

JOURNAL OF THE HOUSE

Fifty-second Legislative Assembly

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Bismarck, March 25, 1991

The House convened at 10:00 a.m., with Speaker R. Anderson presiding.

The prayer was offered by Father Hugo L. Blotsky, St. Alexis Medical Center, Bismarck.

The roll was called and all members were present except Representatives Bateman, Carlson, Dalrymple, and Mahoney.

A quorum was declared by the Speaker.

MOTIONS

REP. KLOUBEC MOVED that the House consider all bills on the Sixth order, with the exception of SB 2065, in one motion, which motion prevailed.

REP. KLOUBEC MOVED that the rules be suspended and that the amendments to SB 2009, SB 2024, SB 2188, SB 2579, and SB 2591 be adopted, which motion prevailed.

SB 2009, SB 2024, SB 2188, SB 2579, and SB 2591, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTIONS

REP. KLOUBEC MOVED that the House reconsider its action whereby the committee report was accepted and SB 2065 was placed on the Sixth order of business on the calendar, which motion prevailed.

REP. KLOUBEC MOVED that SB 2065 be rereferred to the Committee on Judiciary, which motion prevailed. Pursuant to Rep. Kloubec's motion, SB 2065 was rereferred.

REP. KLOUBEC MOVED that SB 2203 be placed at the bottom of the calendar, which motion prevailed.

REP. TOLLEFSON MOVED that the House waive the reading of the titles to SB 2250, SB 2305, SB 2339, SB 2348, SB 2411, and SB 2430, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2250: A BILL for an Act to provide for establishment and use of the water development trust fund; to create and enact a new section to chapter 6-09 and a new section to chapter 54-18 of the North Dakota Century Code to provide for the allocation of a portion of the annual net income of the Bank of North Dakota and the state mill and elevator; and to provide an appropriation and transfer.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 11 YEAS, 92 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Byerly; DeWitz; Howard; Kretschmar; Kunkel; Martin; Schindler; Schmidt; Timm; Urlacher; Whalen

NAYS: Aarsvold; Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; Dorso; Enget; Erickson; Flaaqan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Huether; Jacobson; Jensen;

Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kroeber; Larson; Laughlin; Linderman; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrda; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Tollefson; Trautman; Wald; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Bateman; Carlson; Mahoney

Engrossed SB 2250 was declared lost.

REQUEST

REP. STOFFERAHN REQUESTED a ruling by the Speaker regarding bills being rereferred to the Committee on Appropriations, which request was granted.

RULING BY THE SPEAKER

SPEAKER R. ANDERSON RULED that SB 2282 would be rereferred to the Committee on Appropriations.

SECOND READING OF SENATE BILLS

SB 2294: A BILL for an Act providing an appropriation to the agricultural experiment station to purchase Hastings hall from the state seed department.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 102 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kroeber; Kunkel; Larson; Laughlin; Linderman; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Kretschmar; Ritter

ABSENT AND NOT VOTING: Carlson; Mahoney

Engrossed SB 2294 passed and the title was agreed to.

SB 2305: A BILL for an Act to create and enact a new section to chapter 57-51 of the North Dakota Century Code, relating to applications for resources trust fund funding of certain water-related projects; to amend and reenact subsections 4 and 5 of section 38-08-04, sections 57-51-01, 57-51-02, and 57-51-15 of the North Dakota Century Code, relating to definitions for purposes of the gross production tax, the rate of the gross production tax, and the apportionment of the gross production tax; to repeal chapter 57-51.1 of the North Dakota Century Code, relating to the oil extraction tax; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 15 YEAS, 88 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bateman; Brown; Byerly; Carlisle; Dorso; Erickson; Hausauer; Henegar; Kolbo; Martinson; Nelson; Porter; Rennerfeldt; Schmidt; Whalen

NAYS: Aarsvold; Anderson, B.; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Enget; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Martin; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Price; Pyle; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Belter; Carlson; Mahoney

Engrossed SB 2305 was declared lost.

MOTION

REP. KLOUBEC MOVED that SB 2362 be placed at the top of the calendar, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2362: A BILL for an Act to amend and reenact sections 57-51.1-02 and 57-51.1-03 of the North Dakota Century Code, relating to the rate of the oil extraction tax, the new well exemption to the oil extraction tax, and the work-over exemption to the oil extraction tax.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 5 YEAS, 100 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Erickson; Kolbo; Nelson; Nichols; Olson, A.

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nicholas; Nowatzki; Oban; Olsen, D.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Carlson

Engrossed SB 2362 was declared lost.

SB 2311: A BILL for an Act to amend and reenact section 43-25-02 of the North Dakota Century Code, relating to the definition of massage therapist.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 96 YEAS, 9 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Byerly; Carlisle; Cleary; Coats; Dalrymple; Delzer; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Goffe; Gordier; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Brown; Clayburgh; DeMers; Gilmore; Nelson; Schimke; Schindler; Schmidt; Timm

ABSENT AND NOT VOTING: Carlson

Engrossed SB 2311 passed and the title was agreed to.

SB 2312: A BILL for an Act to provide an appropriation to prepare master plans for the Fort Totten state historic site, Fort Buford state historic site, and Fort Seward state historic site; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 14 YEAS, 91 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bernstein; Brokaw; Byerly; Hanson; Kroeber; Kunkel; Muhs; Nichols; Rennerfeldt; Scherber; Schmidt; Snyder; Trautman; Williams

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bodine; Boehm; Boucher; Brown; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gordier; Gorman; Grosz; Grumbo; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Mutzenberger; Myrdal; Nelson; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Ring; Ritter; Rydell; Schimke; Schindler; Schneider; Shide; Skar; Skjerven; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Speaker R. Anderson

ABSENT AND NOT VOTING: Carlson

Engrossed SB 2312 was declared lost.

MOTION

REP. OBAN MOVED that SB 2339, which is on the Fourteenth order, be rereferred to the Committee on Industry, Business and Labor, which motion prevailed on a verification vote. Pursuant to Rep. Oban's motion, SB 2339 was rereferred.

SECOND READING OF SENATE BILLS

SB 2348: A BILL for an Act to amend and reenact sections 18-11-01, 18-11-02, 18-11-03, 18-11-04, 18-11-05, 18-11-07, 18-11-09, 18-11-10, 18-11-11, 18-11-12, 18-11-13, 18-11-14, 18-11-15, 18-11-15.1, 18-11-16, 18-11-17, 18-11-18, 18-11-20, 18-11-21, 18-11-22, and 18-11-23 of the North Dakota Century Code, relating to the alternate firefighters relief association plan; and to repeal section 18-11-08 of the North Dakota Century Code, relating to the report of receipts and expenditures of state funds by a firefighters relief association.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 104 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gordier; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Carlson; Kloubec

SB 2348 passed and the title was agreed to.

SB 2386: A BILL for an Act to create and enact a new section to chapter 36-21 of the North Dakota Century Code, relating to civil liability of a person for turning out livestock.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 104 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gordier; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Carlson; Kloubec

Engrossed SB 2386 was declared lost.

SB 2403: A BILL for an Act to amend and reenact sections 16.1-04-02, 16.1-13-27, and 48-02-19 of the North Dakota Century Code, relating to physically disabled accessibility requirements for public buildings and facilities and voting places.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 52 YEAS, 53 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bateman; Berg, G.; Berg, R.; Bernstein; Boehm; Brokaw; Carlisle; Cleary; Coats; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gates; Gerntholz; Gilmore; Goffe; Gordier; Gorman; Hausauer; Henegar; Jensen; Kelsch; Kolbo; Kretschmar; Kunkel; Larson; Laughlin; Linderman; Martin; Martinson; Miller; Muhs; Nichols; Oban; Peterson; Porter; Ritter; Rydell; Scherber; Schindler; Skar; Snyder; Soukup; St. Aubyn; Svedjan; Tollefson; Urlacher; Wentz

NAYS: Anderson, B.; Belter; Bodine; Boucher; Brown; Byerly; Clayburgh; Dalrymple; Delzer; DeMers; Gabrielson; Grosz; Grumbo; Hanson; Hokana; Howard; Huether; Jacobson; Kaldor; Kerzman; Kloubec; Kroeber; Mahoney; Meyer; Mutzenberger; Myrdal; Nelson; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Payne; Price; Pyle; Rennerfeldt; Ring; Schimke; Schmidt; Schneider; Shide; Skjerven; Starke; Stofferahn; Thompson; Thorpe; Timm; Trautman; Wald; Wardner; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Carlson

Engrossed SB 2403 was declared lost.

SB 2407: A BILL for an Act to amend and reenact section 16.1-10-04 of the North Dakota Century Code, relating to false information in political advertisements; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 5 YEAS, 100 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Brokaw; Kaldor; Kerzman; Meyer

NAYS: Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brown; Byerly; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gordier; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kelsch; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Carlson

Engrossed SB 2407 was declared lost.

SB 2409: A BILL for an Act to amend and reenact sections 47-26-02, 47-26-04, and 47-26-19 of the North Dakota Century Code, relating to elimination of the duty of county commissioners to act as fence viewers.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 63 YEAS, 42 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Berg, G.; Berg, R.; Bodine; Boucher; Coats; Dalrymple; DeMers; Enget; Erickson; Flaagan; Gabrielson; Gilmore; Goffe; Gorder; Gorman; Grumbo; Hokana; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Meyer; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olson, A.; Peterson; Porter; Price; Pyle; Rennerfeldt; Rydell; Scherber; Schimke; Schneider; Shide; Skar; Snyder; Starke; Stofferahn; Thorpe; Tollefson; Trautman; Urlacher; Wentz; Williams

NAYS: Belter; Bernstein; Boehm; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Delzer; DeWitz; Dorso; Freier; Gates; Gerntholz; Grosz; Hanson; Hausauer; Henegar; Howard; Kretschmar; Martinson; Miller; Muhs; Mutzenberger; Olsen, D.; Payne; Ring; Ritter; Schindler; Schmidt; Skjerven; Soukup; St. Aubyn; Svedjan; Thompson; Timm; Wald; Wardner; Whalen; Wilkie; Speaker R. Anderson

ABSENT AND NOT VOTING: Carlson

SB 2409 passed and the title was agreed to.

SB 2410: A BILL for an Act to provide for a model act relating to motor vehicle chop shops and stolen and altered motor vehicles; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 104 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olson, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Bateman; Carlson

Engrossed SB 2410 passed and the title was agreed to.

SB 2411: A BILL for an Act to amend and reenact sections 53-01-02, 53-01-03, 53-01-07, 53-01-09, 53-01-17, 53-01-18, and 53-01-19 of the North Dakota Century Code, relating to a state athletic advisory board,

regulation of boxing, kickboxing, and sparring, and duties of the secretary of state; to repeal sections 53-01-08, 53-01-10, 53-01-12, 53-01-13, 53-01-15, and 53-01-16 of the North Dakota Century Code, relating to regulation of boxing, kickboxing, and sparring; to provide a penalty; and to provide a continuing appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 95 YEAS, 5 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Belter; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schneider; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

NAYS: Delzer; Grosz; Kerzman; Meyer; Shide

ABSENT AND NOT VOTING: Bateman; Berg, G.; Carlson; Payne; Schmidt; Whalen

Engrossed SB 2411 passed and the title was agreed to.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2023, SB 2036, SB 2041, SB 2067, SB 2090, SB 2115, and SB 2118, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2023: Sens. Maxson; Graba; Holmberg
 SB 2036: Sens. Meyer; Krauter; Moore
 SB 2041: Sens. Meyer; Tomac; DeKrey
 SB 2067: Sens. Kelsh; O'Connell; Hanson, O.
 SB 2090: Sens. Mathern; Jerome; Bowman
 SB 2115: Sens. Marks; Bowman; Freborg
 SB 2118: Sens. Mathern; Hanson, E.; Nalewaja

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2338, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2338: Sens. Schoenwald; Mathern; David

SECOND READING OF SENATE BILL

SB 2414: A BILL for an Act to create and enact a new section to chapter 52-04 of the North Dakota Century Code, relating to a job service rural outreach program; to provide an appropriation; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 49 YEAS, 56 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Bodine; Boucher; Brokaw; Cleary; Coats; DeMers; Enget; Erickson; Flaagan; Gabrielson; Gilmore; Goffe;

Grumbo; Hanson; Hokana; Howard; Huether; Jacobson; Kaldor; Kerzman; Kolbo; Kretschmar; Kroeber; Laughlin; Linderman; Mahoney; Meyer; Mutzenberger; Nelson; Nichols; Nowatzki; Oban; Peterson; Pyle; Ring; Ritter; Scherber; Schneider; Skar; Skjerven; Snyder; Starke; Stofferahn; Thorpe; Wilkie; Williams

NAYS: Bateman; Belter; Berg, R.; Bernstein; Boehm; Brown; Byerly; Carlisle; Clayburgh; Dalrymple; Delzer; DeWitz; Dorso; Freier; Gates; Gerntholz; Gorder; Gorman; Grosz; Hausauer; Henegar; Jensen; Kelsch; Kloubec; Kunkel; Larson; Martin; Martinson; Miller; Muhs; Myrdal; Nicholas; Olsen, D.; Olson, A.; Payne; Porter; Price; Rennerfeldt; Rydell; Schimke; Schindler; Schmidt; Shide; Soukup; St. Aubyn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Speaker R. Anderson

ABSENT AND NOT VOTING: Carlson

Engrossed SB 2414 was declared lost.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3067.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has passed unchanged: SB 2011, SB 2013, SB 2014, SB 2066, SB 2103, SB 2117, SB 2119, SB 2121, SB 2142, SB 2146, SB 2161, SB 2163, SB 2166, SB 2167, SB 2171, SB 2172, SB 2177, SB 2183, SB 2184, SB 2197, SB 2200, SB 2221, SB 2223, SB 2235, SB 2236, SB 2238, SB 2239, SB 2240, SB 2245, SB 2253, SCR 4005, SCR 4009, SCR 4037, SCR 4040, SCR 4044, SCR 4046, SCR 4049, SCR 4053, SCR 4055, SCR 4056.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has passed unchanged: SCR 4059, SCR 4060, SCR 4062, SCR 4063, SCR 4065, SCR 4066.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has amended and subsequently passed: SB 2354, SB 2512.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has amended and subsequently passed: SB 2431, SCR 4001, SCR 4003, SCR 4033, SCR 4061.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has amended and failed to pass: SB 2031, SB 2483, SB 2543.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has failed to pass: SB 2030, SB 2062, SB 2225, SB 2257, SB 2260, SB 2533.

SECOND READING OF SENATE BILLS

SB 2429: A BILL for an Act to amend and reenact subsection 4 of section 30.1-12-08 of the North Dakota Century Code, relating to proceedings to establish inheritance or succession of titled property.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DD PASS, the roll was called and there were 102 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz;

Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Carlson; Hausauer; Starke; Tollefson

SB 2429 passed and the title was agreed to.

SB 2430: A BILL for an Act to amend and reenact sections 12.1-04-06, 12.1-04-07, 12.1-04-08, and subsection 3 of section 25-04-05.1 of the North Dakota Century Code, relating to the temporary detention of a criminal defendant, psychiatric reports, suspension or dismissal of criminal proceedings, and transfer of developmentally disabled persons; and to repeal section 25-04-07 of the North Dakota Century Code, relating to developmentally disabled defendants.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 102 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Carlson; Hausauer; Schneider; Starke

Engrossed SB 2430 passed and the title was agreed to.

MOTION

REP. KLOUBEC MOVED that the House stand in recess until 12:15 p.m., which motion prevailed.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker R. Anderson presiding.

SIGNING OF BILLS and RESOLUTIONS

The Speaker signed the following enrolled bills and resolution: HB 1023, HB 1029, HB 1111, HB 1151, HB 1176, HB 1185, HB 1188, HB 1189, HB 1227, HB 1293, HB 1318, HB 1324, HB 1370, HCR 3037.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. LARSON MOVED that the House do not concur in the Senate amendments to HB 1073 as printed on HJ pages 889-890 and that a conference committee be

appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER APPOINTED as a Conference Committee on HB 1073: Reps. Price, Delzer, Mutzenberger.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2067: Reps. Schindler, Muhs, Kroeber.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2115: Reps. Bateman, Miller, Kerzman.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2118: Reps. Trautman, St. Aubyn, Scherber.

SECOND READING OF SENATE BILL

SB 2433: A BILL for an Act to amend and reenact subsection 3 of section 12.1-22-03 and section 20.1-01-17 of the North Dakota Century Code, relating to criminal trespass posting requirements and posting requirements to prohibit hunting.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 101 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Miller; Muhs; Mutzenberger; Myrdal; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Brokaw; Kerzman; Meyer; Nelson

ABSENT AND NOT VOTING: Wentz

Engrossed SB 2433 passed and the title was agreed to.

MOTION

REP. MARTINSON MOVED that SB 2507, which is on the Fourteenth order, be rereferred to the Committee on State and Federal Government, which motion prevailed. Pursuant to Rep. Martinson's motion, SB 2507 was rereferred.

SECOND READING OF SENATE BILL

SB 2434: A BILL for an Act to amend subsection 5 of section 11-16-05 of the North Dakota Century Code, relating to restrictions on the powers of state's attorney.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 105 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle;

Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nicols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Wentz

SB 2434 passed and the title was agreed to.

MOTIONS

REP. HANSON MOVED that the House reconsider its action whereby SB 2403 failed to pass, which motion prevailed.

REP. KLOUBEC MOVED that SB 2403 be rereferred to the Committee on Political Subdivisions, which motion prevailed. Pursuant to Rep. Kloubec's motion, SB 2403 was rereferred.

SECOND READING OF SENATE BILL

SB 2440: A BILL for an Act to provide for the registration of a sexual offender's address upon release from incarceration; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 105 YEAS, 1 NAY, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nicols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Schimke

Engrossed SB 2440 passed and the title was agreed to.

MOTION

REP. CARLSON MOVED that the House reconsider its action whereby SB 2144 failed to pass.

REQUEST

REP. STOFFERAHN REQUESTED a recorded roll call vote on the motion to reconsider the action whereby SB 2144 failed to pass, which request was granted.

ROLL CALL

The question being on the motion to reconsider the action whereby SB 2144 failed to pass, the roll was called and there were 58 YEAS, 48 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Bodine; Boucher; Brokaw; Carlisle; Carlson; Cleary; Coats; DeMers; Enget; Erickson; Flaagan; Gabrielson; Gilmore; Goffe; Grosz; Grumbo; Hanson; Henegar; Hokana; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kolbo; Kroeber; Laughlin; Linderman; Mahoney; Martin; Meyer; Mutzenberger; Nelson; Nichols; Nowatzki; Oban; Peterson; Porter; Pyle; Ring; Ritter; Scherber; Schindler; Schneider; Skar; Skjerven; Snyder; Starke; Stofferahn; Thorpe; Tollefson; Trautman; Wentz; Wilkie; Williams

NAYS: Bateman; Belter; Berg, R.; Bernstein; Boehm; Brown; Byerly; Clayburgh; Dalrymple; Delzer; DeWitz; Dorso; Freier; Gates; Gerntholz; Gorder; Gorman; Hausauer; Howard; Jensen; Kloubec; Kretschmar; Kunkel; Larson; Martinson; Miller; Muhs; Myrdal; Nicholas; Olsen, D.; Olson, A.; Payne; Price; Rennerfeldt; Rydell; Schimke; Schmidt; Shide; Soukup; St. Aubyn; Svedjan; Thompson; Timm; Urlacher; Wald; Wardner; Whalen; Speaker R. Anderson

So the motion to reconsider the action whereby SB 2144 failed to pass prevailed.

SB 2144 was placed on the Fourteenth order for second reading and final passage.

