

## JOURNAL OF THE HOUSE

## Fifty-third Legislative Assembly

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Bismarck, February 15, 1993

The House convened at 1:00 p.m., with Speaker R. Berg presiding.

The prayer was offered by the Rev. Patrick O'Brian, St. John's Lutheran Church, Oakes.

The roll was called and all members were present except Representatives Brown and Huether.

A quorum was declared by the Speaker.

## HOUSE ENGROSSING AND ENROLLING REPORT

The following bills and resolutions were engrossed: HB 1312, HB 1332, HB 1342, HB 1359, HB 1365, HB 1366, HB 1421, HB 1435, HB 1438, HB 1502, HCR 3026, HCR 3035.

The following bills were reengrossed: HB 1179, HB 1373.

## CORRECTION AND REVISION OF THE JOURNAL

MR. SPEAKER: Your Committee on Correction and Revision of the Journal (Rep. DeWitz, Chairman) has carefully reexamined the Journal of the Twenty-eighth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 577, after line 12, insert the following:

"Everything in the Majority Report except Divisions B, C, D, and E

Renumber and revise the totals and statement of purpose of amendment accordingly"

REP. WARDNER MOVED that the report be adopted, which motion prevailed.

## SIXTH ORDER OF BUSINESS

REP. FREIER MOVED that the rules be suspended and that the House consider all the amendments on the Sixth order of business in one motion, with the exception of Engrossed HB 1062, which motion prevailed.

REP. FREIER MOVED that the rules be suspended and that the amendments on the Sixth order of business to HB 1030, HB 1115, HB 1213, HB 1218, HB 1275, HB 1356, Engrossed HB 1360, HB 1376, HB 1422, HB 1449, and HB 1487 be adopted, which motion prevailed.

HB 1030, HB 1115, HB 1213, HB 1218, HB 1275, HB 1356, Engrossed HB 1360, HB 1376, HB 1422, HB 1449, and HB 1487, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

## SIXTH ORDER OF BUSINESS

HB 1062, as engrossed: REP. DALRYMPLE (Appropriations Committee) MOVED that the amendments on HJ page 614 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed on a verification vote.

## MOTION

REP. FREIER MOVED that the rules be suspended and that Engrossed HB 1062, as

amended, be deemed properly reengrossed and placed at the head of the calendar on the Eleventh order, which motion prevailed.

### SECOND READING OF HOUSE BILL

**HB 1062:** A BILL for an Act to create and enact a new section to chapter 19-03.1 of the North Dakota Century Code, relating to mandatory terms of imprisonment; to amend and reenact subsection 10 of section 12.1-32-02, sections 12.1-32-02.1, 19-03.1-23, and subsection 12 of section 54-23.3-04 of the North Dakota Century Code, relating to sentencing alternatives, prison terms for certain offenders, penalties for unlawful manufacture, delivery, or possession of controlled substances, and authority to contract with other governmental agencies for prisoners and juvenile delinquents; to provide a penalty; to provide an appropriation; and to provide an effective date.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 79 YEAS, 17 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Austin; Bateman; Belter; Bernstein; Bodine; Boehm; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Goffe; Gorder; Gorman; Grosz; Grumbo; Hagle; Hanson; Hausauer; Henegar; Holm; Howard; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Martin; Martinson; Monson; Nelson; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wilkie; Speaker R. Berg

**NAYS:** Aarsvold; Allmaras; Berg, J.; Boucher; Brodshaug; Glassheim; Gulleson; Hokana; Kaldor; Kilichowski; Maragos; Mutzenberger; Ness; Pyle; Ring; Thorpe; Wentz

**ABSENT AND NOT VOTING:** Brown; Huether

Reengrossed HB 1062 passed and the title was agreed to.

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### THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representatives Gordon Hill, Julie A. Hill, and Brian T. Skar

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

**MADAM PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1028, HB 1120, HB 1198, HB 1212, HB 1227, HB 1234, HB 1240.

### SECOND READING OF HOUSE BILL

**HB 1251:** A BILL for an Act to create and enact a new subsection to section 54-35-02 of the North Dakota Century Code, relating to the authority of the legislative council to develop and recommend a procedure for annual legislative sessions; and to amend and reenact section 54-03-02 of the North Dakota Century Code, relating to meetings of the legislative assembly.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 50 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Berg, J.; Bodine; Boucher; Cleary; Coats; Gates; Gerntholz; Glassheim; Goffe; Grumbo; Gulleson; Hanson; Hausauer;

Hokana; Johnson; Kaldor; Keiser; Kelsch; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Mutzenberger; Nicholas; Oban; Porter; Price; Pyle; Ring; Rydell; Sitz; Skarphol; Stenehjelm; Stenson; Svedjan; Thorpe; Torgerson; Wanzek; Wentz

**NAYS:** Austin; Bateman; Belter; Bernstein; Boehm; Brodshaug; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gorder; Gorman; Grosz; Hagle; Henegar; Holm; Howard; Jacobs; Kempenich; Martin; Martinson; Monson; Nelson; Ness; Nichols; Olsen, D.; Olson, A.; Payne; Poolman; Rennerfeldt; Schindler; Shide; Soukup; St. Aubyn; Sveen; Timm; Tollefson; Wald; Wardner; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Brown; Huether

Engrossed HB 1251 was declared lost.

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#### MOTION

**REP. CLAYBURGH MOVED** that the vote by which HB 1251 failed be reconsidered and the motion to reconsider be laid on the table, which motion failed on a verification vote.

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2001, SB 2013, SB 2015, SB 2018, SB 2080, SB 2206, SB 2217, SB 2313, SB 2361, SB 2390, SB 2421.

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

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2136, SCR 4026.

#### MOTION

**REP. KRETSCHMAR MOVED** that the House reconsider its action whereby HB 1354 failed to pass for want of a Constitutional majority, which motion lost on a verification vote.

#### SECOND READING OF HOUSE BILL

**HB 1266:** A BILL for an Act to provide for a compulsive gambling director under the direction of the state gaming commission and to provide for a compulsive gambling tax; and to provide an appropriation.

#### MOTION

**REP. HOWARD MOVED** the previous question, which motion prevailed.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 38 YEAS, 57 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Berg, J.; Bodine; Boucher; Brodshaug; Cleary; Coats; Dobrinski; Glassheim; Goffe; Grumbo; Gulleason; Hagle; Hanson; Hokana; Kaldor; Keiser; Kelsch; Kerzman; Kilichowski; Kretschmar; Kroeber; Laughlin; Mahoney; Martinson; Mutzenberger; Nelson; Ness; Nichols; Oban; Pyle; Ring; Rydell; Sitz; Stenson; Thorpe; Wilkie

**NAYS:** Austin; Bateman; Belter; Bernstein; Boehm; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Dalrymple; DeWitz; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Gorder; Gorman; Grosz; Henegar; Holm; Howard; Jacobs; Johnson; Kempenich; Klein; Kunkel; Maragos; Martin; Monson; Nicholas; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Schindler; Shide; Skarphol; Soukup; St. Aubyn; Stenehjelm; Svedjan; Sveen; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Speaker R. Berg

**ABSENT AND NOT VOTING:** Brown; Hausauer; Huether

Engrossed HB 1266 was declared lost.

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#### MOTION

**REP. BATEMAN MOVED** that the House reconsider its action whereby HB 1468 failed to pass, which motion prevailed on a verification vote.

#### SECOND READING OF HOUSE BILL

**HB 1468:** A BILL for an Act to create and enact a new section to chapter 4-09 of the North Dakota Century Code, relating to labeling requirements for seed.

#### 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 60 YEAS, 35 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Austin; Bateman; Bodine; Boehm; Boucher; Cleary; Coats; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Glassheim; Goffe; Grosz; Gulleson; Hanson; Henegar; Hokana; Holm; Johnson; Kaldor; Kelsch; Kempenich; Kerzman; Kilichowski; Kretschmar; Kroeber; Kunkel; Mahoney; Maragos; Martin; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Poolman; Price; Ring; Schindler; Shide; Sitz; Skarphol; Stenehjem; Stenson; Thorpe; Torgerson; Wald; Wanzenk; Wardner; Wentz; Wilkie; Speaker R. Berg

**NAYS:** Belter; Berg, J.; Bernstein; Brodshaug; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Dalrymple; Gates; Gerntholz; Gorder; Gorman; Grumbo; Hagle; Howard; Jacobs; Keiser; Klein; Laughlin; Martinson; Monson; Payne; Porter; Pyle; Rennerfeldt; Rydell; Soukup; St. Aubyn; Svedjan; Sveen; Timm; Tollefson

**ABSENT AND NOT VOTING:** Brown; Hausauer; Huether

Engrossed HB 1468 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1397:** A BILL for an Act to amend and reenact sections 43-23.4-02, 43-23.4-05, and subsection 3 of section 43-23.4-06 of the North Dakota Century Code, relating to interest-bearing real estate broker's trust accounts and an exemption for certain accounts.

#### 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 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Henegar; Hokana; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan;

Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Brown; Hausauer; Huether; Martin

Engrossed HB 1397 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1427:** A BILL for an Act to create and enact a new section to chapter 14-05 and a new section to chapter 14-06 of the North Dakota Century Code, relating to the enforcement of support orders arising out of decrees of divorce and decrees of separation from bed and board; 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 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Guleson; Hagle; Hanson; Henegar; Hokana; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Brown; Hausauer; Huether

Engrossed HB 1427 passed, the title was agreed to, and the emergency clause was declared carried.

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#### SECOND READING OF HOUSE BILL

**HB 1457:** A BILL for an Act to amend and reenact sections 16.1-06-10.1 and 16.1-15-02.1 of the North Dakota Century Code, relating to canvassing of votes and sharing of electronic counting machines.

#### 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 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Guleson; Hagle; Hanson; Henegar; Hokana; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Brown; Hausauer; Huether; Thorpe

Engrossed HB 1457 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1460:** A BILL for an Act to create and enact a new subsection to section 25-01-01 of the North Dakota Century Code, relating to the definition and duties of the administrator of the state hospital; and to amend and reenact sections 12-47-28, 12-47-29, 14-05-03, subsection 8 of section 25-01-01, sections 25-01-02, 25-01-06, 25-02-04, 25-03.1-02, 25-03.1-04, 25-03.1-06, subsection 3 of section 25-03.1-21, subsection 1 of section 25-03.1-26, sections 25-03.1-30, 25-03.1-31, subsections 1 and 2 of section 25-03.1-34, sections 25-03.1-36, 25-03.1-37, and subdivision b of subsection 6 of section 37-18-11 of the North Dakota Century Code, relating to the administrator and medical director of the state hospital.

