such~~ the payments. The balance of the tuition payment by the ~~pupil's student's~~ district of residence shall not exceed the ~~amount established by reciprocal agreement average per student cost of education in the student's district of residence less the amount paid from the state foundation aid program to the school district or institution in the bordering state.~~

Re-number accordingly

SECOND READING OF HOUSE BILL

HB 1091: A BILL for an Act to amend and reenact section 36-15-21 of the North Dakota Century Code, relating to calfhood vaccination against brucellosis; to repeal section 36-14-02 of the North Dakota Century Code, relating to the killing of an infected animal for human consumption; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 36 YEAS, 9 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Kelsh; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Mathern; Maxson; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Sand; Scherber; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Thane; Tomac; Traynor; Urlacher; Yockim

NAYS: Dotzenrod; Keller; Kelly; Langley; Marks; Mushik; Robinson; Schoenwald; Wogsland

ABSENT AND NOT VOTING: Holmberg; Kinnoin; Tallackson; Tennefos

HB 1091 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1138: A BILL for an Act to amend and reenact section 65-02-20 of the North Dakota Century Code, relating to the workers compensation bureau managed care program; and to provide for application of this Act.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; 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; Thane; Tomac; Traynor; Urlacher; Yockim

ABSENT AND NOT VOTING: Holmberg; Kinnoin; Tallackson; Tennefos; Wogsland

HB 1138 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1163: A BILL for an Act to amend and reenact section 65-02-08 of the North Dakota Century Code, relating to workers compensation bureau rulemaking power and payment of attorneys' fees; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 1 NAY, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; 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; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: Maxson

ABSENT AND NOT VOTING: Holmberg; Kinnoin; Tallackson; Tennefos

HB 1163 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1165: A BILL for an Act to amend and reenact subsections 4 and 7 of section 65-01-14 of the North Dakota Century Code, relating to workers' compensation informal decisions; and to provide an effective date.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; 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; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Holmberg; Kinnoin; Tallackson; Tennefos

HB 1165 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that HB 1180 and HB 1326 be placed at the bottom of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1208: A BILL for an Act to repeal chapter 54-27.2 of the North Dakota Century Code, relating to the budget stabilization fund; and to provide for a transfer.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 30 YEAS, 15 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: DeMers; Dotzenrod; Evanson; Graba; Heinrich; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Langley; Lindaas; Lips; Mathern; Maxson; Mushik; Naaden; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Stenehjem, W.; Thane; Traynor; Urlacher; Wogsland; Yockim

NAYS: Andrist; Bowman; Freborg; Goetz; Grindberg; Lindgren; Marks; Mutch; Nalewaja; Nelson; Nething; Solberg; Stenehjem, B.; Streibel; Tomac

ABSENT AND NOT VOTING: Holmberg; Kinnoin; Tallackson; Tennefos

HB 1208 passed and the title was agreed to.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for his filing at the hour of 3:09 p.m., March 19, 1993: SCR 4001, SCR 4010, SCR 4012, SCR 4021, SCR 4028, SCR 4030, SCR 4032, and SCR 4035.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 3:09 p.m., March 19, 1993: SB 2030, SB 2115, SB 2154, SB 2185, SB 2186, SB 2345, and SB 2411.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 3:09 p.m., March 19, 1993: SB 2187, SB 2215, SB 2242, SB 2253,

SB 2257, SB 2273, SB 2284, SB 2324, SB 2341, SB 2357, SB 2388, SB 2414, SB 2437, SB 2438, SB 2446, SB 2461, SB 2464, and SB 2469.

SECOND READING OF HOUSE BILL

HB 1349: A BILL for an Act to amend and reenact section 29-04-03.1 of the North Dakota Century Code, relating to the limitation of time within which a prosecution for a sexual abuse crime involving a minor victim must be commenced.

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 34 YEAS, 11 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Kelly; Kelsh; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Mathern; Mushik; Naaden; Nalewaja; Nelson; O'Connell; Redlin; Robinson; Sand; Scherber; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Urlacher; Wogsland; Yockim

NAYS: Dotzenrod; Keller; Langley; Marks; Maxson; Mutch; Nothing; Schoenwald; Thane; Tomac; Traynor

ABSENT AND NOT VOTING: Holmberg; Kinnoin; Tallackson; Tennefos

HB 1349 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that HB 1366 be placed at the bottom of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1374: A BILL for an Act to amend and reenact section 10-06-04.3 of the North Dakota Century Code or in the alternative to amend and reenact section 10-06.1-10 of the North Dakota Century Code as created in section 2 of Senate Bill No. 2223, as approved by the fifty-third legislative assembly, relating to acquisition of farmland or ranchland by nonprofit organizations.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 1 NAY, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nothing; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: O'Connell

ABSENT AND NOT VOTING: Holmberg; Kinnoin; Tallackson; Tennefos

HB 1374 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

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

ROLL CALL

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

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

ABSENT AND NOT VOTING: Holmberg; Kinnoin; Redlin; Tallackson; Tennefos

HB 1394 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1436: A BILL for an Act to create and enact a new section to chapter 34-07 of the North Dakota Century Code, relating to exemption of newspaper carriers and shopper carriers from North Dakota child labor laws; to amend and reenact sections 34-07-01, 34-07-02, 34-07-03, 34-07-05, 34-07-06, 34-07-11, 34-07-12, 34-07-14, 34-07-15, 34-07-16, 34-07-17, 34-07-18, 34-07-19, and 34-07-20 of the North Dakota Century Code, relating to who may employ youth under the age of fourteen in the state, who may issue certificates to minors who wish to work, the limitations on the hours a minor fourteen or fifteen years of age may work, and hazardous occupations in which minors may not be employed; and to repeal sections 34-07-07, 34-07-08, 34-07-10, and 34-07-13 of the North Dakota Century Code, relating to employment certificates for minors.