SECOND READING OF SENATE BILL

SB 2144: A BILL for an Act to amend and reenact subsection 2 of section 52-06-04 and section 52-06-05 of the North Dakota Century Code, relating to qualifications as an insured worker and benefit duration for unemployment compensation purposes.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 61 YEAS, 45 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Bodine; Boucher; Brokaw; Carlisle; Carlson; Cleary; Coats; DeMers; Enget; Erickson; Flaagan; Gabrielson; Gilmore; Goffe; Grosz; Grumbo; Hanson; Henegar; Hokana; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kolbo; Kroeber; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Mutzenberger; Myrdal; Nelson; Nichols; Nowatzki; Oban; Peterson; Porter; Price; Pyle; Ring; Ritter; Scherber; Schneider; Skar; Skjerven; Snyder; Starke; Stofferahn; Thorpe; Tollefson; Trautman; Urlacher; Wentz; Wilkie; Williams

NAYS: Bateman; Belter; Berg, R.; Bernstein; Boehm; Brown; Byerly; Clayburgh; Dalrymple; Delzer; DeWitz; Dorso; Freier; Gates; Gerntholz; Gorder; Gorman; Hausauer; Howard; Jensen; Kloubec; Kretschmar; Kunkel; Larson; Miller; Muhs; Nicholas; Olsen, D.; Olson, A.; Payne; Rennerfeldt; Rydell; Schimke; Schindler; Schmidt; Shide; Soukup; St. Aubyn; Svedjan; Thompson; Timm; Wald; Wardner; Whalen; Speaker R. Anderson

SB 2144 passed and the title was agreed to.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1023, HB 1029, HB 1111, HB 1151, HB 1176, HB 1185, HB 1188, HB 1189, HB 1227, HB 1293, HB 1318, HB 1324, HB 1370, HCR 3037.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1073, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1073: Reps. Price; Delzer; Mutzenberger

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

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

SB 2067: Reps. Schindler; Muhs; Kroeber

SB 2115: Reps. Bateman; Miller; Kerzman

SB 2118: Reps. Trautman; St. Aubyn; Scherber

MOTION

REP. TOLLEFSON MOVED that the House waive the reading of the title to SB 2444, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2444: A BILL for an Act to amend and reenact subsection 2 of section 32-09.1-03, sections 32-09.1-04, 32-09.1-07, and 32-09.1-09 of the North Dakota Century Code, relating to garnishment debtors claiming dependent family members.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 105 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloube; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjervén; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Martin

SB 2444 passed and the title was agreed to.

SB 2450: A BILL for an Act to create and enact a new section to chapter 5-03 of the North Dakota Century Code, to provide for brand registration of alcoholic beverages; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 18 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Berg, G.; Berg, R.; Bodine; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats;

Dalrymple; DeMers; DeWitz; Enget; Flaagan; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schindler; Schmidt; Schneider; Skar; Skjerven; Snyder; St. Aubyn; Starke; Stofferahn; Svedjan; Thorpe; Tollefson; Trautman; Urlacher; Wald; Wentz; Wilkie; Williams; Speaker R. Anderson

NAYS: Belter; Bernstein; Boehm; Delzer; Dorso; Erickson; Freier; Gorman; Grosz; Kunkel; Payne; Schimke; Shide; Soukup; Thompson; Timm; Wardner; Whalen

Engrossed SB 2450 passed and the title was agreed to.

SB 2454: A BILL for an Act to amend and reenact section 11-15-07 of the North Dakota Century Code, relating to county fees charged and collected by the sheriff.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 98 YEAS, 6 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schneider; Shide; Skar; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

NAYS: Carlisle; Delzer; Freier; Martinson; Schmidt; Whalen

ABSENT AND NOT VOTING: Grosz; Skjerven

SB 2454 passed and the title was agreed to.

SB 2484: A BILL for an Act to amend and reenact section 11-10-10 of the North Dakota Century Code, relating to the salaries of county officials; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 97 YEAS, 8 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boucher; Brown; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban;

Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schindler; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Bateman; Boehm; Brokaw; Byerly; Delzer; Laughlin; Schimke; Schmidt

ABSENT AND NOT VOTING: Grosz

SB 2484 passed and the title was agreed to.

SB 2485: A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to medical assistance coverage for services provided by psychologists; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 12 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; DeWitz; Dorso; Enget; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorman; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schneider; Skar; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

NAYS: Brown; Byerly; Delzer; Erickson; Gorder; Grosz; Schimke; Schindler; Schmidt; Shide; Skjerven; Whalen

ABSENT AND NOT VOTING: Wald

SB 2485 passed and the title was agreed to.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that SB 2009, SB 2024, SB 2118, SB 2579, and SB 2591, on which the amendments were adopted this morning, be placed on the calendar, as amended for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2009: A BILL for an Act making an appropriation for defraying the expenses of the soil conservation committee and centennial trees program; and to provide a statement of intent.

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 103 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz;

Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjervén; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Carlson; Kloubec; Whalen

SB 2009 passed and the title was agreed to.

MOTION

REP. TOLLEFSON MOVED that the House waive the reading of the title to Engrossed SB 2024, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2024: A BILL for an Act to create and enact a new section to chapter 35-17, a new section to chapter 35-30, a new section to chapter 35-31, and a new section to chapter 41-09 of the North Dakota Century Code, relating to the destruction of certain lien documents and facsimile filing; to amend and reenact sections 11-18-14, 35-05-04, 35-17-01, 35-17-03, 35-17-04, 35-30-01, 35-30-02, 35-31-02, subsections 9 and 12 of section 41-09-28, sections 41-09-28.1, 41-09-40, 41-09-41, subdivision a of subsection 5 and subsection 8 of section 41-09-42, and sections 41-09-42 1, 41-09-43, and 41-09-46 of the North Dakota Century Code, relating to agister's liens, the establishment of a computerized central notice system and the computerized Uniform Commercial Code central filing system fund, and the filing of security interests and liens; to repeal section 35-17-05 and subsection 10 of section 41-09-28 of the North Dakota Century Code, relating to information to be filed with the secretary of state regarding agister's liens; to provide a penalty; to provide an appropriation; to provide an effective date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 104 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjervén; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Carlson; Kloubec

Engrossed SB 2024 passed, the title was agreed to, and the emergency clause carried.

SB 2188: A BILL for an Act to provide for the establishment of a program to carry out the provisions of the Emergency Planning and Community Right-to-Know Act of 1986, expanded duties of the division of emergency management, a facility fee system, a state and local hazardous chemicals fund or account, and the expenditure of special funds; and to provide a penalty.

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 100 YEAS, 3 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Grosz; Kerzman; Meyer

ABSENT AND NOT VOTING: Carlson; Oban; Thorpe

Engrossed SB 2188 passed and the title was agreed to.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Charles Mertens

SECOND READING OF SENATE BILLS

SB 2579: A BILL for an Act to provide for disposition of excess assessments for escrow accounts on residential real estate mortgage loans.

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 104 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Carlson; Oban

SB 2579 passed and the title was agreed to.

SB 2591: A BILL for an Act to amend and reenact section 4-13.2-06 of the North Dakota Century Code, relating to violations of the poultry law.

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 101 YEAS, 1 NAY, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Ring; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Ritter

ABSENT AND NOT VOTING: Carlson; Goffe; Rennerfeldt, Tollefson

SB 2591 passed and the title was agreed to.

SB 2499: A BILL for an Act to amend and reenact section 36-01-01 of the North Dakota Century Code, relating to the state board of animal health; and to provide for transition.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 41 YEAS, 62 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Berg, G.; Bodine, Boucher; Brokaw; Coats; DeMers; Flaagan; Gabrielson; Gates; Gilmore; Goffe; Grosz; Hanson; Jacobson; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Mutzenberger; Nelson; Nicholas; Nowatzki; Oban; Peterson; Pyle; Ring; Ritter; Scherber; Schimke; Schneider; Skar; Snyder; Starke; Thorpe; Wilkie; Williams

NAYS: Aarsvold; Bateman; Belter; Berg, R.; Bernstein; Boehm; Brown; Byerly; Carlisle; Clayburgh; Cleary; Dalrymple; Delzer; DeWitz; Dorso; Enget; Erickson; Freier; Gerntholz; Gorder; Gorman; Grumbo; Henegar; Hokana; Howard; Huether; Jensen; Kaldor; Kelsch; Kloubec; Martin; Martinson; Meyer; Miller; Muhs; Myrdal; Nichols; Olsen, D.; Olson, A.; Payne; Porter; Price; Rennerfeldt; Rydell; Schindler; Schmidt; Shide; Skjerven; Soukup; St. Aubyn; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Speaker R. Anderson

ABSENT AND NOT VOTING: Carlson; Hausauer; Kerzman

Engrossed SB 2499 was declared lost.

SB 2504: A BILL for an Act to create and enact a new section to chapter 30.1-21 of the North Dakota Century Code, relating to closing decedent's estates.

ROLL CALL

The question being on the final passage of the bill, which has been read and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 99 YEAS, 6 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kerzman; Kloubec; Kolbo; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Bateman; Clayburgh; Freier; Kelsch; Kretschmar; Nelson

ABSENT AND NOT VOTING: Carlson

SB 2504 passed and the title was agreed to.

MOTION

REP. KLOUBEC MOVED that SB 2505 be placed at the bottom of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2519: A BILL for an Act to create and enact a new subsection to section 16.1-01-09 of the North Dakota Century Code, relating to initiative, referendum, and recall petitions; and to amend and reenact subsection 1 of section 16.1-01-09 of the North Dakota Century Code, relating to initiative, referendum, and recall petitions.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 103 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Oban; Olsen, D.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Carlson; Nowatzki; Olson, A.

Engrossed SB 2519 passed and the title was agreed to.

MOTION

REP. KLOUBEC MOVED that the House stand in recess for fifteen minutes, which motion prevailed.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker R. Anderson presiding.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. TIMM MOVED that the House do not concur in the Senate amendments to Engrossed HB 1507 as printed on HJ pages 1265-1266 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1507: Reps. Grosz, Freier, Linderman.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2023: Reps. Kretschmar, Porter, Flaagan.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2036: Reps. Tollefson, Henegar, Hanson.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2041: Reps. Schindler, D. Olsen, Snyder.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2090: Reps. A. Olson, Urlacher, Erickson.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2338: Reps. Timm, Delzer, Huether.

MOTION

REP. TOLLEFSON MOVED that the House waive the reading of the titles to SB 2522, SB 2531, SB 2548, SB 2554, SB 2561, SB 2581, SB 2584, SB 2590, and SB 2589, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2522: A BILL for an Act to create and enact a new section to chapter 25-17 of the North Dakota Century Code, relating to the adoption of rules by the department of health and consolidated laboratories with respect to recovering the costs of galactosemia testing; and to amend and reenact sections 25-17-01, 25-17-02, 25-17-03, and 25-17-04 of the North Dakota Century Code, relating to testing of newborn babies for galactosemia.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 103 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman, Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen, Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferann; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Carlson; Gorman; Nicholas

Engrossed SB 2522 passed and the title was agreed to.

SB 2524: A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to political advertising at institutions of higher education.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 8 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Byerly; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; DeMers; DeWitz; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schindler; Schmidt; Schneider; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

NAYS: Brown; Delzer; Dorso; Grosz; Schimke; Shide; Thompson; Wald

ABSENT AND NOT VOTING: Carlson; Gorman; Nicholas; Whalen

SB 2524 passed and the title was agreed to.

SB 2531: A BILL for an Act to amend and reenact subsection 1 of section 10-30.1-01 and subsection 1 of section 10-30.1-05 of the North Dakota Century Code, relating to the definition of a qualified entity for purposes of investment by a venture capital corporation and investments by an investor in a venture capital corporation which are eligible for an income tax credit.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 103 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Carlson; Kloubec; Nowatzki

Engrossed SB 2531 passed and the title was agreed to.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has passed unchanged: HB 1027, HB 1103, HB 1190, HB 1462, HB 1555, HB 1591, HB 1609, HCR 3056, HCR 3061, HCR 3066, HCR 3068.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1119, HB 1265.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has failed to pass: HB 1524, HB 1533.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has passed unchanged and the emergency clause carried on HB 1610.

SECOND READING OF SENATE BILLS

SB 2548: A BILL for an Act to create and enact a new section to chapter 12.1-32 of the North Dakota Century Code, relating to repayment of rewards by convicted offenders; and to amend and reenact subsection 2 of section 54-12-14 and section 62.1-05-01 of the North Dakota Century Code, relating to repayment of rewards from the forfeiture of assets.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 103 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gertholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Carlson; Kloubec; Nowatzki

SB 2548 passed and the title was agreed to.

SB 2549: A BILL for an Act to authorize the industrial commission, acting as the state building authority, to issue loan notes to make funds available for construction and acquisition of a western history museum on the Dickinson state university campus; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 21 YEAS, 84 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Berg, R.; Bodine; Cleary; Enget; Gabrielson; Gorman; Henegar; Kretschmar; Mahoney; Martin; Olsen, D.; Scherber; Shide; Skjerven; St. Aubyn; Thorpe; Trautman; Urlacher; Wald; Wardner

NAYS: Anderson, B.; Bateman; Belter; Berg, G.; Bernstein; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Coats; Dalrymple; Delzer;

DeMers; DeWitz; Dorso; Erickson; Flaagan; Freier; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kroeber; Kunkel; Larson; Laughlin; Linderman; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Schimke; Schindler; Schmidt; Schneider; Skar; Snyder; Soukup; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Carlson

Engrossed SB 2549 passed and the title was agreed to.

MOTION

REP. KLOUBEC MOVED that all bills that have passed up to this point, be messaged to the Senate immediately, which motion prevailed.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has passed unchanged: SB 2144, SB 2294, SB 2311, SB 2348, SB 2409, SB 2410, SB 2411, SB 2429, SB 2430, SB 2433, SB 2434, SB 2440, SB 2444, SB 2450, SB 2454, SB 2484, SB 2485, SB 2504, SB 2519, SB 2522, SB 2524, SB 2531, SB 2548.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has amended and subsequently passed: SB 2009, SB 2188, SB 2579, SB 2591.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2024.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1507, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1507: Reps. Grosz; Freier; Linderman

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

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

SB 2023: Reps. Kretschmar; Porter; Flaagan
 SB 2036: Reps. Tollefson; Henegar; Hanson
 SB 2041: Reps. Schindler; Olsen, D.; Snyder
 SB 2090: Reps. Olson, A.; Urlacher; Erickson
 SB 2338: Reps. Timm; Delzer; Huether

SECOND READING OF SENATE BILLS

SB 2554: A BILL for an Act to amend and reenact section 57-38-01, subdivision c of subsection 1 of section 57-38-01.3, and section 57-38-30 of the North Dakota Century Code, relating to the elimination of the alternative minimum income tax for corporations; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 104 YEAS, 0 NAYS, 1 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz;

Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Uriacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Carlson; Rydell

SB 2554 passed and the title was agreed to.

SB 2561: A BILL for an Act to create and enact eight new sections to chapter 14-02.1 and a new subsection to section 14-02.1-02 of the North Dakota Century Code, relating to abortion facilities and to the definition of department; to amend and reenact subsection 2 of section 14-02.1-02 of the North Dakota Century Code, relating to the definition of abortion facility; to provide a penalty; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 44 YEAS, 60 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bateman; Belter; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Cleary; Delzer; DeWitz; Freier; Gerntholz; Gorder; Gorman; Grumbo; Howard; Kerzman; Kretschmar; Kunkel; Mahoney; Martin; Meyer; Nelson; Nowatzki; Olsen, D.; Olson, A.; Rennerfeldt; Scherber; Schindler; Schmidt; Shide; Skar; Skjerven; Soukup; Thompson; Timm; Trautman; Uriacher; Wald; Wardner; Whalen; Wilkie

NAYS: Aarsvold; Anderson, B.; Berg, G.; Byerly; Carlisle; Clayburgh; Coats; Dalrymple; DeMers; Dorso; Enget; Erickson; Flaagan; Gabrielson; Gates; Gilmore; Goffe; Grosz; Hanson; Hausauer; Henegar; Hokana; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kolbo; Kroeber; Larson; Laughlin; Linderman; Martinson; Miller; Muhs; Mutzenberger; Myrdal; Nicholas; Nichols; Oban; Payne; Peterson; Porter; Price; Pyle; Ring; Ritter; Rydell; Schimke; Schneider; Snyder; St. Aubyn; Starke; Stofferahn; Svedjan; Thorpe; Tollefson; Wentz; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Carlson; Kloubec

Reengrossed SB 2561 was declared lost

SB 2569: A BILL for an Act to amend and reenact section 44-08-21 of the North Dakota Century Code, relating to recall petitions.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 105 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin;

Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Carlson

SB 2569 passed and the title was agreed to.

SB 2570: A BILL for an Act to create and enact a new section to chapter 44-05 of the North Dakota Century Code, relating to oaths of office; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 104 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gertholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Carlson; Starke

SB 2570 passed and the title was agreed to.

SB 2574: A BILL for an Act relating to the registration of persons convicted of offenses against children; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 104 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gertholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman;

Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams;
Speaker R. Anderson

ABSENT AND NOT VOTING: Carlson; Starke

Engrossed SB 2574 passed and the title was agreed to.

SB 2576: A BILL for an Act to amend and reenact subsection 1 of section 39-06.1-10 of the North Dakota Century Code, relating to entries against a person's driving record.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 3 YEAS, 98 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Kaldor; Schmidt

NAYS: Anderson, B.; Bateman; Belter; Berg, G.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Coats; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kelsch; Kerzman; Kloube; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams;
Speaker R. Anderson

ABSENT AND NOT VOTING: Berg, R.; Carlson; Dalrymple; Flaagan; Starke

SB 2576 was declared lost.

SB 2581: A BILL for an Act to repeal sections 15-10-21, 15-10-22, 15-11-04, 15-11-06, 15-12-02, 15-13-02, 15-13-03, 15-15-02, and 15-16-02 of the North Dakota Century Code, relating to objects and courses of instruction at the institutions of higher education.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 5 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Bernstein; Bodine; Boehm; Boucher; Brown; Byerly; Carlisle; Clayburgh; Cleary; Coats; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Freier; Gabrielson; Gates; Gerntholz; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloube; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Brokaw; Gilmore; Olson, A.; Peterson; Thorpe

ABSENT AND NOT VOTING: Berg, R.; Carlson; Dalrymple; Flaagan; Schneider; Starke; Wald

SB 2581 passed and the title was agreed to.

SB 2582: A BILL for an Act to amend and reenact section 15-29-06 of the North Dakota Century Code, relating to vacancies on school boards.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 101 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Coats; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Berg, R.; Carlson; Dalrymple; Flaagan; Starke

Engrossed SB 2582 passed and the title was agreed to.

SB 2584: A BILL for an Act to amend and reenact section 15-19-01 of the North Dakota Century Code, section 15-19-01 of the North Dakota Century Code as amended by section 1 of chapter 198 of the 1989 Session Laws of North Dakota, and sections 15-19-04 and 15-19-08 of the North Dakota Century Code, relating to correspondence courses.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 102 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Coats; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Berg, R.; Carlson; Dalrymple; Starke

SB 2584 passed and the title was agreed to.

SB 2585: A BILL for an Act to amend and reenact section 51-07-22 of the North Dakota Century Code, relating to the resale of returned passenger motor vehicles; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 102 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Coats; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gordner; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Berg, R.; Carlson; Dalrymple; Starke

Engrossed SB 2585 passed and the title was agreed to.

SB 2588: A BILL for an Act to create and enact a new chapter to title 23 of the North Dakota Century Code, relating to residential care facilities for autistic persons; to provide a penalty; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 98 YEAS, 4 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Coats; Delzer; DeMers; DeWitz; Dorso; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gordner; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Nelson; Nicholas; Nowatzki; Oban; Olsen, D.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Enget; Myrdal; Nichols; Olson, A.

ABSENT AND NOT VOTING: Berg, R.; Carlson; Dalrymple; Starke

Engrossed SB 2588 passed, the title was agreed to, and the emergency clause carried.

SB 2590: A BILL for an Act to create and enact two new sections to title 15 of the North Dakota Century Code, relating to the establishment and implementation of student performance standards and performance

assessment methods, and participatory school decisionmaking; to provide a continuing appropriation; and to provide an effective date.