#### 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 61 YEAS, 34 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Austin; Bateman; Belter; Bernstein; Boehm; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Dalrymple; DeWitz; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Hagle; Henegar; Holm; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kilichowski; Klein; Kretschmar; Kunkel; Martin; Monson; Nicholas; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Rydell; Schindler; Shide; Skarphol; Soukup; St. Aubyn; Stenehjem; Svedjan; Sveen; Timm; Tollefson; Torgerson; Wald; Wardner; Wentz; Speaker R. Berg

**NAYS:** Aarsvold; Allmaras; Berg, J.; Bodine; Boucher; Brodshaug; Coats; Dobrinski; Goffe; Grumbo; Gulleson; Hanson; Hokana; Howard; Kaldor; Kerzman; Kroeber; Laughlin; Mahoney; Maragos; Martinson; Mutzenberger; Nelson; Ness; Nichols; Oban; Olsen, D.; Pyle; Ring; Sitz; Stenson; Thorpe; Wanzek; Wilkie

**ABSENT AND NOT VOTING:** Brown; Hausauer; Huether

Engrossed HB 1460 passed and the title was agreed to.

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#### THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Michael Schatz.

#### SECOND READING OF HOUSE BILL

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

#### ROLL CALL

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

**YEAS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle;



Hanson; Henegar; Hokana; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzenk; Wardner; Wentz; Speaker R. Berg

**ABSENT AND NOT VOTING:** Brown; Hausauer; Huether; Wilkie

Engrossed HB 1463 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1484:** A BILL for an Act to provide for the recovery of profits from a crime by a person with a right to recover from a convicted felon for injuries caused by the convicted felon.

#### 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 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glasheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Henegar; Hokana; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Timm; Tollefson; Torgerson; Wald; Wanzenk; Wardner; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Brown; Hausauer; Huether; Thorpe

Engrossed HB 1484 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

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

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glasheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt;

Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjøm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Brown; Huether

Engrossed HB 1485 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1489:** A BILL for an Act to amend and reenact subsection 4 of section 43-23-08 of the North Dakota Century Code, relating to education standards for real estate brokers and salespersons.

#### 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 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjøm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Brown; Huether

Engrossed HB 1489 passed and the title was agreed to.

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#### MOTION

**REP. FREIER MOVED** that the House waive the reading of the titles to HB 1179, HB 1193, HB 1332, HB 1342, HB 1366, HB 1437, HB 1452, and HB 1502, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1179:** A BILL for an Act to create and enact sections 50-11-01.4, 50-11-02.2, 50-11-03.2, 50-11-04.1, 50-11-04.2, 50-11-04.3, 50-11-04.4, 50-11-04.5, 50-11-04.6, and 50-11-04.7 of the North Dakota Century Code, relating to licensure of foster care facilities for children and adults; to amend and reenact sections 50-11-00.1, 50-11-01, 50-11-02, 50-11-02.1, 50-11-03, 50-11-04, 50-11-05, 50-11-06, 50-11-06.6, 50-11-06.7, 50-11-07, 50-11-08, and 50-11-09 of the North Dakota Century Code, relating to licensure of foster care facilities for children and adults; and to repeal sections 50-11-01.3, 50-11-06.1, 50-11-06.2, 50-11-06.3, 50-11-06.4, and 50-11-06.5 of the North Dakota Century Code, relating to the licensure of foster care facilities for children.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.



**YEAS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gordner; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Brown; Huether

Engrossed HB 1179 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1312:** A BILL for an Act to amend and reenact section 15-47-33 of the North Dakota Century Code, relating to commencement of the elementary and secondary school year.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 23 YEAS, 71 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Belter; Bernstein; Bodine; Christopherson; Dorso; Glassheim; Goffe; Gordner; Gorman; Hanson; Holm; Kaldor; Kelsch; Kroeber; Nicholas; Olson, A.; Payne; Soukup; Timm; Wanzek; Speaker R. Berg

**NAYS:** Allmaras; Bateman; Berg, J.; Boehm; Boucher; Brodshaug; Byerly; Carlisle; Carlson, A.; Carlson, C.; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Drovda; Freier; Froseth; Gates; Gerntholz; Grosz; Grumbo; Gulleson; Hagle; Hausauer; Henegar; Hokana; Howard; Jacobs; Johnson; Keiser; Kempenich; Kilichowski; Klein; Kretschmar; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nichols; Oban; Olsen, D.; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Tollefson; Torgerson; Wardner; Wentz; Wilkie

**ABSENT AND NOT VOTING:** Brown; Huether; Kerzman; Wald

Engrossed HB 1312 was declared lost.

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#### SECOND READING OF HOUSE BILL

**HB 1332:** A BILL for an Act to create and enact a new section to chapter 26.1-26.4 of the North Dakota Century Code, relating to health care utilization review; and to amend and reenact sections 26.1-26.4-03 and 26.1-26.4-04 of the North Dakota Century Code, relating to health care service utilization review.

#### 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 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Brown; Huether

Engrossed HB 1332 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1342:** A BILL for an Act relating to regional health units; to amend and reenact subsection 1 of section 4-18.1-05, sections 15-47-23, 19-05.1-05, subsection 3 of section 23-01-06, subsection 2 of section 23-01-09, sections 23-07-07, 23-07-19, 23-07-21, 23-07.6-01, 23-09-17, 23-19-02, subsection 7 of section 36-21.1-02, section 43-43-01, subsection 7 of section 54-52-01, sections 54-52-02, 54-52-02.1, 54-52.1-03.1, and 58-06-01 of the North Dakota Century Code, relating to regional health units; to repeal chapters 23-03, 23-04, 23-05, section 23-07-04, and chapter 23-14 of the North Dakota Century Code, relating to county, city, and district health units; and to provide an effective date.

#### MOTION

**REP. RENNERFELDT MOVED** the previous question, which motion prevailed.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 50 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Austin; Belter; Bernstein; Bodine; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Dorso; Froseth; Gorder; Gorman; Grosz; Hausauer; Henegar; Howard; Johnson; Kelsch; Kempenich; Klein; Kunkel; Mahoney; Maragos; Martinson; Nicholas; Payne; Porter; Price; Rennerfeldt; Ring; Rydell; Sitz; Skarphol; Soukup; Stenehjem; Stenson; Svedjan; Thorpe; Timm; Tollefson; Wald; Wardner; Wentz; Speaker R. Berg

**NAYS:** Aarsvold; Allmaras; Bateman; Berg, J.; Boehm; Boucher; Brodshaug; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Drovdal; Freier; Gates; Gerntholz; Glassheim; Goffe; Grumbo; Gulleson; Hagle; Hanson; Hokana; Holm; Jacobs; Kaldor; Keiser; Kerzman; Kilichowski; Kretschmar; Kroeber; Laughlin; Martin; Monson; Mutzenberger; Nelson; Ness; Nichols; Oban; Olsen, D.; Olson, A.; Poolman; Pyle; Schindler; Shide; St. Aubyn; Sveen; Torgerson; Wanzek; Wilkie

**ABSENT AND NOT VOTING:** Brown; Huether

Engrossed HB 1342 was declared lost.

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#### SECOND READING OF HOUSE BILL

**HB 1359:** A BILL for an Act to amend and reenact sections 43-39-01, 43-39-04,

43-39-05, and subsection 1 of section 43-39-10 of the North Dakota Century Code, relating to regulation of athletic trainers.

#### 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 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froeth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Brown; Huether; Martin; Sveen

Engrossed HB 1359 passed and the title was agreed to.

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#### MOTION

**REP. FREIER MOVED** that HB 1365 and HB 1438, which are on the Eleventh order, be laid over two legislative days and that HB 1438 be placed directly after HB 1365 on the calendar, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1366:** A BILL for an Act to amend and reenact sections 23-17.2-02, 23-17.2-03, 23-17.2-04, 23-17.2-05, 23-17.2-09, 23-17.2-11, and 23-17.2-13 of the North Dakota Century Code, relating to establishing thresholds and exemptions to the certificate of need program.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 60 YEAS, 32 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Austin; Bateman; Belter; Bernstein; Boehm; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Coats; Dalrymple; DeWitz; Dorso; Drovda; Freier; Froeth; Gates; Gerntholz; Gorder; Gorman; Grosz; Hagle; Hausauer; Henegar; Holm; Howard; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kilichowski; Klein; Kretschmar; Kunkel; Martin; Martinson; Monson; Nicholas; Payne; Porter; Price; Rennerfeldt; Rydell; Schindler; Skarphol; Soukup; St. Aubyn; Stenehjem; Svedjan; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Speaker R. Berg

**NAYS:** Aarsvold; Allmaras; Berg, J.; Bodine; Boucher; Brodshaug; Cleary; Dobrinski; Glassheim; Goffe; Grumbo; Gulleson; Hanson; Hokana; Kaldor; Kerzman; Kroeber; Laughlin; Mutzenberger; Nelson; Ness; Nichols; Oban; Olsen, D.; Olson, A.; Pyle; Ring; Shide; Sitz; Stenson; Thorpe; Wilkie

**ABSENT AND NOT VOTING:** Brown; Huether; Mahoney; Maragos; Poolman; Sveen

Engrossed HB 1366 passed and the title was agreed to.

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## SECOND READING OF HOUSE BILL

**HB 1373:** A BILL for an Act to amend and reenact section 23-01-05 of the North Dakota Century Code, relating to the qualifications of the state health officer and the appointment of an advisory committee to the state health officer; 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 91 YEAS, 3 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Boehm; Boucher; Brodshaug; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dalrymple; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**NAYS:** Bodine; Clayburgh; Olson, A.

**ABSENT AND NOT VOTING:** Brown; DeWitz; Huether; Sveen

Reengrossed HB 1373 passed, the title was agreed to, and the emergency clause was declared carried.

