

JOURNAL OF THE HOUSE

Fifty-third Legislative Assembly

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Bismarck, March 18, 1993

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

The prayer was offered by the Rev. Stephen Eastin, First Presbyterian Church, Mandan.

The roll was called and all members were present except Representatives Bateman, Byerly, Carlisle, Clayburgh, Dalrymple, DeWitz, Gerntholz, Gorman, Hausauer, Howard, Huether, Kaldor, Kroeber, Kunkel, Laughlin, Nichols, Payne, Pyle, St. Aubyn, Wald, Wentz, Wilkie.

A quorum was declared by the Speaker.

CORRECTION AND REVISION OF THE JOURNAL

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

Page 1164, line 43, replace "ABSENT AND NOT VOTING" with "EXCUSED"

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

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bill: SB 2436.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2028, SB 2048, SB 2082, SB 2095, SB 2131, SB 2379, and SB 2468 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2028: Sens. Graba; Jerome; Nalewaja
SB 2048: Sens. Jerome; Graba; Bowman
SB 2082: Sens. Krauter; Keller; Mutch
SB 2095: Sens. Schoenwald; Keller; Krebsbach
SB 2131: Sens. O'Connell; Schoenwald; B. Stenehjem
SB 2379: Sens. Scherber; O'Connell; Grindberg
SB 2468: Sens. Tomac; Kinnoin; Tennefos

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2022, SB 2027, SB 2042, SB 2051, SB 2083, SB 2144, and SB 2327 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2022: Sens. Redlin; Lindaas; Holmberg
SB 2027: Sens. Graba; Mathern; B. Stenehjem
SB 2042: Sens. Maxson; Traynor; W. Stenehjem
SB 2051: Sens. Tomac; Kinnoin; Tennefos
SB 2083: Sens. Keller; Krauter; Krebsbach
SB 2144: Sens. Maxson; W. Stenehjem; Andrist
SB 2327: Sens. Jerome; Lindgren; Andrist

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

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

HB 1089: Sens. O'Connell; Kelsh; Freborg
HB 1096: Sens. Mathern; Graba; Bowman
HB 1188: Sens. Dotzenrod; Lindgren; Traynor
HB 1300: Sens. Heinrich; Scherber; Evanson
HB 1344: Sens. Graba; Jerome; Nalewaja

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1111, HB 1212, HB 1217, HB 1219, HB 1238, HB 1239, HB 1247, HB 1286, HB 1304, HB 1306, HB 1335, HB 1337, HB 1377, HB 1405, HB 1417, HB 1424, HB 1438, HB 1462, HB 1479, HB 1484, HB 1495, HCR 3013, HCR 3044.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1111

Page 1, line 22, remove the second "and"

Page 2, line 6, after the second "Act" insert "; and to provide an effective date"

Page 29, line 25, after "a." insert "The waiver, if given effect, would reduce the assets or income available to the surviving spouse to an amount less than those allowed for persons eligible for a program of public assistance;

b."

Page 29, line 26, replace "b." with "c."

Page 56, remove lines 1 through 7

Page 96, after line 9, insert:

"SECTION 51. EFFECTIVE DATE. This Act becomes effective on August 1, 1995."

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1212

DIVISION A

Page 1, line 1, remove "to create and enact a new section to chapter 41-09 of the"

Page 1, remove line 2

Page 1, line 3, remove "Uniform Commercial Code central filing system;"

Page 1, line 6, remove "; and to provide an expiration date"

Page 1, remove lines 8 through 15

Page 3, remove lines 8 and 9

DIVISION B

Page 2, line 10, remove "Two dollars of the fees charged by the register"

Page 2, remove lines 11 and 12

Page 2, line 15, remove "Two"

Page 2, remove lines 16 through 19

Page 2, line 22, remove "Two dollars of"

Page 2, remove lines 23 through 26

Page 2, line 29, remove "Two"

Page 3, remove lines 1 through 3

Page 3, line 5, remove "Two dollars of the fees"

Page 3, remove lines 6 and 7

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1217

Page 1, remove lines 19 and 20

Page 2, remove lines 1 and 2

Page 2, remove lines 17 through 20

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1219

Page 1, line 1, after "Act" insert "to create and enact a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to points assigned for failure to yield to a pedestrian; and" and after "39-06.1-10" insert "and paragraphs 16 and 17 of subdivision a of subsection 3 of section 39-06.1-10"

Page 1, line 2, after "fees" insert "and points assigned"

Page 1, after line 14, insert:

"SECTION 2. AMENDMENT. Paragraphs 16 and 17 of subdivision a of subsection 3 of section 39-06.1-10 of the 1991 Supplement to the North Dakota Century Code are amended and reenacted as follows:

(16) Failing to yield right of way in violation of section 39-10-20, 39-10-22 through 39-10-26, ~~39-10-28,~~ 39-10-33.3, 39-10-44, or 39-10-72, or equivalent ordinances 2 points