MOTION

REP. WILLIAMS MOVED the previous question, which motion prevailed.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 55 YEAS, 47 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Bernstein; Bodine; Brokaw; Clayburgh; Cleary; Coats; DeMers; Erickson; Flaagan; Gabrielson; Gates; Gerntholz; Grumbo; Hausauer; Hokana; Huether; Jacobson; Jensen; Kelsch; Kerzman; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martinson; Meyer; Miller; Muhs; Mutzenberger; Nowatzki; Oban; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schneider; Snyder; St. Aubyn; Stofferahn; Thorpe; Tollefson; Trautman; Wentz

NAYS: Bateman; Belter; Boehm; Boucher; Brown; Byerly; Carlisle; Delzer; DeWitz; Dorso; Enget; Freier; Gilmore; Goffe; Gorder; Gorman; Grosz; Hanson; Henegar; Howard; Kaldor; Kloubec; Martin; Myrdal; Nelson; Nicholas; Nichols; Olsen, D.; Olson, A.; Payne; Schimke; Schindler; Schmidt; Shide; Skar; Skjerven; Soukup; Svedjan; Thompson; Timm; Urlacher; Wald; Wardner; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Berg, R.; Carlson; Dalrymple; Starke

Engrossed SB 2590 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4020: A concurrent resolution for the amendment of section 6 of article IX of the Constitution of North Dakota, relating to certain exchanges of land and mineral rights.

ROLL CALL

The question being on the final adoption of the resolution, which has been read and has committee recommendation of DO PASS, the roll was called and there were 100 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Coats; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Berg, R.; Carlson; Dalrymple; Flaagan; Miller; Snyder

Engrossed SCR 4020 was declared adopted on a roll call vote.

SCR 4023: A concurrent resolution for the ratification of the original second amendment to the Constitution of the United States, providing for a delay in any variances in compensation of members of Congress

until an intervening election of the United States House of Representatives.

ROLL CALL

The question being on the final adoption of the resolution, which has been read and has committee recommendation of DO PASS, the roll was called and there were 84 YEAS, 18 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bateman; Belter; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Coats; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Howard; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Rennerfeldt; Ritter; Rydell; Scherber; Shide; Skjervén; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Whalen; Wilkie; Speaker R. Anderson

NAYS: Anderson, B.; Berg, G.; Cleary; Hokana; Huether; Jacobson; Linderman; Mahoney; Pyle; Ring; Schimke; Schindler; Schmidt; Schneider; Skar; Snyder; Wentz; Williams

ABSENT AND NOT VOTING: Berg, R.; Carlson; Dalrymple; Flaagan

Engrossed SCR 4023 was declared adopted on a roll call vote.

SCR 4041: A concurrent resolution directing the Legislative Council to study tax preferences under existing law, with emphasis on prevention of unfair competitive advantages to entities receiving tax preferences.

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

SCR 4041 was declared adopted on a voice vote.

SCR 4042: A concurrent resolution directing the Legislative Council to study law enforcement and regulatory activities in the state of North Dakota.

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

Engrossed SCR 4042 was declared adopted on a voice vote.

SCR 4045: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of consolidating all building and construction code administration responsibilities under one authority.

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

Engrossed SCR 4045 was declared adopted on a voice vote.

SCR 4054: A concurrent resolution directing the Legislative Council to study the economic and social impact of federal programs that take agricultural land out of production.

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

SCR 4054 was declared lost on a voice vote.

SCR 4068: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of coordinating the activities or consolidating the functions of state agricultural product promotion entities and the budgeting methods used for those entities.

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

REQUEST

REP. BATEMAN REQUESTED a recorded roll call vote on the motion to adopt SCR 4068, which request was granted.

ROLL CALL

The question being on the motion to adopt SCR 4068, the roll was called and there were 47 YEAS, 57 NAYS, 2 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Boucher; Brokaw; Cleary; Coats; DeMers; Erickson; Flaagan; Gabrielson; Gerntholz; Gilmore; Goffe; Grumbo; Hanson; Hokana; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kolbo; Kroeber; Laughlin; Linderman; Martinson; Meyer; Mutzenberger; Myrdal; Nelson; Oban; Olson, A.; Peterson; Price; Pyle; Ring; Ritter; Scherber; Schneider; Skar; Skjerven; Snyder; Starke; Stofferahn; Thorpe; Wentz; Wilkie; Williams

NAYS: Aarsvold; Bateman; Belter; Berg, R.; Bernstein; Bodine; Boehm; Brown; Byerly; Carlisle; Clayburgh; Dalrymple; Delzer; DeWitz; Dorso; Enget; Freier; Gates; Gorder; Gorman; Grosz; Hausauer; Henegar; Howard; Jensen; Kloube; Kretschmar; Kunkel; Larson; Mahoney; Martin; Miller; Muhs; Nicholas; Nichols; Nowatzki; Olsen, D.; Payne; Porter; Rennerfeldt; Rydell; Schimke; Schindler; Schmidt; Shide; Soukup; St. Aubyn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Whalen; Speaker R. Anderson

ABSENT AND NOT VOTING: Berg, G.; Carlson

SCR 4068 was declared lost on a recorded roll call vote.

SCR 4069: A concurrent resolution to create and enact a new section to the Constitution of North Dakota, relating to authorization for issuance of bonds of the state and expenditure of the proceeds for payment of adjusted compensation to North Dakota veterans of the Persian Gulf War.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, the roll was called and there were 102 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloube; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar;

Skjervén; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Williams; Speaker R. Anderson

NAYS: Miller; Muhs

ABSENT AND NOT VOTING: Carlson; Wilkie

Engrossed SCR 4069 was declared adopted on a roll call vote.

SECOND READING OF SENATE BILLS

SB 2022: A BILL for an Act making an appropriation for defraying the expenses of the protection and advocacy program.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 104 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjervén; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Carlson; Delzer

Engrossed SB 2022 passed and the title was agreed to.

SB 2448: A BILL for an Act relating to library authorities; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 67 YEAS, 38 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Belter; Berg, G.; Berg, R.; Boucher; Brokaw; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; DeMers; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Grumbo; Hanson; Henegar; Hokana; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Martinson; Miller; Muhs; Mutzenberger; Nelson; Nicholas; Nichols; Nowatzki; Oban; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Schneider; Skar; Skjervén; Snyder; Starke; Stofferahn; Svedjan; Thorpe; Timm; Tollefson; Trautman; Wentz; Wilkie; Williams

NAYS: Bateman; Bernstein; Bodine; Boehm; Brown; Byerly; Delzer; DeWitz; Dorso; Enget; Erickson; Gorder; Gorman; Grosz; Hausauer; Howard; Kloubec; Kolbo; Mahoney; Martin; Meyer; Myrdal; Olsen, D.; Olson, A.; Payne; Scherber; Schimke; Schindler; Schmidt; Shide; Soukup; St. Aubyn; Thompson; Urlacher; Wald; Wardner; Whalen; Speaker R. Anderson

ABSENT AND NOT VOTING: Carlson

Engrossed SB 2448 passed and the title was agreed to.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The President has signed: HB 1044, HB 1047, HB 1108, HB 1137, HB 1141, HB 1159, HB 1161, HB 1164, HB 1203, HB 1208, HB 1216, HB 1231, HB 1245, HB 1248, HB 1270, HB 1277, HB 1484.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1014, HB 1072, HB 1083, HB 1095, HB 1098, HB 1112, HB 1132, HB 1193, HB 1215, HB 1219, HB 1255, HB 1256, HB 1261, HB 1262, HB 1296, HB 1300, HB 1310, HB 1321, HB 1329, HB 1333, HB 1338, HB 1375, HB 1378, HB 1384, HB 1431, HB 1433, HB 1477, HB 1488, HB 1516, HB 1538, HB 1604, HCR 3038, HCR 3042, HCR 3043.

SENATE AMENDMENTS TO ENGROSSED HB 1014

Page 1, line 11, replace "264,332" with "328,332"

Page 1, line 13, replace "153,143" with "158,143"

Page 1, line 15, replace "1,254,516" with "1,259,516"

Page 1, line 16, replace "7,516" with "9,516"

Page 1, line 17, replace "1,690,872" with "1,766,872"

Page 1, line 19, replace "539,263" with "615,263"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 709 - COUNCIL ON THE ARTS

The salaries and wages line item is increased by \$64,000 from the general fund to provide funding for one FTE folklorist position.

Funding from the general fund removed by the House is restored as follows:

Transfer to the cultural endowment fund	\$2,000
Operating expenses	5,000
Community services program grants	<u>5,000</u>
General fund increase	\$12,000

SENATE AMENDMENTS TO HB 1072

Page 1, line 10, after "caddy" insert ", except for service described in subdivisions f and g of subsection 17"

ReNUMBER accordingly

SENATE AMENDMENTS TO HB 1083

Page 1, line 13, remove the overstrike over "~~but not more than~~", after "~~two~~" insert "ten", and remove the overstrike over "~~thousand~~"

Page 1, line 20, after the fifth underscored comma insert "or" and remove "or fourteen,"

Page 1, after line 21, insert:

"4. In cities of more than ten thousand inhabitants, fourteen."

Page 2, line 1, replace "4" with "5"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1095

Page 1, line 11, replace "and" with "or"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1098

Page 1, line 4, after "Code" insert "and to amend and reenact section 1 of chapter 733 of the 1989 Session Laws of North Dakota"

Page 1, line 5, after "tax" insert "and the apportionment and use of the gross production tax"

Page 8, after line 6, insert:

"SECTION 7. AMENDMENT. Section 1 of chapter 733 of the 1989 Session Laws of North Dakota is amended and reenacted as follows:

SECTION 1. AMENDMENT. Subsection 1 of section 57-51-15 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. First ~~an amount the~~ tax revenue collected under this chapter equal to one percent of the gross value at the well of the oil and gas ~~upon which a tax is collected under this chapter~~ one-fifth of the tax on gas must be deposited with the state treasurer, who shall credit thirty-three and one-third percent of the revenues to the oil and gas impact grant fund, but not in an amount exceeding five million dollars per biennium including any amounts otherwise appropriated for oil and gas impact grants for the biennium by the legislative assembly, and who shall credit the remaining revenues to the state general fund."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1112

Page 1, line 7, overstrike "fifteen" and insert immediately thereafter "seventeen"

Page 1, line 8, remove the overstrike over "~~two persons~~"

Page 1, line 9, remove "one person", remove the overstrike over "~~four~~", and remove "two"

Page 1, line 10, after "appointed" insert "one of whom must represent a rural hospital and one of whom must represent an urban hospital,"

Page 1, line 18, replace "eight" with "nine"

Page 2, line 2, after the period insert "For the purposes of this section, a rural hospital is a hospital located in a city with a population of less than twenty thousand, and an urban hospital is a hospital located in a city with a population of twenty thousand or more."

Renumber accordingly

SENATE AMENDMENTS TO HB 1132

Page 1, line 11, replace "two" with "three"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1193

Page 2, line 23, after the underscored period insert "The director may also contract to provide services, without cost to the state, for persons held by any of the jurisdictions mentioned in this section. An adult

inmate considered for transfer to another jurisdiction who does not consent to the transfer or a juvenile delinquent considered for transfer to another jurisdiction whose parent or guardian does not consent to the transfer must be given notice of the pending transfer and a review of the proposed transfer to determine the need and justification for the transfer by a board consisting of an institutional staff member, a security or housing staff member, a member of the administrative staff, and a chairman who is designated by the director of corrections. The findings of the review board must be given to the adult inmate or in the case of a juvenile delinquent, the parent or guardian. In addition, in the case of an adult inmate, the findings must be presented to the pardon board, and in the case of a juvenile, to the designated juvenile court for approval of the requested transfer."

Page 4, line 4, replace "state farm" with "Missouri river correctional center"

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1215

Page 1, line 4, replace "board of university and school lands" with "state department of health and consolidated laboratories"

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1219

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 54-45 of the North Dakota Century Code, relating to the civil air patrol;" and remove "54-45-01, 54-45-02,"

Page 1, line 3, replace "section" with "sections 54-45-01, 54-45-02, and"

Page 1, replace lines 8 through 22 with:

"SECTION 1. A new section to chapter 54-45 of the North Dakota Century Code is created and enacted as follows:

"Civil air patrol" defined - declaration of policy. "Civil air patrol" means the private nonprofit corporation chartered under federal law [36 U.S.C. 201-208]. It is the purpose of this chapter to declare the intent of the state of North Dakota to continue to provide financial support to the North Dakota wing of the civil air patrol to enable the civil air patrol to continue to provide to the state of North Dakota communications services, cadet training, disaster relief, search and rescue missions or assistance, and other related functions within the scope of the activity of the civil air patrol and administrative support personnel necessary to support these services and functions."

Page 2, remove lines 1 through 3

Page 3, after line 12, insert:

"SECTION 6. REPEAL. Sections 54-45-01, 54-45-02, and 54-45-04 of the North Dakota Century Code are repealed."

Re-number accordingly

SENATE AMENDMENTS TO HB 1255

Page 1, line 13, replace "also" with "the court must order that the person commencing the action" and after "and" insert "actual"

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1256

Page 1, line 19, remove "secretary of state may not approve a" and after "petition" insert "must be deemed insufficient"

Page 1, line 20, after "reason" insert "or reasons" and replace "as required" with "consistent with the reasons provided"

ReNUMBER accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1261

Page 1, line 10, replace "twelve" with "fifteen"

Page 1, line 13, replace "drawee" with "depository bank"

Page 1, line 14, after "dollars" insert "if recovered by the collection agency"

Page 2, line 17, replace "twelve" with "fifteen"

Page 3, line 11, replace "twelve" with "fifteen"

Page 3, line 27, replace "twelve" with "fifteen"

Page 4, line 22, replace "twelve" with "fifteen"

ReNUMBER accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1262

Page 1, line 2, replace "retired" with "licensed health care providers"

Page 1, line 3, remove "physicians and physicians serving under a medical residency"

Page 1, line 8, replace "retired physicians or a physician serving under a medical" with "licensed health care provider"

Page 1, line 9, remove "residency" and remove "retired"

Page 1, line 10, replace "physician or a physician serving under a medical residency" with "health care provider"

Page 1, line 11, replace "chapter 43-17" with "title 43"

Page 1, line 14, replace "physician's" with "health care provider's"

ReNUMBER accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1296

Page 1, line 6, after "a" insert "minor patient or a"

Page 2, line 7, after "a" insert "minor patient or a"

Page 2, line 16, remove "If there are more than two individuals in the same"

Page 2, remove lines 17 and 18

Page 2, line 27, after the second comma insert "or"

Page 2, line 28, replace the comma with a semicolon and after the first "or" insert "for"

Page 2, line 29, after "facility" insert "for a period of more than forty-five days without a mental health proceeding or other court order" and remove "No effective consent"

Page 3, remove lines 1 and 2

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1300

Page 1, line 16, replace "that include" with "limited to"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1310

Page 1, line 17, overstrike the first comma and overstrike the second comma

Page 2, line 15, remove the overstrike over "if the declarant is a resident of a long-term care facility, as"

Page 2, remove the overstrike over lines 16 and 17

Page 2, line 19, after "50-10-1-02" insert "recognized member of the clergy, an attorney licensed to practice in this state, or a person as may be designated by the department of human services or the county court for the county in which the facility is located" and remove the overstrike over the period

Page 2, line 20, remove the overstrike over "a."

Page 3, line 21, after "declaration" insert an underscored comma

Page 4, line 26, after "declaration" insert an underscored comma

Page 5, line 15, remove the overstrike over "4." and remove "3."

Renumber accordingly

SENATE FLOOR AMENDMENTS TO ENGROSSED HB 1321

That the proposed amendments to Engrossed House Bill No. 1321 as printed on pages 1026-1027 of the Senate Journal be amended as follows:

Page 1027 of the Senate Journal, line 25, remove "section 2 of"

SENATE AMENDMENTS TO ENGROSSED HB 1321

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 65-04 of the North Dakota Century Code, relating to calculation of employer's premiums; to amend and reenact section 65-04-04 of the North Dakota Century Code, relating to the basis for establishing workers' compensation premiums; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 65-04-04 of the North Dakota Century Code is amended and reenacted as follows:

65-04-04. Employers obligated to pay premiums - ~~Determination of premiums~~—Premium receipts and certificates to be mailed. Each employer subject to the provisions of this title shall pay into the fund annually the amount ~~or of~~ premiums determined and fixed by the bureau for the employment or occupation of ~~such~~ the employer, ~~which~~. The amount ~~shall~~ must be determined by the classifications, rules, and rates made and published by the bureau and ~~shall~~ must be based on a proportion of the annual expenditure of money by ~~such~~ the employer for the service of persons subject to the provisions of this title; ~~provided, however, that the computation of such premiums shall not be based upon any premium wages in excess of the basic hourly rate of pay or any annual remuneration, in whatever form, in excess of the sum of thirty-six hundred dollars paid to any employee by any employer. A receipt or certificate specifying that such the payment has been made shall~~ must be mailed to ~~such~~ the employer by the bureau immediately after ~~such~~ the payment is made, and ~~such the~~ receipt or certificate, attested by the seal of the bureau, ~~shall be~~ is prima facie evidence of

the payment of the premium. The bureau shall provide that premiums to be paid by school districts, townships, and all public corporations or agencies, except municipal corporations, fall due at the end of the fiscal year of ~~such~~ that entity, and that premiums to be paid by all municipal corporations fall due at the end of the calendar year, and may make provisions so that premiums of other employers fall due on different or specified dates ~~and for~~. For the purpose of effectuating ~~such different or specified~~ due dates the bureau may carry new or current risks for a period of less than one year and not to exceed fifteen months, either by request of the employer or action of the bureau.

SECTION 2. A new section to chapter 65-04 of the North Dakota Century Code is created and enacted as follows:

Basis of calculating premiums.

1. For each year, the amount of an employee's wages subject to premium calculations must be determined as an amount equal to seventy percent of the statewide average annual wage, hereafter referred to as limited payroll, rounded to the nearest one hundred dollars, determined by the bureau on or before July first as calculated by job service North Dakota under subsection 3 of section 52-04-03.
2. The rates for each classification must be determined by:
 - a. Estimating the revenue needed by each employment classification;
 - b. Estimating the total limited payroll to be reported by all employers in each employment classification for the year;
 - c. Dividing the estimated revenue needed by an employment classification by the estimated total limited payroll in that classification to determine the required average premium for that classification rate; and
 - d. Determining the maximum and minimum rates for each employment classification by:
 - (1) Multiplying the required average premium rate by one and seventy-five hundredths to get the maximum rate assigned to an employer with a negative experience rating; and
 - (2) Multiplying the required average premium rate by twenty-five hundredths to get the minimum rate assigned to an employer with a positive experience rating.

SECTION 3. EFFECTIVE DATE. The bureau shall implement the premium calculation system established in section 2 of this Act by July 1, 1992."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1329

Page 1, line 11, after the period insert "The summary must include a list of the species that may be harvested, the date that the season for each species opens and closes, the daily and possession limits for each species, any changes in regulations from the previous year, and any changes in units opened or closed to hunting or fishing from the previous year. The summary must also list the address and phone number of the game and fish department and state that a copy of the complete legal proclamation may be obtained from the department."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1333

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

Page 2, line 5, replace "sixty-five" with "seventy-five"

Page 4, line 4, replace "sixty-five" with "seventy-five"

Renumber accordingly

SENATE AMENDMENTS TO HB 1338

Page 1, line 10, remove "or" and after "premises" insert ", or defined area"

Page 3, after line 2, insert:

"7. Intentionally turn out or release any animal in or on an animal facility."

Page 3, line 19, after "5" insert "or 7"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1375

Page 1, line 2, replace "aldermen" with "council members"

Page 1, line 20, replace "aldermen" with "council members"

Page 1, line 22, replace "ten" with "five"

Page 2, line 1, replace "aldermen" with "council members"

Page 2, line 2, replace "aldermen" with "council members"

Page 2, line 4, replace "aldermen" with "council members"

Renumber accordingly

SENATE AMENDMENTS TO HB 1378

Page 1, line 1, after "17" insert "and subdivision e of subsection 18" and after "52-01-01" insert "and section 65-01-03"

Page 1, line 3, after "contractor" insert "and employment" and after "purposes" insert "and to the definition of an independent contractor for workers' compensation purposes"

Page 3, line 23, replace "is an independent contractor as determined by" with "maintains a separate business establishment or the individual holds that individual out to render or renders services to the general public. In determining whether a person is an independent contractor or an employee, the primary test to be employed is"

Page 3, line 24, replace "right to control" with "common law"

Page 3, after line 24, insert:

"SECTION 2. AMENDMENT. Subdivision e of subsection 18 of section 52-01-01 of the North Dakota Century Code is amended and reenacted as follows:

- e. Service performed by an individual in the employ of his the individual's son, daughter, or spouse, and service performed by a child under the age of eighteen in the employ of his and dwelling in the household of the child's father or mother.