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## SECOND READING OF HOUSE BILL

**HB 1421:** A BILL for an Act relating to competition by state government agencies, institutions of higher education, and nonprofit organizations with the private sector in providing certain goods and services to the public; to provide an appropriation; and to provide an effective date.

## MOTION

**REP. CLAYBURGH** MOVED the previous question, which motion prevailed.

## 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 20 YEAS, 74 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Austin; Bernstein; Carlisle; Carlson, A.; Christopherson; Dorso; Drovdal; Freier; Froseth; Gorman; Grosz; Holm; Keiser; Kempenich; Payne; Soukup; Timm; Tollefson; Torgerson; Speaker R. Berg

**NAYS:** Aarsvold; Allmaras; Bateman; Belter; Berg, J.; Bodine; Boehm; Boucher; Brodshaug; Byerly; Carlson, C.; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Gates; Gerntholz; Glassheim; Goffe; Gorder; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Howard; Jacobs; Johnson; Kaldor; Kelsch; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; St. Aubyn; Stenehjem; Stenson; Svedjan; Thorpe; Wanzek; Wardner; Wentz; Wilkie

**ABSENT AND NOT VOTING:** Brown; Huether; Sveen; Wald

Engrossed HB 1421 was declared lost.

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**MOTION**

**REP. MARTINSON MOVED** that HCR 3026 and HCR 3035 which are on the Eleventh order be removed from the Eleventh order and placed on the Consent Calendar, which motion prevailed.

**MOTION**

**REP. MARTINSON MOVED** that the House stand in recess until 3:40 p.m., which motion prevailed.

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

**SECOND READING OF HOUSE BILL**

**HB 1435:** A BILL for an Act to amend and reenact subsection 2 of section 15-62.2-00.1 and section 15-62.2-02 of the North Dakota Century Code, relating to eligible institutions under the student financial assistance program and to the powers and duties of the state board of higher education.

**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 62 YEAS, 33 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Austin; Bateman; Belter; Berg, J.; Bernstein; Boehm; Boucher; Brodshaug; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; DeWitz; Dorso; Drovdal; Freier; Gates; Glassheim; Gorder; Gorman; Grosz; Gulleson; Hokana; Holm; Howard; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kilichowski; Klein; Kretschmar; Mahoney; Maragos; Martin; Monson; Nelson; Ness; Oban; Olsen, D.; Olson, A.; Payne; Porter; Pyle; Rennerfeldt; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenson; Svedjan; Thorpe; Timm; Tollefson; Torgerson; Wanzek

**NAYS:** Aarsvold; Allmaras; Bodine; Byerly; Carlisle; Dalrymple; Dobrinski; Froseth; Gerntholz; Goffe; Grumbo; Hagle; Hanson; Hausauer; Henegar; Kaldor; Kerzman; Kroeber; Kunkel; Laughlin; Martinson; Mutzenberger; Nicholas; Nichols; Poolman; Price; Ring; Stenehjem; Wald; Wardner; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Brown; Huether; Sveen

Engrossed HB 1435 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1502:** A BILL for an Act to create and enact a new section to chapter 11-09.1 and two new sections to chapter 15-22 of the North Dakota Century Code, relating to the replacement of county superintendents of schools with educational services area coordinators, transition funding, and home rule counties; to amend and reenact sections 11-10-10, 11-10-20, subsection 1 of section 11-14-13, sections 11-14-14, 15-06-02, 15-08-03, 15-19-03, subsection 3 of section 15-20.4-03, sections 15-21-07, 15-21-10, 15-21-15, 15-22-02, 15-22-09, 15-22-10, 15-22-17, 15-22-18, subsection 4 of section 15-27.1-01, subsection 2 of section 15-27.1-03, section 15-27.1-04, subsection 4 of section 15-27.1-06, sections 15-27.1-10, 15-27.2-04, 15-27.3-02, 15-27.3-08, 15-27.3-11, 15-27.3-12, 15-27.3-19, 15-27.4-01, 15-27.4-02, 15-27.4-03, 15-27.6-09, 15-27.6-10, 15-29-06, 15-29-07, subsections 16 and 17 of section 15-29-08, subsection 3 of section 15-29-09, sections

15-34.1-03, 15-34.1-04, 15-35-09, 15-36-17, 15-38-14, subsection 11 of section 15-39.1-04, sections 15-40.1-09, 15-40.1-17, 15-40.1-19, 15-40.2-05, subsection 4 of section 15-40.2-08, subsection 6 of section 15-40.2-08.1, sections 15-41-01, 15-43-03, 15-44-06, 15-47-02.1, 15-47-07, 15-47-13, 15-47-43, 15-49-09, 15-49-11, 21-04-19, 23-03-07, 34-07-03, subsection 3 of section 44-11-02, sections 54-01-13.2, 57-15-14, 57-16-04, 57-33.1-09, subsection 3 of section 57-51-15, sections 57-60-15, and 57-62-02 of the North Dakota Century Code, relating to county superintendents of schools; to repeal sections 11-10-10.5, 15-22-01, 15-22-04, 15-22-07, 15-22-11, 15-22-12, 15-22-13, 15-22-14, 15-22-15, 15-22-16, 15-22-20, 15-22-25, 15-27.1-09, 15-35-10, 15-36-10, 15-38-02, 15-38-03, 15-47-17, 15-47-23, and 65-04-07 of the North Dakota Century Code, relating to county superintendents of schools; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 4 YEAS, 91 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Mutzenberger; Oban; Poolman; Svedjan

**NAYS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gordier; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Nelson; Ness; Nicholas; Nichols; Olsen, D.; Olson, A.; Payne; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjelm; Stenson; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Brown; Huether; Sveen

Engrossed HB 1502 was declared lost.

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#### SECOND READING OF HOUSE BILL

**HB 1026:** A BILL for an Act to provide for reports by state agencies on the privatization of services.

#### 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, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gordier; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjelm; Stenson; Svedjan; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg



ABSENT AND NOT VOTING: Brown; Huether; Sveen

HB 1026 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

HB 1070: A BILL for an Act to create and enact a new section to chapter 54-52.1 of the North Dakota Century Code, relating to an employee assistance program for state employees; 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 NOT PASS, the roll was called and there were 7 YEAS, 87 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Brodshaug; Cleary; Gulleson; Hanson; Mutzenberger; Oban; Pyle

NAYS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Hagle; Hausauer; Henegar; Hokana; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martinson; Monson; Nelson; Ness; Nicholas; Nichols; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Brown; Huether; Martin; Sveen

HB 1070 was declared lost.

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#### SECOND READING OF HOUSE BILL

HB 1071: A BILL for an Act to create and enact a new section to chapter 54-52.1 of the North Dakota Century Code, relating to public employees retirement board sponsored managed health care; 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 NOT PASS, the roll was called and there were 5 YEAS, 89 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Coats; Hanson; Henegar; Kroeber; Pyle

NAYS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hausauer; Hokana; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Payne; Poolman; Porter; Price; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Brown; Huether; Olson, A.; Sveen

HB 1071 was declared lost.

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#### SECOND READING OF HOUSE BILL

**HB 1073:** A BILL for an Act to create and enact a new section to chapter 54-52.3 of the North Dakota Century Code, relating to a dental and vision program for public employees; to amend and reenact sections 54-52.3-01, 54-52.3-02, 54-52.3-03, and 54-52.3-06 of the North Dakota Century Code, relating to a dental and vision program for public employees; 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 NOT PASS, the roll was called and there were 27 YEAS, 67 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Berg, J.; Bodine; Boucher; Brodshaug; Cleary; Coats; Goffe; Gulleson; Hanson; Hokana; Kaldor; Kilichowski; Kroeber; Mahoney; Martinson; Mutzenberger; Nelson; Ness; Oban; Pyle; Ring; Sitz; Stenehjem; Stenson; Thorpe

**NAYS:** Austin; Bateman; Belter; Bernstein; Boehm; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Dalrymple; Dewitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Hagle; Hausauer; Henegar; Holm; Howard; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kretschmar; Kunkel; Laughlin; Maragos; Martin; Monson; Nicholas; Nichols; Olsen, D.; Olson, A.; Payne; Porter; Price; Rennerfeldt; Rydell; Schindler; Shide; Skarphol; Soukup; St. Aubyn; Svedjan; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Brown; Huether; Poolman; Sveen

HB 1073 was declared lost.

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#### SECOND READING OF HOUSE BILL

**HB 1348:** A BILL for an Act to amend and reenact section 28-26-04 of the North Dakota Century Code, relating to restrictions on attorney's fees for collection costs in credit or installment payment agreements.

#### 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 47 YEAS, 48 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Byerly; Carlisle; Carlson, A.; Carlson, C.; Dalrymple; Dewitz; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Gorman; Grosz; Gulleson; Hokana; Holm; Johnson; Kempenich; Martin; Monson; Nelson; Ness; Nicholas; Olsen, D.; Olson, A.; Pyle; Rennerfeldt; Schindler; Shide; Soukup; St. Aubyn; Svedjan; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Speaker R. Berg

**NAYS:** Aarsvold; Allmaras; Boucher; Brodshaug; Christopherson; Clayburgh; Cleary; Coats; Dobrinski; Glassheim; Goffe; Gorder; Grumbo; Hagle; Hanson; Hausauer; Henegar; Howard; Jacobs; Kaldor; Keiser; Kelsch; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martinson; Mutzenberger; Nichols; Oban; Payne;

Poolman; Porter; Price; Ring; Rydell; Sitz; Skarphol; Stenehjelm; Stenson; Thorpe; Wentz; Wilkie

**ABSENT AND NOT VOTING:** Brown; Huether; Sveen

HB 1348 was declared lost.