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 34 YEAS, 10 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Mushik; Naaden; Nalewaja; Nelson; Nething; Robinson; Sand; Scherber; Schoenwald; Stenehjem, B.; Stenehjem, W.; Traynor; Wogsland; Yockim

NAYS: Andrist; Marks; Maxson; Mutch; O'Connell; Solberg; Streibel; Thane; Tomac; Urlacher

ABSENT AND NOT VOTING: Holmberg; Kinnoin; Redlin; Tallackson; Tennefos

HB 1436 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1474: A BILL for an Act to amend and reenact section 15-29-10 of the North Dakota Century Code, relating to school district records and complaints against school district employees.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 30 YEAS, 13 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Krebsbach; Langley; Lindaas;

Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nalewaja; Nething;
O'Connell; Robinson; Scherber; Schoenwald; Traynor; Wogsland; Yockim

NAYS: Andrist; Bowman; Krauter; Lindgren; Naaden; Nelson; Solberg;
Stenehjem, B.; Stenehjem, W.; Streibel; Thane; Tomac; Urlacher

ABSENT AND NOT VOTING: Holmberg; Kinnoin; Redlin; Sand; Tallackson; Tennefos

HB 1474 passed and the title was agreed to.

REQUEST

SEN. SCHERBER REQUESTED that her remarks be printed in the Journal, which request was granted.

Madam President and Members of the Senate: HB 1475 is a bill in search of a problem. HB 1475 prohibits an employee or agent of a public school district from referring a student for the purpose of obtaining an abortion. It also prohibits a school employee from distributing birth control devices to a student.

Testimony heard by the committee did not cite any specific programs in any school district in our state which supported abortion referrals or condom distribution.

One of the sponsors stated the schools are being made responsible for too many nonacademic activities and abortion referral and birth control device distribution were two things that schools should not be involved in. I agree, but he could not cite any school in which abortion referral or distribution of birth control devices was actually a practice program or policy.

Another of the sponsors expressed serious concern for adolescent sexuality and the problem of aids. He explained condom failure rates and the risks of sexually transmitted diseases. He emphasized the need for abstinence before marriage. He stated adolescents need the truth.

I am not in favor of my school district adopting a policy encouraging abortion referrals by school district employees.

I am not in favor of my school district adopting a program whereby school personnel distribute birth control devices.

But, I am not in favor of passing HB 1475, a bill prohibiting practices which were not shown to be occurring in the school districts of our state. Furthermore, I believe that this policy prohibition can occur at the local level by the elected board in any school district if it is needed.

Adolescents will get alot more truth if all of us have an opportunity to support education in the facts and values of human sexuality by ourselves as parents and grandparents, our schools, and our churches.

This bill proposes a quick fix solution - a feel good solution. We can ban abortion referrals and birth control device distribution - of which no situations were brought to the committee's attention. Or, we can defeat this bill and continue to support education in the facts and values of human sexuality that our teenagers and our society at large so desperately need.

Your Education Committee recommends a do not pass and hopes the Senate will concur.

SECOND READING OF HOUSE BILL

HB 1475: A BILL for an Act relating to abortion referrals and the distribution of birth control devices.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 25 YEAS, 19 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Dotzenrod; Freborg; Goetz; Kelsh; Krauter; Lindaas; Lips; Marks; Mathern; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Solberg; Stenehjem, B.; Streibel; Thane; Tomac; Traynor; Urlacher; Wogsland

NAYS: DeMers; Evanson; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Krebsbach; Langley; Lindgren; Maxson; Mushik; Robinson; Sand; Scherber; Schoenwald; Stenehjem, W.; Yockim

ABSENT AND NOT VOTING: Holmberg; Kinnoin; Redlin; Tallackson; Tennefos

HB 1475 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that HB 1490 be placed at the bottom of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1498: A BILL for an Act to amend and reenact sections 15-40.1-16 and 15-40.1-18 of the North Dakota Century Code, relating to school district payments for transportation aid.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Holmberg; Kinnoin; Redlin; Tallackson; Tennefos

HB 1498 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that the vote by which HB 1019, HB 1023, HB 1091, HB 1138, HB 1163, HB 1165, HB 1208, HB 1349, HB 1357, HB 1374, HB 1376, HB 1393, HB 1394, HB 1400, HB 1436, HB 1463, HB 1474, HB 1475, HB 1485, HB 1491, HB 1497, HB 1498, and HB 1504 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

MOTION

SEN. MATHERN MOVED that the vote by which HB 1084, HB 1450, and HCR 3048 failed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

MOTION

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

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 9:00 a.m., Monday, March 22, 1993, which motion prevailed.

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

CAROL SIEGERT, Secretary