SECTION 3. AMENDMENT. Section 65-01-03 of the North Dakota Century Code is amended and reenacted as follows:

65-01-03. Person performing service for remuneration presumed an employee. Each person who performs services for another for a remuneration, whether the same is paid as a salary, commission, or other considerations in lieu thereof, under any agreement or contract of hire, express or implied, ~~shall be~~ is presumed to be an employee of the person for whom the services are performed, unless ~~he shall maintain the person maintains~~ a separate business establishment or ~~shall hold himself holds that person out to render or shall render renders~~ services to the general public.

In determining whether a person is an independent contractor or an employee, the primary test to be employed is the "right to control common law" test."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1384

Page 3, line 6, remove "Notwithstanding that a durable power of attorney for health care is"

Page 3, remove lines 7 and 8

Page 3, line 9, remove "withheld from the principal over the principal's objection."

Page 4, line 25, replace "may be" with "is"

Page 6, line 18, remove "being admitted or is"

Page 6, line 19, replace "an ombudsman," with "a"

Page 6, line 20, after the comma insert "an"

Page 6, line 21, replace "other" with "a" and after "by" insert "the department of human services or"

Page 8, line 1, replace "A" with "Unless a court of competent jurisdiction determines otherwise, a"

Page 8, line 16, remove "only"

Page 9, line 10, remove "In addition, no treatment"

Page 9, remove lines 11 through 13

Page 9, line 14, remove the first comma

Renumber accordingly

SENATE AMENDMENTS TO HB 1431

In addition to the amendments adopted by the Senate as printed on page 862 of the Senate Journal, House Bill No. 1431 is further amended as follows:

Page 1, line 22, overstrike "his"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1433

Page 1, line 9, overstrike "director" and insert immediately thereafter "chairman of the committee on employment of people with disabilities of the governor's council on human resources"

Page 1, line 13, overstrike "director" and insert immediately thereafter "chairman"

- Page 1, line 15, overstrike "director" and insert immediately thereafter "chairman"
- Page 1, line 19, overstrike "director" and insert immediately thereafter "chairman"
- Page 2, line 6, overstrike "director" and insert immediately thereafter "chairman"
- Page 2, line 7, overstrike "director" and insert immediately thereafter "chairman"
- Page 2, line 9, overstrike "director" and insert immediately thereafter "chairman"
- Page 2, line 14, overstrike "director" and insert immediately thereafter "chairman"
- Page 2, line 15, replace "director" with "chairman"
- Page 2, line 20, remove "Except as provided in this subsection, two" and overstrike "dollars of each" and insert immediately thereafter "The"
- Page 2, line 21, remove "and one dollar of each fee for"
- Page 2, line 22, remove "issuance of an additional certificate" and overstrike "must be"
- Page 2, overstrike lines 23 and 24
- Page 2, line 25, overstrike "fee" and remove ", and the five-dollar fee received for the issuance of an"
- Page 2, line 26, remove "additional certificate under subsection 4,"
- Page 3, line 6, overstrike "director" and insert immediately thereafter "chairman"
- Page 4, line 18, after "on" insert "employment of"
- Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1477

- Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for utilization review of health care services; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Purpose. The purpose of this Act is to:

1. Promote the delivery of quality health care in a cost-effective manner;
2. Assure that utilization review agents adhere to reasonable standards for conducting utilization review;
3. Foster greater coordination and cooperation between health care providers and utilization review agents;
4. Improve communications and knowledge of benefits among all parties concerned before expenses are incurred; and
5. Ensure that utilization review agents maintain the confidentiality of medical records in accordance with applicable laws.

SECTION 2. Definitions. For purposes of this Act, unless the context requires otherwise:

1. "Commissioner" means the commissioner of insurance.
2. "Enrollee" means an individual who has contracted for or who participates in coverage under an insurance policy, a health maintenance organization contract, a health service corporation contract, an employee welfare benefit plan, a hospital or medical services plan, or any other benefit program providing payment, reimbursement, or indemnification for health care costs for the individual or the individual's eligible dependents.
3. "Provider of record" means the physician or other licensed practitioner identified to the utilization review agent as having primary responsibility for the care, treatment, and services rendered to an individual.
4. "Utilization review" means a system for prospective and concurrent review of the necessity and appropriateness in the allocation of health care resources and services given or proposed to be given to an individual within this state. Utilization review does not include elective requests for clarification of coverage.
5. "Utilization review agent" means any person or entity performing utilization review, except:
 - a. An agency of the federal government; or
 - b. An agent acting on behalf of the federal government, but only to the extent that the agent is providing services to the federal government.

SECTION 3. Certification. A utilization review agent may not conduct utilization review in this state unless the utilization review agent has certified to the commissioner in writing that the agent is in compliance with section 4 of this Act. Certification must be made annually on or before March first of each calendar year. In addition, a certification review agent must file the following information:

1. The name, address, telephone number, and normal business hours of the utilization review agent;
2. The name and telephone number of a person for the commissioner to contact; and
3. A description of the appeal procedures for utilization review determinations.

Any material changes in the information filed in accordance with this section must be filed with the commissioner within thirty days of the change.

SECTION 4. Minimum standards of utilization review agents. All utilization review agents must meet the following minimum standards:

1. Notification of a determination by the utilization review agent must be mailed or otherwise communicated to the provider of record or the enrollee or other appropriate individual within two business days of the receipt of the request for determination and the receipt of all information necessary to complete the review.
2. Any determination by a utilization review agent as to the necessity or appropriateness of an admission, service, or

procedure must be reviewed by a physician or, if appropriate, a licensed psychologist, or determined in accordance with standards or guidelines approved by a physician or licensed psychologist.

3. Any notification of a determination not to certify an admission or service or procedure must include the principal reason for the determination and the procedures to initiate an appeal of the determination.
4. Utilization review agents shall maintain and make available a written description of the appeal procedure by which enrollees or the provider of record may seek review of determinations by the utilization review agent. The appeal procedure must provide for the following:
 - a. On appeal, all determinations not to certify an admission, service, or procedure as being necessary or appropriate must be made by a physician or, if appropriate, a licensed psychologist.
 - b. Utilization review agents shall complete the adjudication of appeals of determinations not to certify admissions, services, and procedures no later than thirty days from the date the appeal is filed and the receipt of all information necessary to complete the appeal.
 - c. Utilization review agents shall provide for an expedited appeals process for emergency or life-threatening situations. Utilization review agents shall complete the adjudication of expedited appeals within forty-eight hours of the date the appeal is filed and the receipt of all information necessary to complete the appeal.
5. Utilization review agents shall make staff available by toll-free telephone at least forty hours per week during normal business hours.
6. Utilization review agents shall have a telephone system capable of accepting or recording incoming telephone calls during other than normal business hours and shall respond to these calls within two working days.
7. Utilization review agents shall comply with all applicable laws to protect confidentiality of individual medical records.
8. Physicians or psychologists making utilization review determinations shall have current licenses from a state licensing agency in the United States.
9. Utilization review agents shall allow a minimum of twenty-four hours following an emergency admission, service, or procedure for an enrollee or the enrollee's representative to notify the utilization review agent and request certification or continuing treatment for that condition.

However, the commissioner may find that the standards in this section have been met if the utilization review agent has received approval or accreditation by a utilization review accreditation organization.

SECTION 5. Utilization review agent violations - Penalty. Whenever the commissioner has reason to believe that a utilization review agent subject to this Act has been or is engaged in conduct that violates section 3 or 4 of this Act, the commissioner shall notify the utilization review agent of the alleged violation. The utilization

review agent has thirty days from the date the notice is received to respond to the alleged violation.

If the commissioner believes that the utilization review agent has violated this Act, or is not satisfied that the alleged violation has been corrected, the commissioner shall conduct a hearing on the alleged violation in accordance with chapter 28-32.

If, after the hearing, the commissioner determines that the utilization review agent has engaged in violations of this Act, the commissioner shall reduce the findings to writing and shall issue and cause to be served upon the utilization review agent a copy of the findings and an order requiring the utilization review agent to cease and desist from engaging in the violations. The commissioner may also, at the commissioner's discretion, order:

1. Payment of a penalty of not more than ten thousand dollars for a violation that occurred with such frequency as to indicate a general business practice; or
2. Suspension or revocation of the authority to do business in this state as a utilization review agent if the utilization review agent knew that the act was in violation of this Act."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1488

Page 1, line 21, after "county" insert "either of", overstrike "fee" and insert immediately thereafter "fees", and remove the overstrike over "~~and no more~~"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1516

Page 1, line 8, replace "27-06-07" with "27-06-01"

Page 1, line 12, remove "and"

Page 1, line 13, after "judge" insert ", and abolition of the office of municipal judge upon transfer of all municipal cases to county or district court"

Page 1, line 14, after the third comma insert "27-01-04,"

Page 1, line 17, remove "and" and after "date" insert "; and to provide an expiration date"

Page 7, line 2, replace "forty-six" with "forty-two"

Page 7, line 3, replace "1" with "2" and replace "2000" with "2001"

Page 8, line 8, replace "ten" with "seven" and after "thousand" insert "five hundred"

Page 8, line 11, after "judge" insert "- Abolition of offices - Hearing"

Page 8, after line 26, insert:

"2. Subject to subsection 3, the supreme court may, after consultation with district court judges and attorneys in the affected judicial district, abolish one or more offices of district court judge if the supreme court determines that the office is not necessary for effective judicial administration and abolition of the office is necessary to reduce the number of district court judges as required in subsection 2 of section 27-05-01. At least one year before the end of the term of office of a district court judge holding the

judgeship, the supreme court shall notify the judges of the affected judicial district of a determination that the judgeship will be abolished. The abolition of an office of district court judge under this subsection is effective at the end of the term of office of the district court judge holding that judgeship. The district court judge holding the judgeship to be abolished may petition the supreme court, within thirty days after receiving notice that the judgeship will be abolished, for a hearing on the determination. The supreme court shall hold the hearing within thirty days after receipt of the petition. Within thirty days after the hearing, the supreme court shall affirm, reverse, or modify its previous determination."

3. The authority conferred upon the supreme court in subsection 2 may be exercised:

- a. From July 1, 1995, until June 30, 1997, if on July 1, 1995, the number of district court judges is more than forty-eight;
- b. From July 1, 1997, until June 30, 1999, if on July 1, 1997, the number of district court judges is more than forty-six; and
- c. From July 1, 1999, until December 31, 2000, if on July 1, 1999, the number of district court judges is more than forty-four."

Page 8, line 27, replace "2" with "4" and replace "determination" with "determinations"

Page 15, after line 18, insert:

"SECTION 18. AMENDMENT. Section 40-18-06.2 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

40-18-06.2. Transfer of municipal ordinance cases to county court - Abolition of office of municipal judge. With the agreement of the governing body of the county, or the counties of the multicounty agreement area pursuant to section 27-07.1-02, the governing body of a city may, by ordinance, transfer some or all of the cases of the municipal court to the county court of the county in which the city is located. These cases are deemed county court cases for purposes of appeal. The governing body of a city with a population of less than five thousand, upon transferring all municipal court cases to the county, may abolish, by resolution, the office of municipal judge. The term of office of the municipal judge elected to serve that city terminates upon the date the governing body of the city abolishes the office of municipal judge."

Page 15, line 22, after "court" insert "- Abolition of office of municipal judge" and remove the overstrike over "governing body of the county,"

Page 15, line 23, after "~~27-07.1-02~~" insert "the"

Page 15, line 24, after "located" insert an underscored comma

Page 15, line 28, after the period insert "The governing body of a city with a population of less than five thousand, upon transferring all municipal court cases to the district court, may abolish, by resolution, the office of municipal judge. The term of office of the municipal judge elected to serve that city terminates upon the date the governing body of the city abolishes the office of municipal judge."

Page 16, line 11, replace "or" with "and"

Page 16, line 16, replace "or" with "and"

Page 16, line 18, remove the overstrike over the overstruck period

Page 16, line 19, replace "or" with "and"

Page 17, line 29, after the second comma insert "27-01-04,"

Page 18, line 4, remove "and"

Page 18, line 5, replace "22" with "17, and 19 through 23"

Page 18, after line 5, insert:

"SECTION 25. EXPIRATION DATE. Section 18 of this Act is effective through January 1, 1995, and after that date is ineffective."

Renumber accordingly

SENATE AMENDMENTS TO HB 1538

Page 1, line 7, after "~~ninety~~" insert "one hundred twenty", remove the overstrike over "~~days~~", and remove "six"

Page 1, line 8, remove "months"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1604

Page 1, line 7, overstrike ", for the"

Page 1, line 8, overstrike "purchase of fuel,"

Page 1, line 14, after the period insert "For the purchase of fuel when the amount exceeds four thousand dollars, the board of county commissioners shall seek bids either by telephone solicitation from at least two suppliers, or by an advertisement for bids to be published at least once each week for two successive weeks in the official newspaper of the county and in such other newspapers as the board deems advisable."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HCR 3038

Page 1, line 3, remove "exempt surface coal mining permits of"

Page 1, line 4, replace "five acres or less in size from the" with "reduce permitting" and replace "of" with "under"

Page 1, line 6, after "laws" insert "for surface coal mining operations of five acres or less in size"

Page 2, line 4, after the second comma insert "United States"

Page 2, line 5, remove "exempt surface coal mining permits"

Page 2, line 6, replace "of five acres or less in size from the" with "reduce permitting" and replace the second "of" with "under"

Page 2, line 8, after "laws" insert "for surface coal mining operations of five acres or less in size"

Renumber accordingly

SENATE AMENDMENTS TO HCR 3042

Page 1, line 2, remove "solid"

Page 1, line 3, remove "solid"

Page 1, line 5, remove "solid"

Page 1, line 6, remove "solid" and after "plans" insert ", and to request, accept, and expend funds to conduct the study"

Page 1, line 7, remove "solid"

Page 1, line 19, remove "solid"

Page 1, line 21, remove "solid"

Page 2, line 2, remove "solid"

Page 2, line 5, after the semicolon insert "and"

Page 2, after line 5, insert:

"WHEREAS, federal and other funds may be available to assist states in conducting studies of this kind and to assess and designate appropriate agencies to site and regulate waste management;"

Page 2, line 8, after "problems" insert "and benefits" and remove "solid"

Page 2, line 10, remove "solid"

Page 2, line 11, remove "solid"

Page 2, line 12, remove "solid"

Page 2, after line 13, insert:

"BE IT FURTHER RESOLVED, that the Legislative Council may request and accept federal and other funds and may expend those funds as provided in North Dakota Century Code Section 54-35-06 in carrying out its responsibilities under this resolution; and"

ReNUMBER accordingly

SENATE AMENDMENTS TO HCR 3043

Page 1, line 6, after "property" insert "and to study funding sources for the wetland tax exemption program"

Page 1, line 19, after the semicolon insert "and"

Page 1, after line 19, insert:

"WHEREAS, wetlands are a valuable natural resource with value for flood control, ground water recharge, water purification, and wildlife; and

WHEREAS, the protection, development, and management of North Dakota's water resources is essential for the long-term health, safety, general welfare, and economic security of North Dakota and its citizens; and

WHEREAS, the Legislative Assembly has passed a wetland tax exemption program that has not been effective because funding has not been made available;"

Page 2, after line 3, insert:

"BE IT FURTHER RESOLVED, that the Legislative Council study fair and equitable funding sources for the wetland tax exemption program and seek the advice of the Governor, State Game and Fish Commissioner, Commissioner of Agriculture, State Engineer, and public and private groups in conducting this portion of the study; and"

Renumber accordingly

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1139.

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

Page 10, after line 19, insert:

"SECTION 11. EMERGENCY. Sections 1 through 9 of this Act are declared to be an emergency measure."

Renumber accordingly

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2054, SB 2083, and SB 2211, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2054: Sens. Keller; Heinrich; Stenehjelm

SB 2083: Sens. Mathern; O'Connell; Mutch

SB 2211: Sens. Wogsland; Tomac; Moore

SECOND READING OF SENATE BILL

SB 2589: A BILL for an Act to create and enact a new section to chapter 23-01.1 and a new subsection to section 23-01.1-02 of the North Dakota Century Code, relating to publication of physicians' fee information; to amend and reenact section 23-01.1-04 of the North Dakota Century Code, relating to data acquired by the health care data committee; and to repeal section 23-01.1-03 of the North Dakota Century Code, relating to a directory of licensed physicians.

MOTION

REP. GATES MOVED the previous question, which motion prevailed.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 75 YEAS, 29 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Cleary; Coats; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Gabrielson; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grumbo; Hanson; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kroeber; Larson; Laughlin; Linderman; Mahoney; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Peterson; Price; Pyle; Ring; Ritter; Scherber; Schmidt; Schneider; Skar; Skjerven; Snyder; Soukup; Starke; Stofferahn; Thompson; Thorpe; Tollefson; Trautman; Urlacher; Wentz; Wilkie; Williams

NAYS: Carlisle; Clayburgh; Dalrymple; Delzer; Freier; Gates; Grosz; Hausauer; Henegar; Kretschmar; Kunkel; Martin; Martinson; Olsen, D.; Olson, A.; Payne; Porter; Rennerfeldt; Rydell; Schimke; Schindler; Shide; St. Aubyn; Svedjan; Timm; Wald; Wardner; Whalen; Speaker R. Anderson

ABSENT AND NOT VOTING: Berg, G.; Carlson

SB 2589 passed and the title was agreed to.

HOUSE ENGROSSING AND ENROLLING REPORT

The following bill was engrossed and enrolled: HB 1486.

HOUSE ENROLLING REPORT

The following bill was enrolled: HB 1511.

HOUSE ENROLLING REPORT

The following bill was enrolled: HB 1492.

HOUSE ENROLLING REPORT

The following bills were enrolled: HB 1050, HB 1201, HB 1282, HB 1523.

HOUSE ENROLLING REPORT

The following bills were enrolled: HB 1004, HB 1005, HB 1011, HB 1186, HB 1271, HB 1285, HB 1327, HB 1336, HB 1391, HB 1392, HB 1395, HB 1400, HB 1408, HB 1416, HB 1425, HB 1446, HB 1454, HB 1467, HB 1472, HB 1487, HB 1499, HB 1500, HB 1519, HB 1522, HB 1530, HB 1567, HB 1568, HB 1581, HB 1584, HB 1590.

HOUSE ENROLLING REPORT

The following resolutions were enrolled: HCR 3027, HCR 3031.

MOTION

REP. TOLLEFSON MOVED that the House waive the reading of the title to SB 2203, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2203: A BILL for an Act to create and enact three new sections to chapter 14-09 of the North Dakota Century Code, relating to representation in child support matters; to amend and reenact sections 14-09-08.4, 14-09-09.12, 14-09-09.13, 14-09-09.16, 14-09-09.17, 14-09-09.24, subsection 3 of section 14-09-09.25, sections 14-12.1-12, 14-12.1-18, 14-12.1-24, 14-12.1-27, and 14-12.1-38 of the North Dakota Century Code, and section 16 of chapter 148 of the 1989 Session Laws of North Dakota, relating to the establishment and enforcement of child support obligations; and to provide a contingent effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 105 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gernholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjervsen; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Carlson

Engrossed SB 2203 passed and the title was agreed to.