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#### SECOND READING OF HOUSE BILL

**HB 1400:** A BILL for an Act to create and enact a new chapter to title 54 of the North Dakota Century Code, relating to the establishment of a tourism department; to amend and reenact subdivision g of subsection 1 of section 6-09-15, subsection 3 of section 10-06-04.3, sections 24-02-37.1, 24-03-21, subdivision o of subsection 1 of section 28-32-01, section 37-03-14, paragraph 7 of subdivision a of subsection 2 of section 39-01-01, section 39-24-05, subsection 3 of section 39-24-08, sections 39-24-09.1, 39-24-11, 39-29-01.1, subsection 2 of section 39-29-05, subsection 3 of section 39-29-08, section 39-29-10, 39-29-12, sections 55-08-01.1, 55-08-01.2, 55-08-01.3, 55-08-02.1, subsection 1 of section 55-08-03.1, sections 55-08-07, 55-08-07.1, 55-08-07.2, 55-08-08, 55-08-09, 55-08-10, 55-08-11, 55-08-12, 55-08-13, 55-08-14.1, 55-10-04, subsection 3 of section 55-11-02, section 57-02-08.7, subsection 6 of section 57-39.2-28, section 61-29-04, and subsection 1 of section 61-33-09 of the North Dakota Century Code, relating to the parks and tourism department and the allocation of powers and duties to the parks and recreation department or the tourism department; and to repeal sections 55-08-01.4, 55-08-01.5, and 55-08-01.6 of the North Dakota Century Code, relating to the tourism division of the parks and tourism department.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 2 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gullison; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Porter; Price; Pyle; Rennerfeldt; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjelm; Stenson; Svedjan; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**NAYS:** Aarsvold; Ring

**ABSENT AND NOT VOTING:** Brown; Huether; Poolman; Sveen

HB 1400 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1420:** A BILL for an Act to amend and reenact section 12.1-27.1-12 of the North Dakota Century Code, relating to state preemption of local laws regulating obscenity, and providing an exception relating to political subdivision authority.

## 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 46 YEAS, 49 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Bateman; Belter; Bernstein; Bodine; Boehm; Boucher; Carlson, A.; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Freier; Froseth; Gates; Gerntholz; Gordier; Grumbo; Hagle; Hanson; Howard; Jacobs; Kaldor; Kempenich; Kerzman; Laughlin; Mahoney; Martin; Nichols; Olson, A.; Poolman; Rennerfeldt; Schindler; Shide; Sitz; St. Aubyn; Stenson; Thorpe; Timm; Tollefson; Wald; Wardner; Wilkie

**NAYS:** Austin; Berg, J.; Brodshaug; Byerly; Carlisle; Carlson, C.; Christopherson; Dorso; Drovdal; Glassheim; Goffe; Gorman; Grosz; Gulleson; Hausauer; Henegar; Hokana; Holm; Johnson; Keiser; Kelsch; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Maragos; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Oban; Olsen, D.; Payne; Porter; Price; Pyle; Ring; Rydell; Skarphol; Soukup; Stenehjerm; Svedjan; Torgerson; Wanzek; Wentz; Speaker R. Berg

**ABSENT AND NOT VOTING:** Brown; Huether; Sveen

HB 1420 was declared lost.

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## SECOND READING OF HOUSE BILL

**HB 1423:** A BILL for an Act to amend and reenact subsection 2 of section 16.1-05-06 of the North Dakota Century Code, relating to election poll checkers.

## 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 30 YEAS, 65 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Berg, J.; Bodine; Boucher; Carlson, C.; Cleary; Coats; Dalrymple; Glassheim; Gordier; Grumbo; Gulleson; Hanson; Hokana; Kaldor; Kilichowski; Kroeber; Laughlin; Mahoney; Martinson; Mutzenberger; Nelson; Ness; Oban; Ring; Sitz; Stenson; Thorpe; Wilkie

**NAYS:** Austin; Bateman; Belter; Bernstein; Boehm; Brodshaug; Byerly; Carlisle; Carlson, A.; Christopherson; Clayburgh; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Goffe; Gorman; Grosz; Hagle; Hausauer; Henegar; Holm; Howard; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kretschmar; Kunkel; Maragos; Martin; Monson; Nicholas; Nichols; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Rydell; Schindler; Shide; Skarphol; Soukup; St. Aubyn; Stenehjerm; Svedjan; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Speaker R. Berg

**ABSENT AND NOT VOTING:** Brown; Huether; Sveen

HB 1423 was declared lost.

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## SECOND READING OF HOUSE BILL

**HB 1439:** A BILL for an Act to amend and reenact section 15-65-02 of the North Dakota Century Code, relating to the membership of the North Dakota educational telecommunications council.

## 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 9 YEAS, 86 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Bodine; Cleary; Coats; Grumbo; Kunkel; Mahoney; Mutzenberger; Oban; Pyle

**NAYS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Boehm; Boucher; Brodshaug; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Gulletson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Laughlin; Maragos; Martin; Martinson; Monson; Nelson; Ness; Nicholas; Nichols; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjelm; Stenson; Svedjan; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Brown; Huether; Sveen

HB 1439 was declared lost.

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#### SECOND READING OF HOUSE BILL

**HB 1454:** 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 assignment of life insurance proceeds to the department of human services in order to obtain medical assistance; and to amend and reenact subsection 2 of 43-10.1-01 and section 50-24.1-02.3, relating to funding pre-need funeral service contracts and to eligibility for medical assistance.

#### 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, 95 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**NAYS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulletson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjelm; Stenson; Svedjan; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Brown; Huether; Sveen

HB 1454 was declared lost.

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#### SECOND READING OF HOUSE BILL

**HB 1469:** A BILL for an Act to provide for a state employees compensation commission.

#### 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 53 YEAS, 41 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Austin; Belter; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; DeWitz; Dorso; Freier; Froseth; Gates; Gorman; Grosz; Gulleson; Hausauer; Henegar; Holm; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kretschmar; Kunkel; Maragos; Martin; Martinson; Monson; Ness; Nicholas; Olsen, D.; Olson, A.; Porter; Price; Rennerfeldt; Rydell; Schindler; Shide; Soukup; St. Aubyn; Stenehjelm; Svedjan; Timm; Tollefson; Torgerson; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**NAYS:** Aarsvold; Allmaras; Bateman; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Byerly; Cleary; Coats; Dalrymple; Dobrinski; Drovdal; Gerntholz; Glassheim; Goffe; Gorder; Grumbo; Hagle; Hanson; Hokana; Howard; Kaldor; Kilichowski; Kroeber; Laughlin; Mahoney; Mutzenberger; Nelson; Nichols; Oban; Payne; Poolman; Pyle; Ring; Sitz; Skarphol; Stenson; Thorpe

**ABSENT AND NOT VOTING:** Brown; Huether; Sveen; Wald

HB 1469 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

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

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 50 YEAS, 44 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Bateman; Belter; Bernstein; Bodine; Boehm; Carlisle; Carlson, A.; Cleary; Coats; DeWitz; Dobrinski; Dorso; Freier; Froseth; Gerntholz; Gorder; Gorman; Grosz; Grumbo; Hagle; Howard; Jacobs; Johnson; Kempenich; Kerzman; Klein; Kretschmar; Kunkel; Laughlin; Mahoney; Martin; Monson; Nicholas; Nichols; Olsen, D.; Olson, A.; Poolman; Porter; Rennerfeldt; Schindler; Shide; Soukup; Stenehjelm; Thorpe; Timm; Tollefson; Wald; Wanzek; Wardner; Wilkie

**NAYS:** Aarsvold; Allmaras; Austin; Berg, J.; Boucher; Brodshaug; Byerly; Carlson, C.; Christopherson; Clayburgh; Dalrymple; Drovdal; Gates; Glassheim; Goffe; Gulleson; Hanson; Henegar; Hokana; Holm; Kaldor; Keiser; Kelsch; Kilichowski; Kroeber; Maragos; Martinson; Mutzenberger; Nelson; Ness; Oban; Payne; Price; Pyle; Ring; Rydell; Sitz; Skarphol; St. Aubyn; Stenson; Svedjan; Torgerson; Wentz; Speaker R. Berg

**ABSENT AND NOT VOTING:** Brown; Hausauer; Huether; Sveen

HB 1475 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1478:** A BILL for an Act to create and enact three new sections to chapter 15-38 of the North Dakota Century Code, relating to sex education instruction in public schools.

#### 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 36 YEAS, 58 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.



**YEAS:** Bateman; Belter; Bernstein; Bodine; Boehm; Carlisle; Carlson, A.; Coats; DeWitz; Dorso; Freier; Froseth; Gerntholz; Gorder; Gorman; Grosz; Grumbo; Howard; Jacobs; Kelsch; Kempenich; Kerzman; Kretschmar; Mahoney; Olsen, D.; Olson, A.; Rennerfeldt; Schindler; Shide; Skarphol; Soukup; Timm; Tollefson; Wald; Wanzek; Wardner

**NAYS:** Aarsvold; Allmaras; Austin; Berg, J.; Boucher; Brodshaug; Byerly; Carlson, C.; Christopherson; Clayburgh; Cleary; Dalrymple; Dobrinski; Drovda; Gates; Glassheim; Goffe; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Johnson; Kaldor; Keiser; Kilichowski; Klein; Kroeber; Kunkel; Laughlin; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nichols; Oban; Payne; Poolman; Porter; Price; Pyle; Ring; Rydell; Sitz; St. Aubyn; Stenehjem; Stenson; Svedjan; Thorpe; Torgerson; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Brown; Huether; Nicholas; Sveen

HB 1478 was declared lost.

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#### SECOND READING OF HOUSE BILL

**HB 1482:** A BILL for an Act to amend and reenact section 32-03-09.1 of the North Dakota Century Code, relating to the measure of damages for injury to property not arising from contract.

#### 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 2 YEAS, 93 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Jacobs; Stenson

**NAYS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Svedjan; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Brown; Huether; Sveen

HB 1482 was declared lost.

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#### SECOND READING OF HOUSE BILL

**HB 1490:** A BILL for an Act to create and enact a new section to chapter 25-04 of the North Dakota Century Code, relating to services provided by the developmental center at Grafton; and to amend and reenact sections 25-04-02, 25-04-04, and subsection 1 of section 25-04-16 of the North Dakota Century Code, relating to services provided by the developmental center at Grafton.

#### 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 89 YEAS, 6 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Boehm; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; Dewitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**NAYS:** Bodine; Boucher; Brodshaug; Kerzman; Mahoney; Pyle

**ABSENT AND NOT VOTING:** Brown; Huether; Sveen

HB 1490 passed and the title was agreed to.