SB 2505: A BILL for an Act to amend and reenact section 1 of chapter 367 of the 1963 Session Laws of North Dakota, relating to the deed to property formerly owned by the state at Bathgate, North Dakota; and to provide for issuance of a new deed for the property

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 58 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Bodine; Boucher; Brokaw; Coats; DeMers; DeWitz; Enget; Flaagan; Gabrielson; Gates; Gilmore; Goffe; Grumbo; Hanson; Hokana; Huether; Jacobson; Jensen; Kaldor; Kerzman; Kolbo; Kroeber; Laughlin; Linderman; Mahoney; Martinson; Meyer; Miller; Mutzenberger; Nelson; Nowatzki; Oban; Peterson; Ring; Ritter; Scherber; Schneider; Snyder; Starke; Stofferahn; Thorpe; Wardner; Wilkie; Williams

NAYS: Bateman; Belter; Berg, R.; Bernstein; Boehm; Brown; Byerly; Carlisle; Clayburgh; Cleary; Dalrymple; Delzer; Dorso; Erickson; Freier; Gerntholz; Gorder; Gorman; Grosz; Hausauer; Henegar; Howard; Kelsch; Kloubec; Kretschmar; Kunkel; Larson; Martin; Muhs; Myrdal; Nicholas; Nichols; Olsen, D.; Olson, A.; Payne; Porter; Price; Pyle; Rennerfeldt; Rydell; Schimke; Schindler; Schmidt; Shide; Skar; Skjerven; Soukup; St. Aubyn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wentz; Whalen; Speaker R. Anderson

ABSENT AND NOT VOTING: Carlson

SB 2505 was declared lost.

SECOND READING OF SENATE CONCURRENT RESOLUTION ON CONSENT CALENDAR

SCR 4067: A concurrent resolution directing the Legislative Council to study workers' compensation, insurance, and contract issues that may arise when an employer or insurer requires subrogation, additional insured coverage, or indemnification of an employee or contractor.

The question being on the final adoption of the resolution, which has been read.

The resolution was declared adopted on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2083: Reps. Bernstein, Price, Kroeber.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2054: Reps. Martinson, Kelsch, Mutzenberger.

MOTION

REP. KLOUBEC MOVED that all bills be messaged to the Senate, with the exception of SB 2590, which motion prevailed.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has failed to pass: SB 2250, SB 2305, SB 2312, SB 2362, SB 2386, SB 2407, SB 2414, SB 2499, SB 2549, SB 2561, SB 2576, SCR 4054, SCR 4068.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has passed unchanged: SB 2022, SB 2448, SB 2554, SB 2569, SB 2570, SB 2574, SB 2581, SB 2582, SB 2584, SB 2585, SCR 4020, SCR 4023, SCR 4041, SCR 4042, SCR 4045, SCR 4069.

MOTIONS

REP. KLOUBEC MOVED that the absent members be excused, which motion prevailed.

REP. KLOUBEC MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House stand adjourned until 10:00 a.m., Tuesday, March 26, 1991, which motion prevailed.

REPORTS OF STANDING COMMITTEES

SB 2206, as reengrossed: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 65-01, seven new sections to chapter 65-02, two new sections to chapter 65-04, three new sections to chapter 65-05, two new subsections to section 65-05-07, sections 65-05-08.1, 65-05-09.3, 65-05-34, and 65-05-35, and a new section to chapter 65-05.1 of the North Dakota Century Code, relating to workers' compensation administration, coverage, and benefits; and to amend and reenact sections 65-01-02, 65-01-10, 65-02-08, 65-04-13, 65-04-14, 65-04-15, 65-04-18, 65-04-20, 65-05-01, 65-05-08, 65-05-09, 65-05-09.2, 65-05-10, 65-05-25, 65-05-28, 65-05-33, 65-05.1-01, 65-05.1-02.1, 65-05.1-04, 65-05.1-06.1, 65-05.2-01, 65-05.2-02, and subsection 4 of section 65-06.2-02 of the North Dakota Century Code, relating to workers' compensation administration, coverage, and benefits; to provide a penalty; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 65-01-02 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-01-02. Definitions. ~~Whenever used in~~ In this title:

1. "Adopted" or "adoption" refers only to a legal adoption effected prior to the time of the injury.
2. "Artificial members" includes only such devices as are substitutes for, and not mere aids to, a natural part, organ, limb, or other part of the body. ~~Members~~ Eyeglasses The term does not include eye glasses or contact lenses ~~are not artificial members~~ unless the eye is, or eyes are, injured as a result of a compensable injury, and such injury causes a change in sight which requires fitting of eyeglasses or contact lenses not previously worn by the injured worker, or requires a change in existing prescription.
3. "Artificial replacements" means mechanical aids including braces, belts, casts, or crutches as may be reasonable and necessary due to compensable injury. The term does not include:
 - a. Personal items that are for the injured employee's personal use or hygiene, including hand massages, toothbrushes, slippers, shampoo, and soap;
 - b. Any product or item such as clothing or footwear unless the items are considered orthopedic devices and are prescribed by the treating doctor or health care provider;
 - c. All items of furniture except hospital beds, shower stools, wheelchairs, or whirlpools if prescribed by the treating doctor or health care provider;
 - d. Vitamins and food supplements except in those cases where the injury causes severe dietary problems, where the injury results in the employee's paraplegia or

quadriplegia, or where the employee becomes wheelchair-bound due to the injury;

- e. Eye exams unless there is a reasonable potential for injury to the employee's eyes as a result of the injury;
 - f. Home gym or exercise equipment unless the bureau otherwise orders;
 - g. Memberships or monthly dues to health clubs, unless the bureau orders otherwise;
 - h. Private hospital or nursing home rooms except in cases of extreme medical necessity, and only when directed by the attending doctor. If the employee desires better accommodations than those ordered by the attending doctor, the difference in cost will be paid by the employee;
 - i. Serological tests (VDRL and RPR) for syphilis or any other venereal disease tests, pregnancy tests, or any other routine tests unless clearly necessitated by the injury; and
 - j. Aids or programs primarily intended to help the employee lose weight or stop smoking.
- 4. "Average weekly wage in the state" means the determination made of the average weekly wage in the state by job service North Dakota on or before July first of each year, computed to the next highest dollar.
 - 5. "Brother" and "sister" includes a stepbrother and a stepsister, a half brother and a half sister, and a brother and sister by adoption, ~~but such terms shall~~. The terms do not include a married brother or sister unless he or she actually is dependent.
 - 6. "Bureau" means the North Dakota workers compensation bureau, or any director, department heads, assistants, ~~or employees,~~ or other entity designated by the ~~commissioners~~ director, to act within the course and scope of their employment in administering the policies, powers, and duties of this title.
 - 7. "Child" means a child under eighteen years of age residing in the employee's household or to whom the employee has a legal obligation of support; or a child eighteen years of age or over and physically or mentally incapable of self-support who is actually dependent upon the employee for support; or any child between eighteen and twenty-two years of age who is enrolled as a full-time student in any accredited educational institution who is actually dependent upon the employee for support. This term includes a legitimate child, a stepchild, adopted child, posthumous child, foster child, and acknowledged illegitimate child, but shall not include a married child unless actually dependent.
 - 8. "Compensable injury" means an injury by accident arising out of and in the course of employment.
 - a. The term "compensable injury", in addition to an injury by accident, includes:
 - (1) Any disease which can be fairly traceable to the employment. Ordinary diseases of life to which the general public outside of the employment is exposed shall not be compensable except where the disease

follows as an incident to, and in its inception is caused by a hazard to which an employee is subjected in the course of his employment. The disease must be incidental to the character of the business and not independent of the relation of employer and employee. The disease includes impairment and effects from radiation fairly traceable to the employment. It need not have been foreseen or expected, but after it is contracted, it must appear to have had its origin in a risk connected with the employment and to have flowed from that source as a rational consequence. However, preventative treatment for communicable diseases is not compensable under this title.

- (2) An injury to artificial members.
 - (3) Injuries due to heart attack, stroke, and mental or physical injury precipitated by mental stimulus, which must be causally related to the ~~worker's~~ employee's employment, with reasonable medical certainty, and which must have been precipitated by unusual stress.
 - (4) Injuries arising out of employer-required or supplied travel to and from a remote jobsite or activities performed at the direction or under the control of the employer.
 - (5) An injury caused by the willful act of a third person directed against an employee because of the employee's employment.
- b. The term "~~compensable injury~~" does not include:
- (1) An injury caused by the employee's willful intention to injure or kill himself, herself, or another, which includes those instances where the injury or aggravation thereof results from the employee's suicide or attempted suicide.
 - (2) Any injury caused by the use of narcotics or intoxicants.
 - (3) An injury that arises out of an altercation in which the injured employee is the initial physical aggressor.
 - (4) An injury that arises out of the commission of an illegal act by the injured employee.
 - (5) An injury that arises out of an employee's purely voluntary nonpaid participation in any recreational activity, including athletic events, parties, and picnics, even though the employer pays some or all of the cost of the activity.
 - (6) Injuries attributable to a preexisting injury, disease, or condition which clearly manifested itself prior to the compensable injury. This does not prevent compensation where employment substantially aggravates and acts upon an underlying condition, substantially worsening its severity, or where employment substantially accelerates the progression of an underlying condition. However, it is insufficient to afford compensation under this title solely because the employment acted as a

trigger to produce symptoms in a latent and underlying condition if the underlying condition would likely have progressed similarly in the absence of such employment trigger, unless the employment trigger is also deemed a substantial aggravating or accelerating factor. An underlying condition is preexisting injury, disease, or infirmity.

- (7) A nonemployment injury that, although acting upon a prior compensable injury, is established as an independent intervening cause of injury.
 - (8) A latent or asymptomatic degenerative condition, caused in substantial part by employment duties, which is triggered or made active by a nonemployment injury.
 - (9) A mental or emotional injury arising principally out of a bona fide personnel action, including a transfer, promotion, demotion, or termination except such action that is the intentional infliction of emotional harm.
9. "Date of first disability" and "loss of earnings date" mean the first full date the employee was unable to work in relation to a compensable injury. This term does These terms do not apply to recurrent disabilities.
10. "Date of maximum medical improvement" or "date of maximum medical recovery" means the date after which further recovery from, or lasting improvement to, an injury or disease can no longer reasonably be anticipated based upon reasonable medical probability.
11. "Director" means the director of the bureau.
12. "Disability" means that period of time an employee is totally or partially incapacitated from:
- a. Performing employment at any suitable gainful employment or occupation for which the employee is reasonably suited by experience or training;
 - b. Earning in the same or any other employment the wages the employee was receiving at the time of injury loss of earnings capacity and may be permanent total, temporary total, or partial.
 - a. Permanent total disability is permanent in nature and total in character, and is paid to an employee who is not capable of rehabilitation of earnings capacity, which depend upon the following factors:
 - (1) Nature of injury;
 - (2) Degree of physical impairment;
 - (3) Age;
 - (4) Education;
 - (5) Work history; and
 - (6) Vocational rehabilitation potential.

- b. Temporary total disability is total in character but temporary in nature and is paid to the employee until maximum medical recovery with work release to any occupation for which the employee is reasonably suited by aptitude, education, experience, or training.
- c. Partial disability exists when the following are present and must be paid pursuant to section 65-05-10:
 - (1) The employee has a permanent physical inability to perform certain work;
 - (2) The employee is able to do some work subject to the disability;
 - (3) The employee has an actual loss of earning capacity that is causally related to the disability; and
 - (4) The employee has not undergone training under chapter 65-05.1.
- 13. "Doctor" means doctor of medicine, chiropractor, osteopathy, dentist, optometrist, podiatrist, or psychologist acting within the scope of the doctor's license.
- 14. "Employee" means every person engaged in a hazardous employment under any appointment, contract of hire, or apprenticeship, express or implied, oral or written, and:
 - a. The term includes:
 - (1) All elective and appointed officials of this state and its political subdivisions, including municipal corporations and including the members of the legislative assembly, all elective officials of the several counties of this state, and all elective peace officers of any city.
 - (2) Aliens.
 - (3) Poor relief workers except such as are engaged in repaying to counties relief moneys which the counties have been compelled by statute to expend for poor relief.
 - (4) Minors, whether lawfully or unlawfully employed; a minor is deemed sui juris for the purposes of this title, and no other person may have any claim for relief or right to compensation for any injury to such minor worker, but in the event of the award of a lump sum of compensation to such minor employee, such sum shall be paid only to the legally appointed guardian of such minor.
 - b. The term does not include:
 - (1) Any person whose employment is both casual and not in the course of the trade, business, profession, or occupation of that person's employer.
 - (2) Any person who is engaged in an illegal enterprise or occupation.
 - (3) The spouse or child of the employer dwelling in the household of the employer.

- c. Persons employed by subcontractor, or by an independent contractor operating under an agreement with the general contractor, for the purpose of this chapter are deemed to be employees of the general contractor who is liable and responsible for the payments of premium for the coverage of these employees until the subcontractor or independent contractor has secured the necessary coverage and paid the premium therefor. This subdivision does not impose any liability upon a general contractor other than liability to the bureau for the payment of premiums which are not paid by a subcontractor or independent contractor.
15. "Employer" means:
- a. The state and all political subdivisions thereof.
 - b. All public and quasi-public corporations in this state.
 - c. Every person, partnership, association, and private corporation, including a public service corporation.
 - d. The legal representative of any deceased employer.
 - e. The receiver or trustee of any person, partnership, association, or corporation, having one or more employees as herein defined.
 - f. The president, vice presidents, secretary, or treasurer of a business corporation.
16. "Employment" means employment by the state and all political subdivisions thereof, by all public and quasi-public corporations therein, and all private employments.
17. "Fairly traceable to the employment" when used to modify the term "disease" means only a disease which:
- a. Arises under conditions wherein it is apparent to the rational mind upon consideration of all the circumstances that there is a direct causal connection between the conditions under which the work is performed and the disease;
 - b. Can be seen to have followed as a natural incident of the work as a result of the exposure occasioned by the nature of the employment;
 - c. Can be fairly traced to the employment;
 - d. However, any condition or impairment of health of a full-time paid ~~fireman~~ firefighter or law enforcement officer caused by lung or respiratory disease, hypertension, heart disease, or exposure to infectious disease as defined by sections 23-07.3-01 and 23-07.3-02, or occupational cancer in a full-time paid ~~fireman~~ firefighter, resulting in total or partial disability or death is presumed to have been suffered in the line of duty. The condition or impairment of health may not be attributed to any disease existing before that total or partial disability or death unless the contrary is shown by competent evidence. As used in this subdivision, an occupational cancer is one which arises out of employment as a full-time paid ~~fireman~~ firefighter and is due to injury due to exposure to smoke, fumes, or carcinogenic, poisonous, toxic, or chemical substances while in the performance of active duty as a full-time paid ~~fireman~~ firefighter.

firefighter. A full-time paid ~~fireman~~ firefighter or law enforcement officer is not eligible for the benefit provided under this subdivision unless that full-time paid ~~fireman~~ firefighter or law enforcement officer has completed two years of continuous service and has successfully passed a physical examination which fails to reveal any evidence of such a condition.

18. "Fee schedule" means the relative value scale, conversion factors, fee schedules, and medical aid rules adopted by the bureau.
19. "Fund" means the North Dakota workers' compensation fund.
20. "Grandchild" and the terms defined in subsections 4 and 6 include only a person who, at the time of the death of the deceased employee, is under eighteen years of age, or if over that age, is incapable of self-support.
21. "Hazardous employment" means any employment in which one or more employees are employed regularly in the same business or in or about the establishment except:
 - a. Agricultural or domestic service.
 - b. Any employment of a common carrier by railroad.
 - c. Any employment for the transportation of property or persons by nonresidents, where, in such transportation, the highways are not traveled more than seven miles [11.27 kilometers] and return over the same route within the state of North Dakota.
 - d. All members of the clergy and employees of religious organizations engaged in the operation, maintenance, and conduct of the place of worship.
22. "Health care provider" means a doctor or any recognized practitioner providing skilled services pursuant to the prescription of, or under the supervision or direction of, a doctor.
23. "Orphan" means a child who has no lawful parent
24. "Parent" includes a stepparent and a parent by adoption.
25. "Permanent impairment" means the loss of or loss of use of a member of the body existing after the date of maximum medical improvement or recovery, and includes disfigurement resulting from an injury if such disfigurement diminishes the ability of the employee to obtain employment. The loss must be determined in accordance with and based upon the most current edition of the American medical association's "Guides to the Evaluation of Permanent Impairment" ~~Any impairment award not expressly contemplated within the American medical association's "Guides to the Evaluation of Permanent Impairment" must be determined by clear and convincing medical evidence.~~
26. ~~"Premises" means that part of the employer's property upon or in which the employee is expected to perform services for his employer.~~
27. "Rehabilitation services" means nonmedical services reasonably necessary to restore a disabled employee to substantial gainful employment as defined by section 65-05.1-01 as near as possible. ~~Such services~~ The term may

include vocational evaluation, counseling, education, workplace modification, and vocational retraining including on-the-job training or training for alternative employment with the same employer, and job placement assistance.

~~26-~~ 27. "Spouse" includes only the decedent's husband or wife who was living with the decedent or was dependent upon the decedent for support at the time of injury.

~~29-~~ 28. "Utilization review" means the initial and continuing evaluation of appropriateness in terms of both the level and the quality of health care and health services provided a patient, based on medically accepted standards. The evaluation must be accomplished by means of a system that identifies the utilization of medical services, based on medically accepted standards, and which refers instances of possible inappropriate utilization to the bureau to obtain opinions and recommendations of expert medical consultants to review individual cases for which administrative action may be deemed necessary.

~~30-~~ 29. "Wages" means all remuneration payable in money or a substitute for money for services rendered by an employee.

a. The term "~~wages~~" includes:

- (1) The actual value of board, lodging, rent, or housing and per diem expenses to be included within the actual wage as remuneration, if such board, lodging, rent, or housing and per diem is lost as a result of the injury.
- (2) Commissions and bonuses.
- (3) Extra wages for any and all overtime work.
- (4) Wages or salary paid during holidays, vacations, or sickness periods.
- (5) Gratuities received in the course of employment, from others than the employer, only when such gratuities are received with the knowledge of the employer and reported to the internal revenue service.
- (6) Wages earned from employment at more than one occupation or employer other than the employer at the time of injury, if those wages are lost due to compensable injury.
- (7) Unemployment insurance benefits and workers' compensation temporary total disability benefits paid to the injured ~~worker~~ employee during the twelve months preceding the month of injury will be taken into account when computing the average weekly gross earnings in cases where there are special circumstances under which the average gross weekly earnings cannot be determined.

b. The term "wages" does not include.

- (1) Severance pay.
- (2) The cash value of health, medical, life, or other insurance benefits or retirement benefits
- (3) Social security benefits.

- (4) Passive investment income such as income from stocks, bonds, trust accounts, or individual retirement accounts.

~~31-~~ 30. "Gross weekly wage" means the weekly wages the ~~worker~~ employee was receiving from all employments at the time of injury. The average weekly wage as determined under this section must be rounded to the nearest dollar. In cases where the ~~worker's~~ employee's wages are not fixed by the week, they must be determined in the following manner:

- a. Hourly or daily rate multiplied by number of hours or days worked per seven day week;
- b. Monthly rate multiplied by twelve months and divided by fifty-two weeks;
- c. Biweekly rate divided by two;
- d. If the weekly earnings of an employee cannot be ascertained, the wage for the purposes of calculating compensation must be taken to be the usual wage paid other employees engaged in like or similar occupations where the wages are fixed; or
- e. If there are special circumstances under which the average weekly wages cannot be reasonably and fairly determined by applying subdivisions a through d, an average weekly wage may be computed by dividing the aggregate wages during the twelve months prior to the injury by fifty-two weeks, or the number of weeks actually worked, whichever is less.

~~32- Any term includes the singular and plural and either or both sexes where the context so requires-~~

SECTION 2. AMENDMENT. Section 65-01-10 of the North Dakota Century Code is amended and reenacted as follows:

65-01-10. Waiver of rights to compensation void - Deduction of premium from employee prohibited - Penalty. No agreement by an employee to waive ~~his~~ rights to compensation under the provisions of this title shall be is valid except as provided in section 65-05-25. No agreement by any employee to pay any portion of the premium paid or payable by ~~his~~ the employer into the fund ~~shall be~~ is valid, and any employer who deducts any portion of such premium from the wages or salary of any employee entitled to the benefits of this title is guilty of an infraction a class A misdemeanor.

SECTION 3. A new section to chapter 65-01 of the North Dakota Century Code is created and enacted as follows:

Informal decision by bureau. Notwithstanding sections 28-32-05, 28-32-08, and 28-32-13, the following procedures must be followed when a claim for benefits or reapplication for benefits is made under this title:

1. All claims must be filed on forms furnished by the bureau for that purpose.
2. Upon filing of a claim, including the claimant's statement and physician's certificate, the bureau shall send a copy of the claim, along with a form provided for the employer's response by regular mail, to the employer, if the employer's response is not filed at the time the claim is filed.

3. The employer has fifteen days from the day a copy of the claim is mailed to the employer by the bureau to file or mail a response. Failure of the employer to file a response to the claim within fifteen days constitutes an admission by the employer that the allegations stated in the claim form are true. The bureau may reopen a determination made without an employer's report on its own motion, pursuant to section 65-05-04, on the grounds it deems sufficient.
4. The bureau shall make its informal decision on the claim after filing of the claim and the physician's certificate. The bureau shall issue a notice of decision, including a short summary indicating the reason for decision, and shall serve the notice on the parties by mailing a copy to them by regular mail. The bureau is not required to make findings of fact and conclusions of law when it makes an informal decision. Any party may, within thirty days of the date of mailing of notice of initial award, request reconsideration by filing a written request for reconsideration. The request may be accompanied by affidavits, medical records, or other evidence not previously submitted to the bureau. No later than ninety days following filing of a request for reconsideration, the bureau shall issue an order conforming to the requirements of chapter 28-32. Following issuance of an order, any party may request rehearing or file an appeal in accordance with chapter 28-32. If a timely request for reconsideration is not filed, the decision of the bureau is final, subject only to reopening of the claim under section 65-05-04. The provisions of section 65-10-01, relating to appeals from decision of the bureau, apply only when the bureau issues an order following a timely request for reconsideration.
5. The bureau may hold informal proceedings to determine any matter subject to its jurisdiction. The bureau shall issue to the parties a notice of decision, including a short statement or summary indicating the reason for the decision, and notice of the right to request reconsideration as provided by this section. The bureau may convene a formal hearing prior to issuing an administrative order, if the bureau so desires.
6. After acceptance of a claim, the bureau may continue to pay medical charges, disability benefits, or a vocational award for time loss without issuing notice of award.
7. The bureau shall issue an administrative order under chapter 28-32 when it makes a permanent partial impairment award or a vocational award, terminates or denies disability or vocational services, or has otherwise been requested to issue an administrative order by an aggrieved party by filing a request for reconsideration of its informal decision.

SECTION 4. AMENDMENT. Section 65-02-08 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-02-08. Rulemaking power of the bureau - Fees prescribed by bureau. The bureau shall ~~make, promulgate, and enforce~~ adopt such rules, not inconsistent with the provisions of this title, as may be necessary to carry out the provisions of this title. All fees on claims for ~~legal,~~ medical, and hospital services rendered under this title to any claimant must be in accordance with schedules of fees adopted or to be adopted by the bureau. The bureau shall establish, by administrative rule, an hourly rate to compensate claimants' attorneys for legal services following constructive denial of a claim or issuance of an administrative order under chapter 28-32 reducing or denying benefits. "Constructive denial" means delay in payment, failure to

issue an administrative order, or failure to act within ninety days of the date when all elements of filing or notice of reapplication of claim have been satisfied or a claim for additional benefits over and above benefits previously awarded has been made. The bureau shall establish by administrative rule, a reasonable maximum fee for each stage of the proceedings; provided further that the maximum fee may be exceeded upon application of the claimant and approval of the bureau, which may not be unreasonably denied; upon a finding that the claim has clear and substantial merit and additional fees are warranted because the legal or factual issues involved in the dispute are unusually complex. The bureau may also provide, by administrative rule, an hourly fee for legal assistants or paraprofessionals, and fees for court reporters. The bureau may establish reasonable rules governing payment of fees; required fee statements; billing practices; reimbursement for costs; and other necessary rules governing payment for legal services not inconsistent with the provisions of this title. All attorneys' fees and costs must be paid from the bureau general fund. Nothing provided herein may be construed to prevent a claimant or employer from hiring or paying his or her own attorney; however, the claimant's attorney may not seek or obtain costs or attorney's fees from both the bureau and the claimant relative to the same services. The bureau may deny attorneys' fees upon a finding that the claim is frivolous. All disputes relating to payment or denial of attorneys' fees must be submitted to binding arbitration by a fee arbitration panel composed of one member selected by the claimant's attorney, one member selected by the bureau, and one member selected jointly by the claimant's attorney and the bureau. An attorney who agrees to accept compensation from the bureau for services pursuant to this section agrees to binding fee arbitration of all disputes relating to payment or denial of fees.

SECTION 5. Four new sections to chapter 65-02 of the North Dakota Century Code are created and enacted as follows:

Workers' compensation arbitration panel - Membership. The bureau shall establish four regional listings of persons who may serve as arbitrators for workers' compensation proceedings. Each regional listing must contain an equal number of names submitted to the director by an organization, statewide in scope, which, through its affiliates, embraces a cross section and a majority of the organized labor of the state; an equal number of names submitted to the director by a recognized statewide organization of employers, representing a majority of employers; and a similarly equal number of names selected by the bureau from applications by interested persons throughout the state who demonstrate the unique ability, experience, and qualifications to serve as arbitrators. Each list must be revised every three years. The people whose names appear on a regional listing must reside in that region. When a disputed claim is submitted for arbitration, the employee shall select a name from the appropriate regional list that was submitted by the labor organization; the employer shall select a name from the appropriate regional list that was submitted by the statewide organization of employers or shall designate the bureau to do so; and the selected employee and employer representatives shall select a name from the appropriate regional list of those individuals who have been selected to serve as arbitrators based upon their experience and ability. The appropriate region is the region in which the employee resides. If the employee resides out of state, the appropriate region is the region of the situs of employment. As an alternative selection procedure, by mutual agreement, the employee and the employer may designate themselves as the employee and employer representatives on the panel and together shall select the third panel member from the appropriate regional list of those individuals who have been selected to serve as arbitrators based upon their experience and ability. Panel members are entitled to remuneration for their services at a rate set by the bureau and to travel expenses at the rate in effect for state employees. The bureau shall provide staff services to the panel.

members. The salaries and expenses of the panel must be paid from money appropriated to the bureau for that purpose.

Removal of a panel member. The director may remove a member of the workers' compensation arbitration panel for cause.

Arbitration panel - Attorneys' fees. Following constructive denial of a claim or issuance of an administrative order under chapter 28-32 reducing or denying benefits, an aggrieved employee may request that the action be submitted to binding arbitration before the workers' compensation arbitration panel in lieu of a formal administrative hearing or judicial remedy. The bureau shall pay, at an hourly rate established by the bureau, a claimant's attorneys' fees on claims submitted for arbitration. If the aggrieved employee elects not to submit the action to arbitration, attorneys' fees may only be paid if the employee prevails.

Administrative orders - Decisions of arbitration panel - Appeals. An appeal of an administrative order is subject to section 28-32-14. A decision of the workers' compensation arbitration panel is final and nonreviewable by a district court, except as provided in section 65-05-04.

SECTION 6. Three new sections to chapter 65-02 of the North Dakota Century Code are created and enacted as follows:

Bureau to contract for administrative services. The bureau shall contract for the services of a third-party administrator to monitor medical treatments of injured employees and to monitor the payment of medical expenses of all workers' compensation claims. The bureau shall solicit bids for administrative services within six months after the effective date of this Act and by May 1, 1992, shall award an administrative services contract to the bidder who will best serve the interests of the bureau and the employees under this title. The initial contract must begin July 1, 1992, and continue through June 30, 1993. Subsequent contracts must be for the period of a biennium. Subsequent solicitations must be made at least forty-five days before the expiration of an existing administrative services contract.

Bureau to establish managed care program. The bureau shall establish a managed care program with a third-party administrator to effect the best medical solution for an injured employee. The managed care system must allow for a third-party administrator to direct the program for medical care of the injured employee upon a finding by the bureau that the employee suffered a compensable injury. The managed care administrator shall operate according to guidelines adopted by the bureau to ensure that an injured employee receives appropriate medical treatment in a cost-effective manner. The managed care administrator shall assist the bureau in the medical management of claims within the bounds of workers' compensation law.

Contract for administration of managed care program. The bureau shall contract for the services of a third-party administrator to implement the managed care program. The bureau shall solicit bids for these administrative services within six months after the effective date of this Act. The solicitation must include a description of the program and the services expected of the managed care administrator. By May 1, 1992, the bureau shall award an administrative services contract to the bidder who will best serve the interests of the bureau and the employees under this title. The initial contract must begin July 1, 1992, and continue through June 30, 1993. Subsequent contracts must be for the period of a biennium. Subsequent solicitations must be made at least forty-five days before the expiration of an existing administrative services contract.

SECTION 7. AMENDMENT. Section 65-04-13 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-04-13. Books, records, and payrolls of employers subject to audit and inspection - Penalty for refusal to permit inspection. All books, records, and payrolls of the employers of the state, showing or reflecting in any way upon the amount of wage expenditure of the employers, must be open always for inspection by the bureau or any of its traveling auditors, inspectors, or assistants for the purpose of ascertaining the correctness of the reports, wage expenditures, the number of ~~men~~ employed employees, and any other information as may be necessary for the uses and purposes of the bureau in its administration of this title. Refusal on the part of any employer to submit the employer's books, records, and payrolls for the inspection of the bureau, or of a traveling auditor, inspector, or assistant presenting written authority from the bureau, subjects the employer to a penalty of one hundred dollars for each offense, the same to be collected by civil action in the name of the state and paid into the fund to become a part thereof.

SECTION 8. AMENDMENT. Section 65-04-14 of the North Dakota Century Code is amended and reenacted as follows:

65-04-14. False payroll report - Liability of employer - Collection and disposition of penalty. Any employer who willfully misrepresents to the bureau or its representative the amount of payroll upon which a premium under this title is based ~~shall be~~ is liable to the state in ten times the amount of the difference between the premium paid and the amount the employer should have paid. The liability to the state under this section ~~shall~~ must be enforced in a civil action in the name of the state, and all sums collected under the section ~~shall~~ must be paid into the fund. Any employer who willfully misrepresents to the bureau or its representative the amount of payroll upon which a premium under this title is based is guilty of a class A misdemeanor.

SECTION 9. AMENDMENT. Section 65-04-15 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-04-15. Information in employer's reports confidential - Penalty if employee of bureau divulges information. The information contained in an employer's report is for the exclusive use and information of the bureau in the discharge of its official duties and is not open to the public nor usable in any court in any action or proceeding pending therein unless the bureau is a party thereto. The information contained in an employer's report may be provided to a federal or state law enforcement agency pursuant to a lawful order of a court upon a showing of necessity and prior notice to the bureau of an application for the order. The information contained in the report, however, may be tabulated and published by the bureau in statistical form for the use and information of the state departments and of the public. Upon request, the bureau shall disclose the rate classification of an employer to the requester; however, the bureau may not disclose any information that would reveal the amount of payroll upon which that employer's premium is being paid or the amount of premium the employer is paying. Anyone who is convicted under section 12.1-13-01 is disqualified from holding any office or employment with the bureau.

The workers compensation bureau may, upon request of the state tax commissioner or the secretary of state, furnish to them a list or lists of employers showing only the names, addresses, and workers compensation bureau file identification numbers of such employers; provided, that any such list so furnished must be used by the tax commissioner or the secretary of state only for the purpose of administering their duties. The bureau may provide the commissioner of labor or job service North Dakota with information obtained pursuant to the administration of this title. Any information so provided must be used only for the purpose of administering the duties of the commissioner of labor or job service North Dakota. Whenever the bureau

obtains information on activities of a contractor doing business in this state of which officials of the secretary of state, job service North Dakota, or tax commissioner may be unaware and that may be relevant to the duties of those officials, the bureau shall provide any relevant information to those officials for the purpose of administering their duties.

SECTION 10. AMENDMENT. Section 65-04-18 of the North Dakota Century Code is amended and reenacted as follows:

65-04-18. Subsequent injury or aggravation of previous injury or condition of employee - Charge to employer's risk ~~Charge of part of claim to subsequent injury fund. Whenever a subsequent~~ If an injured employee returns to work with an employer who is not the employer for whom the employee worked at the time of the injury, and suffers an aggravation or recurrence of injury or aggravation of a previous injury or preexisting condition occurs to an employee to the same body part within five years of the filing date of the original injury, the risk of the employer for whom such that person was working at the time of such subsequent injury or aggravation shall the original injury must be charged only with the amount of the awards resulting from such subsequent injury or expense of the aggravation or recurrence if the aggravation or recurrence is not the result of an identifiable injury suffered while working for the new employer. Whenever such subsequent injury or aggravation results in further disability or an aggravation of a preexisting injury or condition, the compensation which that is in excess of the amount to which the injured employee would have been entitled solely by reason of the subsequent injury or aggravation shall must be charged to the subsequent injury fund and not to the classification or the risk to which the subsequent injury or aggravation is charged. The expense of an aggravation, reinjury, or degenerative condition of the same body part which manifests itself more than five years after the filing date of the original injury must be charged to the employer for whom the employee was working at the time of the manifestation provided that the manifestation is causally related to the employee's work activities.

SECTION 11. AMENDMENT. Section 65-04-20 of the North Dakota Century Code is amended and reenacted as follows:

65-04-20. Installment payment of premiums - Bond required. If the amount of premium billed to an employer on a pay-in-order is in excess of one hundred dollars, such premium may be paid in installments as follows:

1. If the employer is the state of North Dakota, or any department, industrial association, or political subdivision thereof, such premium may be paid in two equal semiannual installments at the option of the state, department, industrial association, or political subdivision, and no bond or undertaking shall be required to secure the payment of deferred premiums.
2. If the employer is other than one mentioned in subsection 1, such premium may be paid, at the option of the employer, in two equal semiannual installments or in four equal quarterly installments. ~~An employer wishing to pay premiums in installments under the provisions of this subsection shall file, on or before the due date of the first payment, the first payment and a satisfactory bond guarantying the payment of all deferred installments in the event of default and guarantying the payment of penalties and court costs in the event of default. A bond may cover one or more annual premiums specified in the pay-in-order, but if more than one year's premium is covered, the bond shall be a surety bond.~~

Interest ~~shall~~ must be charged at the same rate of nine percent per annum as earned by the investment of the fund based on the investment measurement review as of March thirty-first of each year and effective July first of each year. Such rate must be charged on all premiums deferred under the provisions of this section, and upon default in payment of any installment such installment shall carry penalties as provided in this chapter.

SECTION 12. A new section to chapter 65-04 of the North Dakota Century Code is created and enacted as follows:

Corporate officer personal liability.

1. Any officer, director, or any employee having twenty percent ownership of a corporation that is an employer under this title who has control of or supervision over the filing of and responsibility for filing premium reports or making payment of premiums under this title, and who fails to file the reports or to make payments as required, is personally liable for premiums or reimbursement, including interest, penalties, and costs in the event the corporation does not pay to the bureau those amounts for which the employer is liable.
2. The personal liability of any person as provided in this section survives dissolution, reorganization, bankruptcy, receivership, or assignment for the benefit of creditors. For the purposes of this section, all wages paid by the corporation must be considered earned from the person determined to be personally liable.
3. After notice and opportunity for hearing, the bureau shall make a determination as to the personal liability under this section. A hearing must be requested within twelve days from the date of mailing of the notice. The determination is final unless the person found to be personally liable requests review by the bureau within fifteen days after mailing of the notice of determination to the person's last known address.

SECTION 13. A new section to chapter 65-04 of the North Dakota Century Code is created and enacted as follows:

Liability in excess of collected premiums for full-time paid firefighters and law enforcement officers. Whenever claim liability against the fund credited to the classification for full-time paid firefighters or law enforcement officers exceeds the amount of premiums paid into the fund, the excess liability is an obligation of the employers who pay premiums on those employees and those employers shall reimburse the fund for the excess liabilities.

SECTION 14. AMENDMENT. Section 65-05-01 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-05-01. Claims for compensation - When and where filed. All original claims for compensation which result in medical costs greater than two hundred fifty dollars must be filed by the injured worker employee, or someone on the injured worker's employee's behalf, within one year after the injury or within two years after the death. The employer shall notify the bureau of all claims that result in medical costs of not more than two hundred fifty dollars which are paid by the employer. The date of injury for purposes of this section must be the actual date of injury when such can be determined with certainty by the claimant and bureau. When the actual date of injury cannot be determined with certainty the date of injury must be the first date that a reasonable person knew or should have known that the injury was related to employment. No compensation or benefits may be allowed

under the provisions of this title to any person, except as provided in section 65-05-04, unless he or she that person, or someone on his or her that person's behalf, files a written claim therefor within the time specified in this section. Such The claim must be filed by:

1. Delivering it at the office of the bureau or to any person whom the bureau by regulation rule may designate; or
2. Depositing it in the mail properly stamped and addressed to the bureau or to any person whom the bureau by regulation rule may designate.

SECTION 15. A new section to chapter 65-05 of the North Dakota Century Code is created and enacted as follows:

Employer required to pay certain claims. The employer shall pay all medical expenses related to a compensable injury to an employee if the expenses are not more than two hundred fifty dollars and shall pay the first two hundred fifty dollars of medical expenses when the expenses are more than two hundred fifty dollars. If the employer does not pay the medical expenses within ninety days of receipt of billing, the health care provider shall submit a claim within the time required by section 65-05-01 for the cost of the injured employee's treatment to the bureau for payment. The bureau shall review the claim and pay the medical expenses if the injury is determined to be compensable. The bureau may impose a penalty on an employer who fails to pay a health care provider as required in this section. The penalty may not exceed one hundred twenty-five percent of the medical expenses owed by the employer. The bureau shall collect the penalty in a civil action against the employer and deposit the money in the fund. An employer may not directly or indirectly charge an injured employee for a claim paid by the employer. When the cost of an injured employee's medical treatment exceeds two hundred fifty dollars, the employee shall file a claim with the bureau pursuant to section 65-05-01. An employer shall notify the bureau of an alleged injury within fifteen days after the employer has been notified of the alleged injury by the employee. An employer shall notify the bureau of all medical expenses paid by that employer for an injured employee within sixty days after payment.

SECTION 16. Two new subsections to section 65-05-07 of the 1989 Supplement to the North Dakota Century Code are created and enacted as follows:

If a doctor or health care provider who has treated or provided services to an injured employee fails or refuses to file with the bureau a report required by sections 65-05-02, 65-05-08, or 65-05-08.1, within thirty days of examination, treatment, or provision of other services rendered in connection with a compensable work injury, or within thirty days of a request for such report made by the claimant, the claimant's representative, or the bureau, the bureau shall assess as a penalty a sum of one hundred dollars. Health care providers or doctors may not bill injured workers for any penalty assessed by the bureau as a result of failure or refusal to file a required report.

The filing of an accident report or the rendering of treatment to an injured worker who comes under the bureau's jurisdiction, as the case may be, constitutes acceptance of the bureau's medical aid rules and compliance with its rules and fees.

SECTION 17. AMENDMENT. Section 65-05-08 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-05-08. Compensation not paid unless period of disability is of five days' duration or more - Application required. No compensation ~~will~~ may be paid for total or partial disability, the duration of which is less than five consecutive calendar days. If the period of total or partial disability is of five consecutive calendar days' duration or more, compensation ~~shall~~ must be paid during such disability providing that beginning on the sixth day of disability.