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#### HOUSE ENGROSSING AND ENROLLING REPORT

The following resolution was enrolled: HCR 3051.

#### SECOND READING OF HOUSE CONCURRENT RESOLUTIONS AND SENATE CONCURRENT RESOLUTION ON CONSENT CALENDAR

**HCR 3026:** A concurrent resolution directing the Legislative Council to study the loss of employment by teachers and administrators as a result of the cooperative education enhancement program and other reorganizational, cooperative, and restructuring programs.

**HCR 3030:** A concurrent resolution opposing the enactment of legislation providing for sanctions dealing with an individual's driver's license as a consequence of the individual's conviction of any drug-related offense.

**HCR 3035:** A concurrent resolution urging the President and Congress to reject any proposals for a national energy tax and to reject any proposals to increase federal excise taxes on motor fuels for the purposes of deficit reduction.

**SCR 4041:** A resolution congratulating Roger Stuber on his election as president of the National Cattlemen's Association.

The question being on the final adoption of the resolutions, which have been read.

HCR 3026, HCR 3030, HCR 3035, and SCR 4041 were declared adopted on a voice vote.

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#### MOTION

**REP. FREIER MOVED** that House Rule 329, Section 3, be suspended, which motion prevailed.

#### MOTION

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

#### MOTION

**REP. FREIER MOVED** that the House be on the Fifth order of business and at the conclusion of that order, the House stand adjourned until 1:00 p.m., Tuesday, February 16, 1993, which motion prevailed.

## REPORT OF STANDING COMMITTEE

HB 1004: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (20 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1004 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "1,929,302" with "1,852,362"

Page 1, line 12, replace "40,516" with "36,464"

Page 1, line 13, replace "471,666" with "489,456"

Page 1, line 14, replace "22,549" with "15,493"

Page 1, line 15, replace "2,464,033" with "2,393,775"

Page 1, line 16, replace "1,029,823" with "1,100,115"

Page 1, line 17, replace "1,434,210" with "1,293,660"

Renumber accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

## DEPARTMENT 616 - PROTECTION AND ADVOCACY PROJECT

HOUSE - This amendment makes the following changes to Governor Sinner's executive budget recommendation to reflect Governor Schafer's recommended appropriations:

- Salaries and wages are reduced by a total of \$76,940 as follows:

	GENERAL FUND	OTHER FUNDS	TOTAL
Reduced health insurance costs	\$(13,056)		\$(13,056)
Reduction salary increase	(41,395)		(41,395)
Add 1 FTE developmental disabilities advocate	47,488	\$ 15,829	63,317
Delete 1 FTE mental health advocate and .5 FTE administrative secretary		(85,806)	(85,806)
Total	\$ (6,963)	\$(69,977)	\$(76,940)

- The information services line item is reduced by \$4,052, of which \$1,864 is from the general fund.

- Operating expenses are increased by a net amount of \$17,790 as follows:

	GENERAL FUND	OTHER FUNDS	TOTAL
Add costs for payment of indirect cost allocation	\$ 8,872	\$ 7,556	\$ 16,428
Add costs for 1 developmental disabilities advocate	15,000		15,000
Delete funds for 1 mental health advocate and .5 FTE administrative secretary		(13,638)	(13,638)
Total	\$23,872	\$ (6,082)	\$ 17,790

- The equipment line item is reduced by a total of \$7,056, \$2,556 of other funds related to the mental health advocate and .5 FTE secretary positions removed, and other reductions of \$4,500, of which \$1,710 is from the general fund.
- The general fund appropriation is reduced by \$153,885 and other funds are increased by \$153,885 to reflect total federal funds available.

In total, the general fund appropriation is decreased by \$140,550 and other funds are increased by \$70,292 for a net total decrease of \$70,258.

#### REPORT OF STANDING COMMITTEE

**HB 1025: Government and Veterans Affairs Committee (Rep. D. Olsen, Chairman)** recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1025 was placed on the Sixth order on the calendar.

Page 1, line 6, remove ", including utility and"

Page 1, line 7, remove "laundry services,"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1057: Natural Resources Committee (Rep. A. Olson, Chairman)** recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1057 was placed on the Sixth order on the calendar.

Page 6, line 27, after "chapter" insert "If the jurisdiction with zoning authority over the area in which the solid waste management facility is to be located has not held a public hearing regarding the siting of the facility, the solid waste management district board of the district in which the facility is to be located shall conduct a public meeting to receive comments regarding the siting of the facility before the department may issue a permit for the facility. If the solid waste management district board conducts a public meeting, the board shall forward a copy of the meeting minutes to the department"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1232: Agriculture Committee (Rep. Nicholas, Chairman)** recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1232 was placed on the Sixth order on the calendar.

Page 1, line 2, after "pesticide" insert "and fertilizer" and after "application" insert "to residential turf grass areas"

Page 1, remove lines 3 and 4

Page 1, line 5, remove "relating to commercial applicators;" and replace "a penalty" with "an effective date"

Page 1, remove lines 7 through 22

Page 2, remove lines 1 through 10

Page 2, line 13, remove the underscore under "Pesticide", after "Pesticide" insert "or fertilizer", and remove the underscore under "treatment - Notice requirements. Immediately following the"

Page 2, line 14, remove the underscore under "application of", after "of" insert "a", remove the underscore under "pesticide", after "pesticide"

insert "or fertilizer", remove the underscore under "to", replace "property" with "a residential turf grass area", remove "including", remove the underscore under "flower", after "flower" insert "garden,", and remove the underscore under "or vegetable garden"

Page 2, line 15, remove "areas", remove the underscore under the underscored comma, replace "a commercial", with "an" and remove the underscore under "applicator must post a sign indicating the application."

Page 2, remove the underscore under lines 16 through 19

Page 2, line 20, remove the underscore under "distinguishable from its surroundings. The sign must contain the" and remove "business"

Page 2, line 21, remove the underscore under "name and phone number of the", remove "commercial", and remove the underscore under "applicator and in lettering not less"

Page 2, line 22, remove the underscore under "than eighteen-point type, the words", replace ""THIS AREA IS CHEMICALLY TREATED"" with ""LAWN CARE APPLICATION"", and remove the underscore under ". KEEP"

Page 2, line 23, remove the underscore under "CHILDREN AND PETS AWAY", replace ""UNTIL [insert date and time of safe entry]"" with ""FOR 24 HOURS"", and remove the underscore under "or a"

Page 2, remove the underscore under line 24

Page 2, line 27, remove the underscore under "Signs and notices - Distribution. Each pesticide", after "pesticide" insert "and fertilizer", and remove the underscore under "manufacturer must"

Page 2, remove the underscore under line 28

Page 2, line 29, remove the underscore under "pesticide", after "pesticide" insert "or fertilizer", remove the underscore under "products signs meeting the requirements of section", replace "3" with "1", and remove the underscore under "of this Act."

Page 3, remove the underscore under line 1

Page 3, line 2, remove the underscore under "this Act. Upon purchase of", after "of" insert "a", remove the underscore under "pesticide", after "pesticide" insert "or fertilizer", remove the underscore under "from a wholesale or retail outlet.", and remove "by a"

Page 3, line 3, remove "commercial applicator." and remove the underscore under "the wholesale or retail outlet shall provide the"

Page 3, line 4, remove "commercial" and remove the underscore under "applicator with an appropriate number of the signs and written"

Page 3, remove the underscore under line 5

Page 3, line 8, remove the underscore under "Signs - Placement - Removal. For", replace "application" with "applications", remove the underscore under "of", after "of" insert "a", remove the underscore under "pesticide", after "pesticide" insert "or fertilizer", and remove the underscore under "to"

Page 3, line 9, remove the underscore under "residential properties of three families or less.", replace "a commercial" with "an", and remove the underscore under "applicator"

Page 3, remove the underscore under line 10

Page 3, line 11, replace "application" with "applications", remove the underscore under "of", after "of" insert "a", remove the underscore under "pesticide", after "pesticide" insert "or fertilizer", remove the underscore under "to all other", insert "residential", remove the underscore under "properties," replace "a commercial" with "an", and remove the underscore under "applicator"

Page 3, line 12, remove the underscore under "shall place signs at primary points of entry. If only select portions of the" and after "the" insert "residential"

Page 3, line 13, remove the underscore under "property have received pesticide", after "pesticide" insert "or fertilizer", remove the underscore under "treatment, the", remove "commercial", and remove the underscore under "applicator shall"

Page 3, remove the underscore under lines 14 through 17

Page 3, remove lines 18 through 29

Page 4, remove lines 1 through 15

Page 4, after line 15, insert:

**"SECTION 4. EFFECTIVE DATE.** This Act becomes effective on April 1, 1994."

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1274, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (16 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1274 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "Profit motivated" with "For-profit"

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1304: Government and Veterans Affairs Committee (Rep. D. Olsen, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1304 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "and" with "to repeal chapter 43-38 of the North Dakota Century Code, relating to electrologists and electronic hair removal technicians;" and after "penalty" insert "; and to provide an effective date"

Page 1, line 17, remove "The first board need not include licensed"

Page 1, remove line 18

Page 1, line 19, remove "submitted by the electrology association of North Dakota."

Page 2, line 8, remove "The board may hire"

Page 2, remove line 9

Page 2, line 10, remove "performance of the board's duties."



Page 2, line 13, remove "compensation per day as the board may find appropriate and"

Page 3, line 5, replace "the electrology association" with "all licensed electrologists"

Page 3, line 6, remove "of North Dakota"

Page 3, remove lines 15 through 19

Page 4, line 21, remove "and civil penalties"

Page 4, line 25, remove "1."

Page 4, line 28, replace "a." with "1."

Page 5, line 1, replace "b." with "2."

Page 5, line 3, replace "c." with "3."

Page 5, line 4, replace "d." with "4."

Page 5, line 5, replace "e." with "5."

Page 5, line 9, replace "f." with "6."

Page 5, remove lines 10 through 14

Page 5, line 23, replace "1993" with "1994"

Page 5, line 26, remove "A person licensed under this section shall meet the"

Page 5, remove line 27

Page 5, line 28, after "Inspections" insert "- Rules"

Page 5, line 29, after the period insert "The board shall adopt rules governing education requirements for electrologists, continuing education requirements, and other rules necessary to carry out the purposes of this chapter."