1. Disability benefits may not be paid for the first five consecutive calendar days of disability.
2. When partial or total disability benefits are discontinued, the claimant shall provide the bureau written notice of reapplication for disability benefits. In case of reapplication, the award may commence no more than thirty days before the date of reapplication. Disability benefits must be reinstated upon a finding that:
 - a. The employee has sustained a significant change in medical condition shown by a preponderance of the evidence;
 - b. The employee has provided evidence of actual wage loss attributable to the work injury; and
 - c. The employee has not retired or voluntarily withdrawn from the job market as defined in section 65-05-09.3.
- 2-. A health care provider or physician may not certify or verify past disability unless the health care provider or physician has examined the employee within the previous sixty days and filed those reports required by this title. A health care provider or physician certifying disability shall include in the report the basis for the certification of disability and a professional opinion as to the expected length of, and reason for, the disability.
3. All payments of benefits must be suspended during the period of confinement of any ~~worker~~ employee who is eligible for, or receiving, benefits under this title who is confined in any institution under conviction and sentence unless the ~~worker~~ employee is receiving permanent total disability benefits or the bureau has determined that none of the priority options under subsection 4 of section 65-05.1-01 are viable, and the employee has a spouse or child, in which case the benefits must be paid directly to such spouse or child. After discharge from the institution, payment of benefits thereafter due must be paid as the ~~worker~~ employee would, but for the provisions of this subsection, otherwise be entitled.
4. Any ~~worker~~ employee who is eligible for, or receiving, disability benefits under this title shall report any wages earned, from part-time or full-time employment, from the employer of injury or any other employer. Failure to report such wages earned requires the ~~worker~~ employee to refund to the bureau any partial or total disability benefits overpaid by the bureau for that time period. To facilitate recovery, the bureau may offset future benefits otherwise payable, under section 65-05-29. If the bureau determines that the failure to report wages earned was willful, the employee forfeits all further lost-time benefits otherwise payable under this title for that injury pursuant to section 65-05-33.
5. An employee shall request disability benefits on a lost-time claim form furnished by the bureau. In no case may lost-time

benefits commence more than one year prior to filing of the initial lost-time claim form.

6. The provisions of this section apply to any disability claim asserted against the fund on or after July 1, ~~1989~~ 1991, irrespective of injury date.

SECTION 18. Section 65-05-08.1 of the North Dakota Century Code is created and enacted as follows:

65-05-08.1. Verification of temporary total disability.

1. The claimant's doctor shall certify the period of temporary total disability upon request of the bureau.
2. A doctor certifying disability shall include in the report filed with the bureau:
 - a. The medical basis for the certification of disability;
 - b. Whether the employee is totally disabled, from any and all employment, or whether the employee is able to return to some employment, including light work or sedentary work;
 - c. If the employee is not totally disabled, a statement of the employee's restrictions and physical limitations; and
 - d. A professional opinion as to the expected length of, and reason for, the disability.
3. The report must be filed on a form furnished by the bureau, or on any other form acceptable to the bureau.
4. The claimant shall ensure that the required reports are filed.
5. Prior to expiration of a period of temporary total disability certified by a doctor, if a report certifying an additional period of disability has not been filed, the bureau shall send a notice to the claimant of intention to discontinue benefits, the reason therefor, and an explanation of the right to respond and the procedure for filing the required report or challenging the proposed action. A copy of the notice must be mailed to the claimant's doctor. Thereafter, if the required certification is not filed, the bureau shall discontinue temporary total disability benefits by formal order, effective no sooner than fourteen days after the date of notice of intention to discontinue benefits is mailed.
6. Upon receipt of a report or other evidence indicating a claimant who is receiving temporary total disability benefits has been or will be released to return to work, the bureau shall issue and mail to the claimant a notice of intention to discontinue benefits. Such benefits may thereafter be discontinued on the date of release to return to work or fourteen days following mailing of the notice, whichever is later. The notice must include a statement of the reason for the action, a brief summary of the evidence relied upon by the bureau, and an explanation of the right to respond and the procedure for challenging the action and submitting additional evidence to the bureau.

SECTION 19. AMENDMENT. Section 65-05-09 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-05-09. Temporary total or permanent total disability - Weekly and aggregate compensation. If an injury causes temporary total or permanent total disability, the fund shall pay to the disabled employee during such disability a weekly compensation equal to sixty-six and two-thirds percent of the gross weekly wage of the claimant, subject to a minimum of sixty percent and a maximum of one hundred percent of the average weekly wage in the state. If an employee is disabled due to an injury, that employee's benefits will be based upon the employee's wage and the bureau benefit rates in effect on the date of first disability.

1. If an employee suffers disability but is able to return to employment for a period of twelve consecutive calendar months or more, that employee's benefits will be based upon the wage in effect at the time of the recurrence of the disability or upon the wage that employee received prior to the injury, whichever is higher; and the bureau benefit rates shall be those in effect at the time of that recurrence.
2. In case of permanent total or temporary total disability, there must be paid to such disabled employee an additional dependency allowance for each child of the employee at the rate of ten dollars per week per child. Effective July 1, 1989, this rate must be paid to each eligible employee regardless of the date of injury.
3. Dependency allowance for the children may be made directly to either parent or guardian at the discretion of the bureau.
4. In no case may the compensation or combined compensation and dependency award exceed the weekly wage of the employee after deductions for social security and federal income tax.
5. When an employee who is permanently and totally disabled and must be maintained in a nursing home or similar facility, and has no dependent parent, spouse, or children, part or all of that employee's weekly compensation may be used by the bureau to help defray the cost of such care.

SECTION 20. AMENDMENT. Section 65-05-09.2 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-05-09.2. Retirement offset. If a claimant is entitled to permanent total disability benefits and social security retirement benefits under 42 U.S.C. sections 402 and 405, the aggregate wage-loss benefits payable under this title must be determined in accordance with this section. The employee's social security retirement offset must equal ~~forty percent~~ a percentage of the calculated ratio of the employee's average weekly wages, as calculated on the commencement of the first, or recurrent, disability under section 65-05-09, to the current state's average weekly wage. Any ~~percentage~~ offset calculated cannot exceed ~~forty percent of the employee's weekly social security retirement benefit~~:

1. Forty percent of the employee's weekly social security retirement benefit if the employee's social security retirement benefits under 42 U.S.C. sections 402 and 405 commence after June 30, 1989; or
2. Fifty percent of the employee's weekly social security retirement benefit if the employee's social security retirement benefits under 42 U.S.C. sections 402 and 405 commence after June 30, 1991.

If a claim has been accepted on an aggravation basis and the ~~worker~~ employee is eligible for social security benefits, the bureau's offset must be proportionally calculated. An overpayment must be recouped in

the same manner as set forth in section 65-05-09.1. The provisions of this section are not effective for workers who retire on or after whose social security retirement benefits under 42 U.S.C. sections 402 and 405 commenced before July 1, 1989.

SECTION 21. Section 65-05-09.3 of the North Dakota Century Code is created and enacted as follows:

65-05-09.3. Retirement presumption. An employee who has retired or voluntarily withdrawn from the labor force is presumed retired from the labor market and is ineligible for receipt of disability benefits under this title. The presumption may be rebutted by a preponderance of the evidence that the worker:

1. Is actively seeking employment;
2. Is available for gainful employment;
3. Has not rejected any job offer made by a former employer, or other bona fide job offer by another employer; and
4. Has not provided the employer, upon written request, with written notice of a scheduled retirement date.

The presumption does not apply to any employee who is permanently and totally disabled as defined under this title.

SECTION 22. AMENDMENT. Section 65-05-10 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-05-10. Partial disability - Weekly compensation. If the injury causes temporary partial disability resulting in decrease of earning capacity, the compensation is sixty-six and two-thirds percent of the difference between the injured employee's average weekly wages before the injury and the employee's wage earning capacity after the injury in the same or another employment. However, the partial disability benefits may not exceed an amount equal to sixty-six and two-thirds percent of the employee's average weekly wage at the time of the injury benefit rates as defined in section 65-05-09.

1. It is the burden of the employee to show that the inability to obtain employment or to earn as much as the employee earned at the time of injury, is due to physical limitation related to the injury, and that any wage loss claimed is the result of the compensable injury.
2. If the employee voluntarily limits income or refuses to accept employment suitable to the employee's capacity, offered to or procured for the employee, such employee is not entitled to any compensation at any time during the continuance of such refusal unless, at any time, such refusal is justified in the opinion of the bureau.
3. No compensation is payable unless the loss of earning ~~power~~ capacity exceeds ten percent. The claimant may earn up to ~~ten~~ ten percent of the claimant's average gross weekly earnings with no reduction in total disability benefits.
4. Upon securing suitable employment, the injured employee shall notify the bureau of the name and address of the employer, the date the employment began, and the amount of wages being received on an annual basis. The injured employee shall notify the bureau whenever there is a change in wages received.
5. The benefits provided by this section are available to any otherwise eligible worker, providing the loss of earning

power capacity occurs after July 1, 1989. Partial loss of earning power capacity occurring prior to July 1, 1989, must be paid at a rate to be fixed by the bureau.

6. Dependency allowance must be paid under section 65-05-09 on claims receiving benefits under this section.
7. Benefits must be paid during the continuance of partial disability, not to exceed a period of five years. The bureau may waive the five-year limit on the duration of partial disability benefits in cases of catastrophic injury as defined in section 65-05.1-06. This subsection is effective for partial loss of earnings capacity occurring after June 30, 1991.
8. The employee's earnings capacity may be established by expert vocational evidence of a capacity to earn in the statewide job pool where the worker lives. Actual postinjury earnings are presumptive evidence of earnings capacity where the job employs the employee to full work capacity in terms of hours worked per week, and where the job is in a field related to the employee's transferable skills. The presumption may be rebutted by competent evidence from a vocational expert that the employee's actual earnings do not fairly reflect the employee's earnings capacity in the statewide job pool, considering the employee's capabilities, education, experience, and skills.

SECTION 23. A new section to chapter 65-05 of the North Dakota Century Code is created and enacted as follows:

Permanent impairment. When there is a dispute as to the percentage of an employee's permanent impairment, all medical evidence must be submitted to an independent physician who has not treated the employee or who has not been consulted by the bureau in relation to the injury upon which the impairment is based. The bureau shall establish a panel of physicians which reflects a cross section of medical specialists from different geographic regions within the state. The bureau and the claimant shall choose a physician to review a disputed permanent impairment rating by striking names from the panel until a name is chosen. The decision of the independent physician is presumptive evidence of the degree of permanent impairment of the employee.

SECTION 24. AMENDMENT. Section 65-05-25 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-05-25. Lump sum settlement - Granted in discretion of bureau - How computed. The bureau, if it determines it is in the best interest of the claimant, may pay a lump sum equal to the present value of all future payments of compensation. The bureau and the claimant, after an opportunity to seek legal counsel, may compromise to resolve a disputed claim. The compromise settlement made is enforceable by the parties. The probability of the beneficiary's or claimant's death before the expiration of the period during which he is entitled to compensation must be determined by reference to generally accepted mortality studies. In case of the spouse of a deceased employee, the lump sum may not exceed compensation for four hundred sixteen weeks and the probability of the happening of any other contingency affecting the amount or duration of the compensation must be disregarded. If at the expiration of a period for which lump sum settlement was made hereunder the claimant is still alive and has not remarried, the bureau, in its discretion, may again assume liability and resume pension payments. The bureau may also grant a partial lump sum settlement, based upon the same computations as the complete lump sum. Any decision of the bureau rendered under this section may be appealed to the district court as provided for in chapter 65-10, and the district court shall render its

decision sustaining the decision of the bureau, reversing it, or remanding it back to the bureau with instructions.

1. If an employee is determined to be permanently and totally disabled, the bureau may pay the employee a lump sum equal to the present value of all future payments of compensation. The probability of the employee's death before the expiration of the period during which the employee is entitled to compensation must be determined by generally accepted mortality studies. The bureau may not pay the employee a lump sum unless it has first determined that there is clear and convincing evidence that the lump sum payment is in the best interest of the employee. Best interest of the employee may not be deemed to exist because the employee can invest the lump sum in another manner to realize a better yield. The employee must show a specific plan of rehabilitation which will enable the employee to return to work as a productive member of society.
2. The bureau and an employee may compromise to resolve a disputed claim. The contract of settlement made is enforceable by the parties. The contract may provide that the employee shall utilize the funds to engage in certain rehabilitation programs. If the employee breaches the contract, the bureau may require the employee to repay the benefits received under the agreement. In cases in which the extent of disability is disputed and resolved by agreement, the concept of reopening a disability claim due to significant change in medical condition is applicable.

SECTION 25. AMENDMENT. Section 65-05-28 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-05-28. Examination of injured employee - Paid expenses - No compensation paid if claimant refuses to reasonably participate. Every employee who sustains an injury may select a doctor of that employee's choice to render initial treatment. Upon a determination that the employee's injury is compensable, the bureau may require the employee to begin treating with another doctor, to better direct the medical aspects of the injured employee's claim. An injured employee shall follow the directives of that employee's the doctor or health care provider who is treating the employee whether chosen by the employee or the bureau, and comply with all reasonable requests during the time the employee is under medical care. Providing further that:

1. No employee may change from one doctor to another while under treatment or after being released, without the prior written authorization of the bureau. Failure to obtain approval of the bureau renders the employee liable for the cost of treatment and the new doctor will not be considered the attending doctor for purposes of certifying temporary disability.
 - a. Any employee requesting a change of doctor shall file a written request with the bureau stating all reasons for the change. Upon receipt of the request, the bureau will review the employee's case and approve or deny the change of doctor, notifying the employee and the requested doctor.
 - b. Emergency care or treatment or referral by the attending doctor does not constitute a change of doctor and does not require prior approval of the bureau.
2. Travel and other personal reimbursement for seeking and obtaining medical care is paid only upon request of the injured employee. All claims for reimbursement must be

supported by the original vendor receipt and must be submitted within one year of the date the expense was incurred or reimbursement must be denied. Reimbursement must be made at the bureau reimbursement rates in effect on the date of incurred travel or expense. Mileage calculations must be based upon the atlas or map mileage from city limit to city limit and do not include intracity mileage. Providing further that:

- a. No payment for mileage or other travel expenses may be made when the distance traveled is less than fifty miles [80.47 kilometers] one way, unless the total mileage equals or exceeds two hundred miles [321.87 kilometers] in a calendar month;
 - b. All travel reimbursements are payable at the rates at which state employees are paid per diem and mileage, except that the bureau may pay no more than actual cost of meals and lodging, if actual cost is less;
 - c. Reimbursement may not be paid for travel other than that necessary to obtain the closest available medical or hospital care needed for the injury. If the injured employee chooses to seek medical treatment outside a local area where care is available, travel reimbursement may be denied;
 - d. Reimbursement may not be paid for the travel and associated expenses incurred by the injured employee's spouse, children, or other persons unless the employee's injury prevents travel alone and the inability is medically substantiated; and
 - e. Other expenses, including telephone calls and car rentals are not reimbursable expenses.
3. The bureau may at any time require an employee to submit to an independent medical examination by a duly qualified doctor or doctors designated or approved by the bureau. The independent medical examination must be for the purpose of review of the diagnosis, prognosis, treatment, or fees. The employee may have a duly qualified doctor designated by that employee present at the examination if procured and paid for by that employee. Providing further that:
- a. In case of any disagreement between doctors making an examination on the part of the bureau and the employee's doctor, the bureau shall appoint an impartial doctor duly qualified who shall make an examination and shall report to the bureau.
 - b. The employee, in the discretion of the bureau, may be paid reasonable travel and other per diem expenses under the guidelines of subsection 2. If the employee is working and loses gross wages from the employee's employer for attending the examination, the gross wages must be reimbursed as a miscellaneous expense upon receipt of a signed statement from the employer verifying the gross wage loss.
4. If an employee, or the employee's representative, refuses to submit to, or in any way intentionally obstructs, any examination, or refuses reasonably to participate in medical or other treatments, the employee's right to claim compensation under this title is suspended until the refusal or obstruction ceases. No compensation is payable while the refusal or obstruction continues, and the period of the

refusal or obstruction must be deducted from the period for which compensation is payable to the employee.

SECTION 26. AMENDMENT. Section 65-05-33 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-05-33. Filing false claim or false statements - Penalty. Any person claiming benefits or payment for services under this title, who willfully files a false claim or makes a false statement, or willfully fails to notify the bureau as to the receipt of income, or an increase in income, from employment, after the issuance of an order awarding benefits, in connection with any claim or application under this title is guilty of a class B ~~A~~ misdemeanor. Provided further that:

1. For the purposes of this section, ~~the term~~ "statement" includes any testimony, claim form, notice, proof of injury, proof of return to work status, bill for services, diagnosis, prescription, hospital or doctor records, X-ray, test results, or other evidence of loss, injury, or expense.
2. In addition to any other penalties provided by law, the person claiming benefits or payment for services in violation of this section shall:
 - a. Reimburse the bureau for any benefits paid based upon the false claim or false statement, and if applicable, under section 65-05-29.
 - b. Forfeit any additional benefits relative to that injury.

SECTION 27. Section 65-05-34 of the North Dakota Century Code is created and enacted as follows:

65-05-34. False statement on employment application. A false statement in an employment application made by an employee bars all benefits under this title if:

1. The employee knowingly made a false representation as to the employee's physical condition;
2. The employer relied upon the false representation and this reliance was a substantial factor in the hiring; and
3. There was a causal connection between the false representation and the injury.

SECTION 28. Section 65-~~05~~-35 of the North Dakota Century Code is created and enacted as follows:

65-05-35. Abandonment of claim - Presumption.

1. A claim for benefits under this title is presumed abandoned if:
 - a. A doctor's report has been filed indicating the employee has reached maximum medical recovery; and
 - b. The bureau has not paid any benefit or received a demand for payment of any benefit for a period of four years
2. A claim that is presumed abandoned cannot be reopened for payment of any further benefits unless the presumption is rebutted by a preponderance of the evidence. At a minimum, the employee shall present expert medical opinion that there is a causal relationship between the work injury and the current symptoms.

3. When a claim has been presumed abandoned, the employee shall provide the bureau written notice of reapplication for benefits under that claim. In case of award of lost-time benefits, the award may commence no more than thirty days before the date of reapplication. In case of award of medical benefits, the award may be for medical services incurred no more than thirty days before the date of reapplication.

SECTION 29. A new section to chapter 65-05 of the North Dakota Century Code is created and enacted as follows:

Bureau to adopt fee schedule. The bureau shall adopt a fee reimbursement schedule for medical and hospital services and supplies for claims for workers' compensation. The amount of the fees for a specific medical or hospital service or supply set forth in the schedule must be equal to one hundred ten percent of the amount allowed for that medical or hospital service or supply under the urban hospital fee schedule of the medicare prevailing profile in effect at the time the service or supply is provided. The bureau shall establish a supplemental schedule to include any medical or hospital service or supply that is provided to injured employees and is not covered by the medicare prevailing profile. Any fee for a medical or hospital service or supply which is in excess of the amount allowed for that medical or hospital service or supply by the appropriate schedule under this section may not be recovered by the health care provider from the injured employee, the employer, or the bureau. A health care provider may charge a fee for a medical or hospital service or supply that is less than the fee allowed by the appropriate schedule.

SECTION 30. AMENDMENT. Section 65-05.1-01 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-05.1-01. Rehabilitation services.

1. The state of North Dakota exercising its police and sovereign powers, declares that disability caused by injuries in the course of employment and disease fairly traceable to the employment create a burden upon the health and general welfare of the citizens of this state and upon the prosperity of this state and its citizens.
2. It is the purpose of this chapter to provide for the health and welfare by ensuring to workers' compensation claimants otherwise covered by this title, services, so far as possible, necessary to assist the claimant and the claimant's family in the adjustments required by the injury to the end that the claimant may receive comprehensive rehabilitation services. Such services shall include medical, psychological, economic, and social rehabilitation.
3. It is the goal of vocational rehabilitation to return the disabled ~~worker~~ employee to substantial gainful employment with a minimum of retraining, as soon as possible after an injury occurs. "Substantial gainful employment" means bona fide work, for remuneration, which is reasonably attainable in light of the individual's injury, medical limitations, age, education, previous occupation, experience, and transferable skills, and which offers an opportunity to restore the ~~worker~~ employee as soon as practical and as nearly as possible to the ~~worker's~~ employee's average weekly earnings at the time of injury, or to seventy-five percent of the average weekly wage in this state on the date the rehabilitation consultant's report is issued under section 65-05.1-02.1, whichever is less. The purpose of defining substantial gainful employment in terms of earnings is to

determine the first appropriate priority option under subsection 4 of section 65-05.1-04 which meets this income test.

4. The first appropriate option among the following, calculated to return the ~~worker~~ employee to substantial gainful employment, must be chosen for the ~~worker~~ employee:
 - a. Return to the same position.
 - b. Return to a modified position.
 - c. Return to a related occupation in the local job pool which is suited to the ~~worker's~~ employee's education, experience, and marketable skills.
 - d. Return to a related occupation in the statewide job pool which is suited to the employee's education, experience, and marketable skills.
 - e. On the job training.
 - ~~e- f.~~ f. Short-term retraining of fifty-two weeks or less.
 - ~~f- g.~~ g. Long-term retraining of one hundred four weeks or less.
 - ~~g- h.~~ h. Self-employment.

5. If the vocational consultant concludes that none of the priority options under subsection 4 of section 65-05.1-01 are viable, and will not return the employee to the lesser of seventy-five percent of the average weekly wage, or the employee's preinjury earnings, the employee shall continue to minimize the loss of earnings capacity, to seek, obtain, and retain employment:

- a. That meets the employee's medical limitations;
- b. In which the employee meets the qualifications to compete; and
- c. Which will reasonably result in retained earnings capacity equivalent to the lesser of the employee's preinjury earnings or fifty percent of the average weekly wage in the state on the date the rehabilitation consultant's report is issued.

An award of partial disability due to retained earnings capacity under this section must be made pursuant to section 65-05-10.

- ~~5- 6.~~ 6. By agreement between the bureau and the ~~worker~~ employee, the income test in subsection 3 and the priority options in subsection 4 may be waived.

- ~~6- 7.~~ 7. Vocational rehabilitation services may be initiated by:

- a. The bureau on its own motion; or
- b. The ~~worker~~ employee or the employer if proof exists:
 - (1) That the claimant has reached maximum medical recovery;
 - (2) That the claimant is not working and has not voluntarily retired or removed himself from the labor force; and

- (3) That the ~~worker~~ employee has made good faith efforts to seek, obtain, and retain employment.

- ~~7-~~ 8. The provisions of chapter 50-06.1 do not apply to determinations of eligibility for vocational rehabilitation made pursuant to this chapter.

SECTION 31. AMENDMENT. Section 65-05.1-02.1 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-05.1-02.1. Vocational consultant's report. The vocational consultant shall review all records, statements, and other pertinent information and prepare a report to the bureau and ~~worker~~ employee.

1. The report must:
 - a. Identify the first appropriate rehabilitation option by following the priorities set forth in subsection 4 of section 65-05.1-01.
 - b. Contain findings of why a higher listed priority, if any, is not appropriate.
2. Depending on which option the consultant identifies as appropriate, the report also must contain findings that:
 - a. Identify jobs in the local or statewide job pool and the ~~worker's~~ employee's anticipated earnings from each job;
 - b. Describe an appropriate on-the-job training program, and the ~~worker's~~ employee's anticipated earnings;
 - c. Describe an appropriate short-term or long-term retraining program, the employment opportunities anticipated upon the ~~worker's~~ employee's completion of the program, and the ~~worker's~~ employee's anticipated earnings; or
 - d. Describe the ~~worker's~~ employee's potential for specific self-employment, limitations the ~~worker~~ employee might have in such a self-employment, any assistance necessary, and the ~~worker's~~ employee's anticipated earnings.
3. The vocational consultant's report is due within sixty days from the initial referral for rehabilitation assessment under this chapter. However, where the vocational consultant determines that short-term or long-term training options must be evaluated because higher priority options are not viable, the final report is due within ninety days of the initial assessment to allow the employee to assist in formulating the choice among the qualified training programs.

SECTION 32. AMENDMENT. Section 65-05.1-04 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-05.1-04. Injured ~~worker~~ employee responsibility.

1. ~~It shall be the responsibility of the~~ The injured worker to ~~employee shall seek, obtain, and retain reasonable and substantial employment in order to reduce the period of temporary disability to a minimum. The~~ employee shall seek, obtain, and retain reasonable and substantial employment in order to reduce the period of temporary disability to a minimum. The ~~worker employee has the burden to establish that the~~ employee has met this ~~responsibility.~~

2. In the event that the injured ~~worker~~ employee is unable to obtain substantial employment as a direct result of ~~his~~ injury ~~he~~, the employee shall promptly notify the bureau under subdivision b of subsection 6 of section 65-05.1-01.
3. ~~It is the responsibility of the~~ The injured worker to ~~employee shall be available for testing under subsection 6 or 7 of section 65-05.1-02, and for any further examinations and testing as may be prescribed by the bureau to determine whether or not a program of rehabilitation is necessary.~~
4. ~~If the bureau determines that a program of rehabilitation is necessary and feasible; the injured worker, upon having been so notified, shall be available for such a program. Upon notification, with the appropriate assistance and testing from a vocational coordinator appointed by the bureau, the worker shall identify a specific qualified rehabilitation program within sixty days. A qualified rehabilitation program is a rehabilitation plan that meets the criteria of this title, and which is an approved option of the rehabilitation consultant, or is a stipulated rehabilitation plan under subsection 5 of section 65-05.1-01. If the first appropriate rehabilitation option under subsection 4 of section 65-05.1-01 is return to the same or modified position, or return to related occupation, or on-the-job training, the employee is responsible to make a good faith work trial or work search. If the employee fails to perform a good faith work trial or work search, the finding of nondisability or partial disability is res judicata, and the bureau may not reinstate total disability benefits or recalculate an award of partial disability benefits in the absence of a significant change in medical condition attributable to the work injury. However, the bureau shall recalculate the partial disability award if the employee returns, in good faith, to gainful employment. If the employee meets the burden of proving that the employee made a good faith work trial or work search and that the work trial or work search was unsuccessful due to the injury, the bureau shall reevaluate the employee's vocational rehabilitation claim. A good faith work search that does not result in placement is not, in itself, sufficient grounds to prove the work injury caused the inability to acquire gainful employment. The employee shall show that the injury significantly impacts the employee's ability to successfully compete for gainful employment in that the injury leads employers to favor those without limitations over the employee.~~
5. ~~If the injured worker shall fail to comply with this section without a reasonable cause; the bureau, by administrative order, shall discontinue all lost-time benefits under this title during the period of noncompliance. If, upon the bureau order becoming final, the period of noncompliance shall continue for six months, the bureau shall have no further jurisdiction in awarding any further temporary total, temporary partial, permanent total, or rehabilitation benefits. If the first appropriate rehabilitation option under subsection 4 of section 65-05.1-01 is short-term or long-term training, the employee shall cooperate with the necessary testing to determine whether the proposed training program meets the employee's medical limitations and aptitudes. The employee shall attend a qualified rehabilitation training program when ordered by the bureau. A qualified training program is a rehabilitation plan that meets the criteria of this title, which is the approved option of the rehabilitation consultant, or is a stipulated rehabilitation plan under subsection 6 of section 65-05.1-01.~~

and commences within a reasonable period of time such as the next quarter or semester.

6. If, without good cause, the injured employee fails to perform a good faith work trial in a return to the same or modified position, or in an on-the-job training program, or fails to make a good faith work search in return to work utilizing the employee's transferable skills, the employee must be deemed to be in noncompliance with vocational rehabilitation. If, without good cause, the injured employee fails to attend a scheduled medical or vocational assessment, or fails to attend a specific qualified rehabilitation program within ten days from the date the rehabilitation program commences, the employee must be deemed to be in noncompliance with vocational rehabilitation. If without good cause, the employee discontinues a job the employee is performing, or a training program in which the employee is enrolled, the employee must be deemed to be in noncompliance with vocational rehabilitation. If the employee establishes a pattern of noncooperation as heretofore described, involving two or more incidents of noncooperation, subsequent efforts by the employee to come into compliance with vocational rehabilitation may not be deemed successful compliance until the employee has successfully returned to the job or training program for a period of sixty days. In all cases of noncompliance by the employee, the bureau, by administrative order, shall discontinue lost-time benefits. If, upon the bureau order becoming final, the period of noncompliance continues for sixty days, the bureau has no further jurisdiction in awarding any further temporary total, temporary partial, permanent total, or vocational rehabilitation benefits.

SECTION 33. AMENDMENT. Section 65-05.1-06.1 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-05.1-06.1. Rehabilitation award.

1. If the bureau determines that vocational rehabilitation is necessary and feasible, the bureau shall make an award of rehabilitation services by order, under chapter 28-32. Within sixty days of receipt of the final vocational consultant's report, the bureau shall issue an administrative order under chapter 28-32 detailing the employee's entitlement to lost-time and vocational rehabilitation services. The bureau shall establish, by ~~administrative~~ rule, an hourly rate to compensate a worker's an employee's attorney from the date the bureau has notified the worker employee to identify a rehabilitation plan under section 65-05.1-04 be available for testing under subsection 7 of section 65-05.1-02. The bureau may establish, by administrative rule, absolute maximum fees for such representation.
2. The rehabilitation award must be within the following terms: If the appropriate priority option is short-term or long-term training, the vocational rehabilitation award must be within the following terms:
 - a. For the worker's employee's lost time, and in lieu of further temporary total, temporary partial, and permanent total disability benefits, the bureau shall award a rehabilitation allowance. The rehabilitation allowance must be limited to the amount and purpose specified in the award, and must be equal to the disability and

dependent benefits the ~~worker~~ employee was receiving, or was entitled to receive, prior to the award.

- b. The rehabilitation allowance must include an additional twenty-five percent while the ~~worker~~ employee maintains two domiciles, or meets other criteria established by the bureau by ~~administrative~~ rule.
- c. The rehabilitation allowance must be limited to one hundred four weeks except in cases of catastrophic injury, in which case additional rehabilitation benefits may be awarded in the discretion of the bureau. Catastrophic injury includes:
 - (1) Paraplegia, quadraplegia, severe closed head injury, total blindness, or amputation of an arm or leg, which renders a ~~worker~~ an employee permanently and totally disabled without further vocational retraining assistance; or
 - (2) Those ~~workers~~ employees the bureau so designates, in its sole discretion, provided that the bureau finds the ~~worker~~ employee to be permanently and totally disabled without further vocational retraining assistance. There is no appeal from a bureau decision to designate, or fail to designate, a ~~worker~~ an employee as catastrophically injured under this subsection.
- d. The rehabilitation award must include the cost of books, tuition, fees, and equipment, tools, or supplies required by the educational institution. The award may not exceed the cost of attending a public college or university in the state in which the ~~worker~~ employee resides, provided an equivalent program exists in the public college or university.
- e. The rehabilitation allowance may be paid only during such time as the ~~worker~~ employee faithfully pursues vocational retraining. The rehabilitation allowance may be suspended during such time as the ~~worker~~ employee is not faithfully pursuing the training program, or has failed academically. If the work injury itself precludes the ~~worker~~ employee from continuing training, the ~~worker~~ employee remains eligible to receive disability benefits.
- f. In the event the ~~worker~~ employee successfully concludes the rehabilitation program, the bureau may make, in its sole discretion, additional awards for actual relocation expenses to move the household to the locale where the claimant has actually located work.
- g. In the event the ~~worker~~ employee successfully concludes the rehabilitation program, the bureau may make, in its sole discretion, an additional award, not to exceed two months disability benefit, to assist the ~~worker~~ employee with work search.
- h. If the ~~worker~~ employee successfully concludes the rehabilitation program, the ~~worker~~ employee is not eligible for further vocational retraining or total disability benefits unless the ~~worker~~ employee establishes a significant change in medical condition attributable to the work injury which precludes the ~~worker~~ employee from performing the work for which the ~~worker~~ employee was trained, or any other work for which the ~~worker~~ employee is suited. The bureau may waive the

provisions of this section in cases of catastrophic injury defined by subdivision c of subsection 2.

- i. If the ~~worker~~ employee successfully concludes the rehabilitation program, the ~~worker~~ employee remains eligible to receive partial disability benefits, as follows:
 - (1) Beginning the date at which the ~~worker~~ employee completes retraining, until the ~~worker~~ employee acquires and performs substantial gainful employment, the partial disability benefit is sixty-six and two-thirds percent of the difference between the injured ~~worker's~~ employee's average weekly wages before the injury, and the ~~worker's~~ employee's wage-earning capacity after retraining, as measured by the average wage in the ~~worker's~~ employee's occupation, according to criteria established by job service North Dakota in its statewide labor market survey, or such other criteria the bureau, in its sole discretion, deems appropriate. The average weekly wage must be determined on the date the ~~worker~~ employee completes retraining. The benefit continues until the ~~worker~~ employee acquires substantial gainful employment, but in no case may exceed two years one year in duration.
 - (2) Beginning the date at which the ~~worker~~ employee acquires substantial gainful employment in the field for which the ~~worker~~ employee was trained, or in a related occupation, the partial disability benefit is sixty-six and two-thirds percent of the difference between the injured ~~worker's~~ employee's average weekly wages before the injury, and the ~~worker's~~ employee's wage-earning capacity after retraining.
 - (3) Beginning the date at which the ~~worker~~ employee acquires substantial gainful employment in an occupation unrelated to the ~~worker's~~ employee's training, the partial disability benefit is sixty-six and two-thirds percent of the difference between the injured ~~worker's~~ employee's weekly wages before the injury, and the ~~worker's~~ employee's wage-earning capacity after retraining, as determined under paragraph 1 of this subdivision, or the ~~worker's~~ employee's actual postinjury wage earnings, whichever is higher.
 - (4) The partial disability benefit payable under paragraphs 1, 2, and 3 of this subdivision must be reduced so that the benefit and the ~~worker's~~ employee's earnings or calculated earnings capacity, together, do not exceed one hundred twenty-five percent of the average weekly wage in this state. For purposes of this subsection, the average weekly wage must be determined on the date the ~~worker~~ employee completes retraining or the date the ~~worker~~ employee acquires substantial gainful employment. The partial disability benefit so calculated is not subject to increase or decrease when the average weekly wage in this state changes.
 - (5) The partial disability benefits paid under paragraphs 1, 2, and 3 ~~of this subdivision~~ may not together exceed ~~five years~~ one year's duration.

- (6) For purposes of paragraph 1 of this subdivision, the date the ~~worker~~ employee completes retraining is defined as the date the ~~worker~~ employee is available for full-time work. ~~A worker~~ An employee cannot be deemed available for full-time work while the ~~worker~~ employee pursues education, unless such pursuit will in no way interfere with full-time work.
- (7) For purposes of paragraphs 1, 2, and 3 of this subdivision, "substantial gainful employment" means full-time bona fide work, for a remuneration, other than make-work. "Full-time work" means employment for twenty-eight or more hours per week, on average.
- (8) The bureau may waive the ~~five-year~~ one-year limit on the duration of partial disability benefits, in cases of catastrophic injury under subdivision c of subsection 2.
3. If the appropriate priority option is return to the same or modified position, or to a related position, the bureau shall determine whether the employee is eligible to receive partial disability benefits pursuant to section 65-05-10. In addition, the bureau, in its sole discretion, may make an additional award for actual relocation expenses to move the household to the locale where the claimant has actually located work.
4. If the appropriate priority option is on-the-job training, the bureau shall pay the employee a lost-time benefit throughout the duration of the on-the-job training program. Upon completion of the training program, the bureau shall determine whether the employee is eligible to receive partial disability benefits pursuant to section 65-05-10. In addition, the bureau, in its sole discretion, may make an additional award for actual relocation expenses to move the household to the locale where the claimant has actually located work.

SECTION 34. A new section to chapter 65-05.1 of the 1989 Supplement to the North Dakota Century Code is created and enacted as follows:

Bids for vocational rehabilitation services. The bureau shall solicit bids from vocational rehabilitation vendors to provide services relative to vocational rehabilitation of claimants. The bureau shall contract with the lowest and best bidders to provide these services on an annual basis. The bureau shall determine the criteria that render a vocational rehabilitation vendor qualified. The request for bids must contain a detailed outline of services each vendor will be expected to provide. The accepted bid is binding upon both the bureau and the rehabilitation vendor. If additional services are determined to be necessary as a result of failed or inappropriate rehabilitation of an injured employee through no fault of the employee, the bureau may contract with the vendor for additional services. If the failure or inappropriateness of the rehabilitation of the injured employee is due to the vendor's failure to provide the necessary services to fulfill the contract, the bureau is not obligated to use that vendor for additional services on that claim and the bureau may refuse payment for a service that the vendor failed to perform which was a material requirement of the contract.

SECTION 35. AMENDMENT. Section 65-05.2-01 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-05.2-01. Eligibility for supplementary benefits. A workers' compensation claimant who ~~was~~ is receiving ~~temporary total disability benefits~~ permanent total disability benefits, or death benefits ~~as of July 1, 1980, and is receiving such benefits as of July 1, 1985, and who has been receiving disability or death benefits for a period of ten consecutive years or more as of June thirtieth of each year is eligible for supplementary benefits. Eligibility for supplementary benefits starts on July 1, 1985, first of each year and lasts for as long as the claimant is entitled to workers' compensation benefits permanent total disability benefits or death benefits.~~

SECTION 36. AMENDMENT. Section 65-05.2-02 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-05.2-02. Supplementary benefits - Amount. Claimants who are eligible for supplementary benefits and who are receiving ~~temporary total disability benefits~~ or permanent total disability benefits are entitled to receive a weekly supplementary benefit ~~of such that when added to their weekly permanent total disability benefit, at least one hundred sixty dollars per week~~ sixty percent of the state's average weekly wage on July first of each year is their combined benefit. Claimants who are eligible for supplementary benefits and who are receiving death benefits are entitled to receive a weekly supplementary benefit of such that, when added to their weekly death benefit, at least ~~one hundred dollars per week~~ fifty percent of the maximum death benefit on July first of each year is their combined benefit. ~~In no case may the annual recalculation of supplemental benefits result in a rate less than the previous rate, notwithstanding an error in calculation. If a claim has been accepted on an aggravation basis pursuant to section 65-05-15 and the injured employee is eligible for supplementary benefits, the claimant's supplementary benefit must be proportionally calculated.~~

SECTION 37. AMENDMENT. Subsection 4 of section 65-06.2-02 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4. If a former inmate receiving disability benefits under the provisions of this chapter is recommitted or sentenced by a court to imprisonment in a penal institution, the disability benefits ~~shall be suspended or paid during any confinement exceeding thirty consecutive days in the following manner:~~

- a. ~~If the employee has no spouse or child, any right to claim disability benefits under this title during imprisonment shall cease and the term of confinement shall be deducted from the period for which disability benefits are payable to the employee.~~

- b. ~~If the employee has a spouse or child, payment of disability benefits during the employee's imprisonment shall be paid to the spouse or child of the employee in the manner and in the amount provided in subsection 4 of section 65-05-17 are payable pursuant to subsection 3 of section 65-05-03.~~

SECTION 38. APPLICATION - EFFECTIVE DATE. Sections 30, 31, 32, and 33 of this Act apply to any rehabilitation award made on or after the effective date of this Act, irrespective of the date of injury. This Act becomes effective on July 1, 1991."

Renumber accordingly

SB 2332, as engrossed: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) A MAJORITY of your committee (Reps. Henegar, Price - refused to sign, St. Aubyn, Svedjan - refused to sign, Trautman

- refused to sign, Gilmore, Mutzenberger, Peterson, Thorpe) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS.

Page 1, line 7. remove "aids, abets, facilitates,"

Page 1, line 8, remove the first comma and remove ", or who"

Page 1, remove lines 9 and 10

Page 1, line 11, remove "intends to attempt to commit suicide with the drug or instrument"

Page 2, remove lines 5 through 11

Page 2, line 17, replace "chapter 23-06.4" with "state or federal law"

Renumber accordingly

SB 2332, as engrossed: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) A MINORITY of your committee (Reps. Larson, D. Olsen, Boucher - refused to sign, Cleary, Scherber, Delzer - refused to sign) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS.

Page 2, remove lines 5 through 11

Page 2, line 17, replace "chapter 23-06.4" with "state or federal law"

Renumber accordingly

The reports of the majority and the minority were placed on the Sixth order of business on the calendar for the succeeding legislative day.

SB 2366, as engrossed: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2366 was placed on the Fourteenth order on the calendar.

The House stood adjourned pursuant to Representative Kloubec's motion.

ROY GILBREATH, Chief Clerk