Page 6, after line 2, insert:

"SECTION 15. REPEAL. Chapter 43-38 of the 1991 Supplement to the North Dakota Century Code is repealed.

SECTION 16. EFFECTIVE DATE. This Act becomes effective August 1, 1994."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

HB 1338: Natural Resources Committee (Rep. A. Olson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (9 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1338 was placed on the Sixth order on the calendar.

Page 1, line 6, after the second period insert "1."

Page 1, line 13, remove the underscore under the period and after the underscored period insert "2."

Page 1, line 14, after the second "a" insert "new"

Page 1, line 19, after "facility" insert ", if the facility is not a city-owned facility"

Page 1, line 21, after the underscored period insert "The governing body of a city may call a special election to allow the qualified electors of the city to vote to approve or disapprove a proposed new city-owned solid waste management facility."

3. Subsection 2 does not apply to a solid waste management facility operated as a part of an energy conversion facility or part of a surface coal mining and reclamation operation, if the solid waste management facility disposes only waste generated by the energy conversion facility or surface coal mining and reclamation operation."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

HB 1347: Political Subdivisions Committee (Rep. Martin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1347 was placed on the Sixth order on the calendar.

Page 1, line 7, replace the second "a" with "two" and replace the third "section" with "sections"

Page 1, line 17, replace the second "and" with a comma

Page 1, line 18, after "commissioners" insert ", and for dissolving a city park district"

Page 2, line 2, after the third comma insert "and" and remove ", 54-40.2-04, and 54-40.2-05"

Page 2, line 6, remove "agreements between political"

Page 2, line 7, remove "subdivisions and tribal governments,"

Page 8, line 9, after the underscored period insert "However, the governing bodies may agree, by joint resolution, to limit the duration or composition of the advisory study committee created by petition pursuant to subdivision b of subsection 1."

Page 11, line 12, replace "53" with "51"

Page 11, line 17, replace "54" with "52"

Page 13, line 5, replace "53" with "51"

Page 13, line 21, replace "54" with "52"

Page 14, line 22, replace "54" with "52"

Page 15, line 18, replace "54" with "52"

Page 15, after line 23, insert:

"h. Dissolution of the city park district pursuant to section 47 of this Act."

Page 15, line 24, replace "h" with "i"

Page 15, line 25, replace "i" with "j"

Page 16, line 18, replace "54" with "52"

Page 17, line 9, replace "54" with "52"

Page 61, line 27, replace "A" with "Two" and replace "section" with "sections"

Page 61, line 28, replace "is" with "are"

Page 63, after line 4, insert:

"Dissolution of city park district - Election.

1. A city park district may be dissolved pursuant to a plan adopted pursuant to this section. A proposal for dissolving a city park district may be initiated:
  - a. By resolution incorporating a dissolution plan, approved by a majority vote of the board of park commissioners and submitted to the governing body of the city; or
  - b. By a petition incorporating a dissolution plan, signed by twenty-five percent or more of the total number of qualified electors of the city park district voting at the last regular city election and submitted to the governing body of the city.
2. The governing body of the city shall submit the question of dissolution to the electors of the park district at any regular city election or primary or general election as specified in the resolution or petition submitted pursuant to subsection 1. The plan incorporated in the resolution or petition is effective and becomes operative according to its terms if a majority of the qualified electors voting approves the plan.
3. A plan for dissolving a city park district may specify:
  - a. The disposition and maintenance of land and other property acquired by the board of park commissioners of the dissolved park district;
  - b. The manner for payment of any current indebtedness, evidences of indebtedness in anticipation of user fee revenues, bonded indebtedness, and other obligations of the dissolved park district;
  - c. The disposition of any outstanding special assessments or other anticipated revenues;
  - d. The transition in implementing the plan, including elements that consider the reasonable expectations of current officeholders and personnel such as delayed effective dates for implementation; and
  - e. Other considerations and provisions that are consistent with state law.
4. The governing body of the city shall cause the complete text, or a fair and accurate summary, of the plan to be published in the official newspaper of the city, not less than two weeks nor more than thirty days, before the date of the election. The governing body may, prior to the election, hold public hearings and community forums and use other suitable means to disseminate information, receive

suggestions and comments, and encourage public discussion of the purpose and provisions of the plan."

Page 69, remove lines 13 through 15

Page 71, remove lines 9 through 29

Page 72, remove lines 1 through 3

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1384: Appropriations Committee (Rep. Dalrymple, Chairman)** recommends **DO NOT PASS** (19 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1384 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1389: Government and Veterans Affairs Committee (Rep. D. Olsen, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1389 was placed on the Sixth order on the calendar.

Page 5, line 12, after "taxes" insert ", including an income tax liability determined under section 57-38-30.3,"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1399: Transportation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1399 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 57-43.1, two new sections to chapter 57-43.2, and a new subsection to section 57-43.2-23 of the North Dakota Century Code, relating to additional motor vehicle fuels taxes and special fuels taxes to be imposed if additional federal highway matching funds become available and marking of diesel fuel claimed as exempt from per-gallon special fuels taxes; to provide a penalty; to provide an appropriation; to provide an expiration date; and to declare an emergency.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 57-43.1 of the North Dakota Century Code is created and enacted as follows:

**Additional motor vehicle fuels taxes.** An additional tax in the amount and upon the conditions provided in this section is imposed on all motor vehicle fuel sold or used in this state.

**1. For purposes of this section:**

- a. "Additional federal highway matching funds" means amounts of federal highway matching funds available to this state in excess of eighty-four million dollars for the 1993-95 biennium, for which a letter of commitment is received from the federal highway administration.
- b. "Letter of commitment" means a communication irrevocably providing that additional federal highway matching funds are available to the state of North Dakota on a matching fund basis.

2. The tax imposed under this section applies from the first day of the first full month beginning at least ten days after the director of the department of transportation certifies to the tax commissioner that a letter or letters of commitment have been received obligating federal funds in the amounts provided in this subsection. The tax imposed by this section is as follows:
  - a. An additional tax of one cent per gallon [3.79 liters] if the cumulative amount of additional federal highway matching funds available to the state according to letters of commitment received before June 30, 1995, is more than six million dollars.
  - b. In addition to the tax under subdivision a, an additional tax of one cent per gallon [3.79 liters] if the cumulative amount of additional federal highway matching funds available to the state according to letters of commitment received before June 30, 1995, is more than nineteen million five hundred thousand dollars.
  - c. In addition to the taxes imposed by subdivisions a and b, an additional tax of one cent per gallon [3.79 liters] if the cumulative amount of additional federal highway matching funds available to the state according to letters of commitment received before June 30, 1995, is more than thirty-three million dollars.

**SECTION 2.** A new section to chapter 57-43.2 of the North Dakota Century Code is created and enacted as follows:

**Additional special fuel tax.** An additional excise tax is imposed on the sale or delivery of any special fuel taxable under subsection 1 of section 57-43.2-02, in the amount and upon the conditions provided in this section.

1. For purposes of this section:
  - a. "Additional federal highway matching funds" means amounts of federal highway matching funds available to this state in excess of eighty-four million dollars for the 1993-95 biennium, for which a letter of commitment is received from the federal highway administration.
  - b. "Letter of commitment" means a communication irrevocably providing that additional federal highway matching funds are available to the state of North Dakota on a matching fund basis.
2. The tax imposed under this section applies from the first day of the first full month beginning at least ten days after the director of the department of transportation certifies to the tax commissioner that a letter or letters of commitment have been received obligating federal funds in the amounts provided in this section. The tax imposed by this section is as follows:
  - a. An additional tax of one cent per gallon [3.79 liters] if the cumulative amount of additional federal highway matching funds available to the state according to letters of commitment received before June 30, 1995, is more than six million dollars.

- b. In addition to the tax under subdivision a, an additional tax of one cent per gallon [3.79 liters] if the cumulative amount of additional federal highway matching funds available to the state according to letters of commitment received before June 30, 1995, is more than nineteen million five hundred thousand dollars.
- c. In addition to the taxes imposed by subdivisions a and b, an additional tax of one cent per gallon [3.79 liters] if the cumulative amount of additional federal highway matching funds available to the state according to letters of commitment received before June 30, 1995, is more than thirty-three million dollars.

**SECTION 3.** A new section to chapter 57-43.2 of the North Dakota Century Code is created and enacted as follows:

**Dye marking of diesel fuel.** After September 30, 1993, a special fuel dealer may not sell, deliver, or transfer title to diesel fuel to a special fuel user for a purpose exempt from the tax imposed under section 57-43.2-02 unless the fuel contains the dye 1,4-dialkylamino-anthraquinone.

**SECTION 4.** A new subsection to section 57-43.2-23 of the 1991 Supplement to the North Dakota Century Code is created and enacted as follows:

Use special fuel for which an exemption was claimed under section 57-43.2-02 for any nonexempt purpose.

**SECTION 5. APPROPRIATION.** There is hereby appropriated out of any moneys in the state highway tax distribution fund in the state treasury, the entire state's share of revenue from the additional tax imposed by sections 1 and 2 of this Act, but not exceeding \$22,500,000, or so much of the sum as may be necessary, plus up to \$43,000,000 of additional federal highway matching funds as defined in section 1 of this Act, to the department of transportation for the purpose of providing funds needed to match additional federal highway matching funds and to authorize the expenditure of those funds and federal funds that may become available for highway purposes for the biennium beginning July 1, 1993, and ending June 30, 1995.

**SECTION 6. EXPIRATION DATE.** Sections 1 and 2 of this Act are ineffective after June 30, 1995.

**SECTION 7. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1416: Judiciary Committee (Rep. Kretschmar, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). HB 1416 was placed on the Sixth order on the calendar.

Page 1, line 11, overstrike "fifty" and insert immediately thereafter "sixty-five"

Page 1, line 14, after "shorts" insert "not in excess of one and one-half percent of adjusted gross proceeds"

Page 1, line 15, remove "and the amount of any player's check returned by a"

Page 1, remove line 16



Page 1, line 17, remove "which is uncollectible."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1464, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (19 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1464 was placed on the Sixth order on the calendar.**

Page 1, line 1, remove "title 65 of"

Page 1, line 3, remove "by the workers compensation bureau; and to provide a penalty"

Page 1, line 5, remove "title 65 of"

Page 1, after line 6, insert:

**"Definition.** As used in this chapter, unless the context or subject matter otherwise requires, "commissioner" means the commissioner of labor."

Page 1, line 10, replace "bureau" with "commissioner"

Page 2, line 1, replace "bureau" with "commissioner"

Page 2, line 13, replace "bureau" with "commissioner"

Page 2, line 25, replace "bureau" with "commissioner"

Page 3, line 3, replace "bureau" with "commissioner"

Page 3, line 4, replace "bureau" with "commissioner"

Page 3, line 5, replace "five" with "six"

Page 3, line 7, replace "bureau" with "commissioner"

Page 3, line 19, replace "bureau" with "commissioner"

Page 4, line 11, replace "bureau" with "commissioner"

Page 4, line 12, replace "bureau" with "commissioner to offset the cost of licensure and inspections" and replace "one year" with "two years"

Page 4, line 13, replace the first "bureau" with "commissioner" and replace the second "bureau" with "commissioner"

Page 4, line 15, replace "bureau" with "commissioner"

Page 4, remove lines 16 through 21

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1471: Agriculture Committee (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). HB 1471 was placed on the Sixth order on the calendar.**

Page 1, line 7, replace "Each" with "Except for a commercially certified private applicator, a licensed public warehouseman, or an applicator who only applies granular materials, each", and remove "a new or"

Page 1, line 8, replace "renewal certification" with "initial or recertification as a commercial applicator", after "maintain" insert "financial responsibility of twenty-five thousand dollars through" and after "insurance" insert a comma

Page 1, line 9, remove "in the amount of twenty-five thousand dollars or"

Page 1, line 10, replace "in the amount of" with ", or a financial statement showing the applicant's net worth. An applicant may not be required to maintain more than", after "dollars" insert "total bonding or insurance for the purpose of this section", and remove "The liability"

Page 1, line 11, replace "insurance and the bond" with "The methods of financial responsibility"

Page 1, line 13, after the period insert "Drift liability is not required under this section."

Page 1, remove lines 14 and 15

Page 1, line 16, remove "less than twenty-five thousand dollars."

Page 1, line 17, remove "This section does not"

Page 1, remove line 18

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1474: Education Committee (Rep. Gates, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1474 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 amend and reenact section 15-29-10 of the North Dakota Century Code, relating to school district records and complaints against school district employees.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 15-29-10 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**15-29-10. District records open to examination - Records as evidence - Investigation - Exemption.** The Except as otherwise provided by law, the records, vouchers, and papers of the district are open to examination by any taxpayer of the district. These records, or a transcript thereof certified by the business manager, must be received in all courts as prima facie evidence of the facts therein set forth. Any record, document, or paper generated or produced as a result of an administrative investigation of a complaint concerning a school district employee, by a parent, student, or other person, is confidential and exempt from this section and is not subject to section 44-04-18, until the investigation is complete. If disciplinary action is taken against the school district employee, any record, document, or paper generated or produced during the investigation may be placed in the employee's personnel file and is subject to this section and section 44-04-18. The time period for investigating such a complaint and determining the disciplinary action, if any, to be taken may not exceed sixty days from the date the complaint is received."

Renumber accordingly

## REPORT OF STANDING COMMITTEE

HB 1476: Education Committee (Rep. Gates, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1476 was placed on the Sixth order on the calendar.

Page 1, line 1, after "enact" insert "a new subsection to section 15-34.1-03 and"

Page 1, remove line 2

Page 1, line 3, remove "create and enact a new subsection to section 15-34.1-03 of"

Page 1, line 4, after "exceptions" insert "and home-based instruction; to amend and reenact section 15-34.1-04 of the North Dakota Century Code, relating to violation of compulsory school attendance laws; to repeal section 15-34.1-05 of the North Dakota Century Code, relating to penalties for violation of compulsory school attendance laws; and to provide an expiration date"

Page 1, underscore line 9

Page 1, line 10, underscore "with sections 2 through", replace "11" with "13", and underscore "of this Act."

Page 1, underscore lines 13 through 22

Page 2, underscore lines 1 through 4

Page 2, line 5, underscore "5. Is", replace "an active participant" with "enrolled" and underscore "in the North Dakota home school"

Page 2, line 6, replace "association" with "association's home-based program"

Page 2, line 9, underscore "Home-based instruction - Notice of", replace "Intent" with "intent", underscore the period, replace "Prior to" with "Three days before", and underscore "the initiation of"

Page 2, line 10, underscore "home-based instruction", after "instruction" insert "and by August first of each year thereafter, or within thirty days of establishing residency", and underscore ", the student's parent or legal guardian shall file"

Page 2, underscore lines 11 through 27

Page 3, underscore lines 1 through 3

Page 3, line 4, underscore "7. The name and address of a private certificated teacher" and replace "supervising" with "monitoring"

Page 3, underscore lines 5 through 21

Page 3, underscore lines 24 through 28

Page 4, underscore lines 1 through 4

Page 4, line 5, underscore "student's score is at or above the", replace "third" with "fourth" and underscore "stanine or that the"

Page 4, underscore lines 6 through 17

Page 4, line 18, replace "third" with "fourth" and underscore "stanine or that the student has experienced one month of"

Page 4, underscore lines 19 through 25

Page 4, underscore lines 28 and 29

Page 5, underscore lines 1 through 4

Page 5, underscore lines 7 through 13

Page 5, underscore lines 16 through 18

Page 5, line 19, underscore "superintendent of public instruction to that effect", after "effect" insert "or if a report filed under section 5 of this Act indicates that the student is not making adequate educational progress", and underscore ", the student's parent or"

Page 5, underscore lines 20 through 27

Page 6, line 1, replace "Home-school" with "Home school" and underscore "**association - Review.** The superintendent of public"

Page 6, line 2, underscore "instruction shall annually monitor the North Dakota", replace "home-school" with "home school", and replace "association" with "association's home-based program"

Page 6, line 3, underscore "to ensure that the", after "the" insert "following", underscore "requirements", remove "of this Act", underscore "are met", after "met" insert ":

1. A parent must hold at least a high school diploma or the equivalent general educational development certificate.
2. The instructional year is at least seven hundred hours.
3. The curriculum includes the subjects listed in subsection 4 of section 3 of this Act.
4. The guidelines for high school credit for subjects and electives are consistent to the number of units and courses required for graduation as outlined by the superintendent of public instruction for high school graduation in this state",

and underscore the period

Page 6, line 6, underscore "**Home-based instruction - High school diploma,** after the first "diploma" insert " - Fee", underscore the period, replace "A diploma issued by" with "The superintendent of public instruction or", and underscore "the"

Page 6, line 7, underscore "North Dakota", replace "home-school" with "home school", underscore "association", after "association" insert "may issue", and underscore "to a student who successfully completed"

Page 6, line 8, underscore "the requirements of the", replace "home-school" with "home school", and underscore "association for high school graduation"

Page 6, line 9, underscore "through home-based instruction", after "instruction" insert "a diploma that", and underscore "is equivalent to a diploma issued to a student"

Page 6, underscore line 10

Page 6, line 11, underscore "attendance at a public or private school of this state." and after the period insert "The superintendent may charge a fee for issuing the diploma."

Page 6, underscore lines 14 through 18

Page 6, after line 18, insert:

"SECTION 12. AMENDMENT. Section 15-34.1-04 of the North Dakota Century Code is amended and reenacted as follows:

15-34.1-04. Prosecution for violation of compulsory attendance law - Officers charged with enforcement. Every school board member, school superintendent, principal, truant officer, and teacher in any school system in this state, and every county superintendent of schools shall be charged with the enforcement of the provisions of this chapter relating to compulsory school attendance. Such enforcement shall extend to all children who are offered school facilities by the district, regardless of whether or not they actually reside within the district. Such persons shall inquire into all cases of alleged violation of such provisions and shall obtain from any parent, guardian, or other person having custody of any child of school age not attending school in accordance with the requirements of this chapter the reason, if any, for such absence. In school districts not having a school superintendent, the county superintendent of schools shall be notified of any violation of the compulsory school attendance law, and such county superintendent shall report the fact of the violation to the state's attorney of the county. In school districts which have a school superintendent, the school superintendent or principal shall report to the state's attorney of the county the facts in connection with any violation of the compulsory attendance law. The state's attorney shall prosecute any person who violates the compulsory school attendance provisions of this chapter may petition a court, pursuant to chapter 27-20, for a determination as to whether a child is educationally deprived. The school board of any school district having more than five hundred inhabitants may employ a truant officer to assist in the enforcement of the compulsory school attendance provisions.

SECTION 13. REPEAL. Section 15-34.1-05 of the North Dakota Century Code is repealed.

SECTION 14. EXPIRATION DATE. This Act is effective through June 30, 1995, and after that date is ineffective."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

HB 1477: Education Committee (Rep. Gates, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1477 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "statewide open enrollment program allowing elementary and high" with "pilot project for" and after "school" insert "districts with reduced membership"

Page 1, remove line 3

Page 1, line 4, remove "residence"

Page 5, line 26, replace "The" with "Beginning July 1, 1994, the"

Page 5, line 27, remove the underscored colon

Page 5, line 28, remove "a. Beginning July 1, 1994,"

Page 5, line 29, replace the underscored semicolon with an underscored period

Page 6, remove lines 1 through 14

Page 7, replace lines 24 through 29 with:

"SECTION 7. Pilot project for cooperative education enhancement program. The superintendent of public instruction shall implement a pilot program to encourage participation of school districts in a cooperative education enhancement program. The pilot program may involve combinations of up to twelve total school districts.

SECTION 8. Participation criteria. A school district may participate in the pilot project for the cooperative education enhancement program if:

1. Beginning July 1, 1995, the school district had fewer than fifty students in average daily membership in grades nine through twelve during the previous school year;
2. Beginning July 1, 1997, the school district had fewer than one hundred twenty-five students in average daily membership in grades nine through twelve during the previous school year;
3. Beginning July 1, 2001, the school district had fewer than two hundred fifty students in average daily membership in grades nine through twelve during the previous school year; and
4. Beginning July 1, 2005, the school district had fewer than three hundred seventy-five students in average daily membership in grades nine through twelve during the previous school year.

SECTION 9. Funding. Each participating school district is entitled to receive the following maximum reimbursements from the superintendent of public instruction:

1. Ten thousand dollars per school year for each shared superintendent.
2. Seven thousand five hundred dollars per school year for each shared specialist, except a school district may not receive reimbursement for more than two shared specialist contracts per school.
3. Five thousand dollars per school year for each shared classroom teacher, except a school district may not receive reimbursement for more than two shared teacher contracts per school."

Page 8, remove lines 1 through 29

Page 9, remove lines 1 through 28

Page 10, remove lines 1 through 14

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

HB 1483: Political Subdivisions Committee (Rep. Martin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS,

0 NAYS, 1 ABSENT AND NOT VOTING). HB 1483 was placed on the Sixth order on the calendar.

Page 1, line 1, after "11-11.1-01.1" insert "and a new section to chapter 57-15"

Page 1, line 3, after "counties" insert "and establishment of economic growth districts"

Page 1, line 4, remove "and" and after "11-11.1-06" insert ", and 57-15-31"

Page 1, line 5, after "counties" insert "and county general fund levies"

Page 1, line 17, after "electors" insert "who are residents of the area subject to taxation under section 11-11.1-04."

Page 1, line 21, after the period insert "Only electors of the county who are residents of the area subject to taxation under section 11-11.1-04 may vote on the question to discontinue the authority."

Page 4, after line 15, insert:

"SECTION 6. A new section to chapter 57-15 of the North Dakota Century Code is created and enacted as follows:

Economic growth districts. In counties that are part of a joint job development authority, an economic growth district may be established by resolution approved by the board of county commissioners of each county that will be part of the economic growth district. The resolution approved by each board of county commissioners must specify which of the counties in the economic growth district will have the responsibility to administer the economic growth increment pool, unless the boards of county commissioners otherwise agree in writing to different terms and conditions.

1. Upon establishment of an economic growth district, the auditor of each county in the economic growth district shall compute and certify the taxable value of each lot or parcel of commercial property, as defined in section 57-02-01, in that county as most recently assessed and equalized. In each subsequent year, the county auditor of each county in an economic growth district shall compute and certify the amount by which the taxable valuation of all commercial lots and parcels of real property in that county, as most recently assessed and equalized, has increased in comparison with the original taxable value of all commercial lots and parcels. The amount of increase determined is the gross commercial growth of that county. If there is a decrease or no increase in gross commercial growth, the auditor shall certify the gross commercial growth as zero. The auditor shall compute and certify the net commercial growth of the county as thirty percent of the gross commercial growth.
2. The county auditor of each county in an economic growth district shall exclude the net commercial growth determined under subsection 1 from the taxable valuation upon which the auditor computes the mill rates of taxes levied in that year by the state and every political subdivision having power to levy taxes on the property. The auditor shall extend the aggregate mill rate against the net commercial growth as well as the taxable valuation upon which the aggregate mill rate was determined. The amount of taxes received from application of the aggregate mill rate against the net commercial growth is the economic growth increment revenue for that year.



3. The county auditor of each county in an economic growth district shall segregate all economic growth increment revenue in a special fund.
4. The county treasurer shall remit the economic growth increment revenue to the county auditor of the county that administers the economic growth increment pool when the county treasurer distributes collected taxes to the state and to political subdivisions.
5. Before annual certification of county tax levies to the county auditor, the county auditor in the county that administers the economic growth increment pool shall distribute to the county auditors of the other counties in the economic growth district the proportion of the economic growth increment pool which the population of the receiving county bears to the total population of all counties in the economic growth district. Revenue received by a county under this subsection must be deposited in the county general fund.
6. An economic growth district may be dissolved by discontinuation of a joint job development authority or by approval of a resolution by the board of county commissioners of each county in the economic growth district. Upon dissolution of an economic growth district, any funds remaining in the economic growth increment pool must be distributed in accordance with subsection 5.

**SECTION 7. AMENDMENT.** Section 57-15-31 of the North Dakota Century Code is amended and reenacted as follows:

**57-15-31. Determination of levy.** The amount to be levied by any county, city, township, school district, park district, or other municipality authorized to levy taxes shall be computed by deducting from the amount of estimated expenditures for the current fiscal year as finally determined, plus the required reserve fund determined upon by the governing board from the past experience of the taxing district, the total of the following items:

1. The available surplus consisting of the free and unencumbered cash balance.
2. Estimated revenues from sources other than direct property taxes.
3. The total estimated collections from tax levies for previous years.
4. Such expenditures as are to be made from bond sources.
5. The amount of distributions received from an economic growth increment pool under section 6 of this Act.

Allowance may be made for a permanent delinquency or loss in tax collection not to exceed five percent of the amount of the levy."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HCR 3013: Education Committee (Rep. Gates, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3013 was placed on the Tenth order on the calendar.**



## REPORT OF STANDING COMMITTEE

**HCR 3022: Natural Resources Committee (Rep. A. Olson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3022 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "Congress to direct"

Page 1, line 2, replace "Lake Sakakawea" with "Missouri River mainstem reservoir storage" and remove "an"

Page 1, line 3, replace "level" with "levels" and after "Sakakawea" insert "and Lake Oahe"

Page 1, line 4, replace "and" with ", which includes" and replace "are" with "and Lake Oahe, is"

Page 1, line 5, replace "state" with "citizens"

Page 1, line 8, replace ", irrigation" with "and tourism", remove the third comma, and after "industrial" insert "water supply, agriculture, hydropower generation, and fish and wildlife"

Page 1, line 11, after "Sakakawea" insert "and Lake Oahe"

Page 1, line 14, replace "in the spring of 1993, the level of Lake Sakakawea could reach" with "Missouri River mainstem reservoir storage, which includes Lake Sakakawea and Lake Oahe, is at its lowest level since 1967 when the mainstem reservoir system was first filled"

Page 1, line 15, remove "an all-time low of 25 feet below normal operating level"

Page 1, line 16, replace "19" with "60", replace "55" with "76", and after "Sakakawea" insert "and 7 of 12 boat ramps in the North Dakota portion of Lake Oahe"

Page 1, line 17, remove "fishing, boating, and" and after "recreation" insert "and tourism"

Page 1, line 20, remove "the Congress of the"

Page 1, line 21, remove "United States to direct"

Page 1, line 22, after "Sakakawea" insert "and Lake Oahe" and remove "an"

Page 1, line 23, replace "level" with "levels" and after "Sakakawea" insert "and Lake Oahe"

Renumber accordingly

## REPORT OF STANDING COMMITTEE

**HCR 3028: Judiciary Committee (Rep. Kretschmar, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3028 was placed on the Tenth order on the calendar.

## REPORT OF STANDING COMMITTEE

**HCR 3029: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3029 was placed on the Sixth order on the calendar.

Page 1, line 11, after the semicolon insert "and"

Page 1, after line 11, insert:

"WHEREAS, the Attorney General of the United States should enforce the Packers and Stockyards Act to ensure free and fair competition and to prevent monopolistic practices by slaughtering and processing corporations;"

Page 1, line 18, replace the period with "; and"

Page 1, after line 18, insert:

"BE IT FURTHER RESOLVED, that the Legislative Council report its findings and recommendations to the Attorney General of the United States, the Secretary of Agriculture, and to each member of the North Dakota Congressional Delegation."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

HCR 3033: Judiciary Committee (Rep. Kretschmar, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3033 was placed on the Tenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

HCR 3034: Government and Veterans Affairs Committee (Rep. D. Olsen, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3034 was placed on the Sixth order on the calendar.

Page 1, line 4, replace "is committed to" with "values children as the state's greatest resource and provides for"

Page 1, line 6, replace "attempts to maintain" with "maintains and strengthens"

Page 1, line 12, replace "special value" with "vulnerability"

Page 1, after line 12, insert:

"WHEREAS, the state of North Dakota promotes respect for the role of parents, members of the child's extended family, and the child's own community to help direct and guide the child; and"

Page 1, line 13, replace "families split" with "the family structure changes"

Page 2, line 9, after "Child" insert ", urges the President of the United States to sign the Convention on the Rights of the Child" and after "States" insert "to ratify the Convention on the Rights of the Child and"

Page 2, line 13, after the semicolon insert "to the President of the United States;"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

HCR 3036: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3036 was placed on the Tenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

HCR 3039: Agriculture Committee (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3039 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "has fallen" with "fell" and replace "since" with "ever"

Page 1, line 10, replace "1980" with "in the 1980's and remains inadequate"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HCR 3043: Human Services Committee (Rep. Rydell, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3043 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3044: Education Committee (Rep. Gates, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3044 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3045: Finance and Taxation Committee (Rep. Timm, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3045 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3046: Human Services Committee (Rep. Rydell, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3046 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3052: Finance and Taxation Committee (Rep. Timm, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3052 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2044: Judiciary Committee (Rep. Kretschmar, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2044 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2051: Finance and Taxation Committee (Rep. Timm, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). SB 2051 was placed on the Sixth order on the calendar.

Page 1, line 3, after "equipment" insert "; and to provide an expiration date"

Page 4, after line 4, insert:

**"SECTION 2. EXPIRATION DATE.** This Act is effective through June 30, 1995, and after that date is ineffective."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2087: Judiciary Committee (Rep. Kretschmar, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2087 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2113: Industry, Business and Labor Committee (Rep. Dorso, Chairman)**

recommends **DO PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2113 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2158: Industry, Business and Labor Committee (Rep. Dorso, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2158 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2179, as engrossed: Education Committee (Rep. Gates, Chairman)** recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2179 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2180, as engrossed: Education Committee (Rep. Gates, Chairman)** recommends **DO PASS** (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2180 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2258: Industry, Business and Labor Committee (Rep. Dorso, Chairman)** recommends **DO PASS** (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2258 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2329: Finance and Taxation Committee (Rep. Timm, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2329 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2413: Finance and Taxation Committee (Rep. Timm, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2413 was placed on the Fourteenth order on the calendar.

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

**ROY GILBREATH, Chief Clerk**