(17) ~~Disobeying~~ Except as provided in section 3 of this Act, ~~disobeying~~ an official traffic-control device in violation of section 39-10-04, 39-10-05, or 39-10-07, or equivalent ordinances 2 points

SECTION 3. A new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the 1991 Supplement to the North Dakota Century Code is created and enacted as follows:

Failing to yield the right of way to a pedestrian in violation of section 39-10-05 or subsection 1 of section 39-10-28, or equivalent ordinances" 4 points

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1238

Page 1, line 1, replace "provide for" with "create and enact a new chapter to title 12.1 of the North Dakota Century Code, relating to"

Page 1, line 3, after the first semicolon insert "and" and replace the second semicolon with a period

Page 1, remove line 4

Page 2, line 14, after the period insert "A new chapter to title 12.1 of the North Dakota Century Code is created and enacted as follows:"

Page 2, line 15, after "1." insert ""Disorderly conduct" means intrusive or unwanted acts, words, or gestures that are intended to adversely affect the safety, security, or privacy of another person. Disorderly conduct does not include constitutionally protected activity."

2."

Page 2, line 19, replace "2." with "3."

Page 2, line 25, replace "3." with "4."

Page 3, line 6, replace "4" with "5"

Page 3, line 7, replace "4." with "5."

Page 3, line 10, replace "2" with "3"

Page 3, line 12, replace "3" with "4"

Page 3, line 22, after the underscored period insert ""If a person claims to have been engaged in a constitutionally protected activity, the court shall determine the validity of the claim as a matter of law and, if found valid, shall exclude evidence of the activity.""

Page 3, line 23, replace "5." with "6."

Page 3, line 28, replace "6." with "7."

Page 4, line 9, replace "7." with "8.", replace "3" with "4", and replace "4" with "5"

Page 4, line 11, replace "2" with "3" and replace "3" with "4"

Page 4, line 15, replace "8." with "9."

Page 4, after line 21, insert:

"10. Notwithstanding subsection 5 of section 11-16-05, a state's attorney may advise and assist any person in the preparation of documents necessary to secure a restraining order under this section."

Page 4, remove lines 22 and 23

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1239

Page 1, line 10, after "magistrate" insert "pursuant to rule 5 of the North Dakota Rules of Criminal Procedure"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1247

Page 1, line 10, after "statewide" insert "primary or general", after "election" insert ", whichever occurs first, and", and after the underscored period insert "However, if the next primary or general election at which the vacancy could be filled, occurs in the year immediately preceding the expiration of the term, then no election may be held."

Page 2, line 7, after "vacancy" insert "or until the term expires if no election can be held"

ReNUMBER accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1286

Page 1, line 1, after "reenact" insert "section 27-05-27 and"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 27-05-27 of the North Dakota Century Code is amended and reenacted as follows:

27-05-27. Motions before trial judge. ~~Except as provided by subsection 2 of section 29-15-21, any~~ Any motion for a new trial, settlement of a proposed case, judgment notwithstanding the verdict, or vacation or modification of an order, judgment, or other proceeding, must be presented and heard before the judge before whom the matter was heard, considered, or determined, unless for any reason the judge is unable to act."

Page 1, line 15, overstrike "Any proceeding to modify an order for alimony, property"

Page 1, overstrike lines 16 through 19

Page 1, line 20, overstrike "action does not bar a demand for a change of judge." and remove "A party may"

Page 2, remove lines 1 and 2

ReNUMBER accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1384

Page 1, remove lines 11 and 12

Page 1, line 13, replace "4." with "3."

Page 1, line 18, after "physician" insert "or registered nurse"

Page 1, line 19, after "physician" insert "or registered nurse"

Page 3, remove lines 8 through 10

Page 3, line 11, remove "2."

Page 3, line 12, remove ", or operate an electrology establishment,"

Page 3, line 19, replace "a reasonable" with "an"

Page 3, line 20, after "electrology" insert "approved by the board"

Page 3, line 21, after the period insert "The board may approve a national board certification examination developed by a national testing service."

Page 3, line 23, replace ". Examinations must be held in the state. The board" with "and"

Page 4, remove lines 25 through 27

Page 4, line 28, replace "6." with "5."

Page 5, line 9, replace "1994" with "1995"

Page 5, line 10, replace "does not meet" with "meets"

Page 5, line 17, after the period insert "Any rules adopted by a state agency prior to January 1, 1993, which relate to functions covered by this Act, remain in effect until the rules are specifically amended or repealed by the board."

Page 5, line 23, replace "1994" with "1995"

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1306

Page 1, line 1, replace "section" with "sections 14-03-17 and"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 14-03-17 of the North Dakota Century Code is amended and reenacted as follows:

14-03-17. Application for license.

1. When application is made to any county judge of this state for a marriage license, the judge shall inquire of the applicant upon oath relative to the legality of the contemplated marriage. The judge may examine other witnesses upon oath. The facts relative to the legality of the marriage may be submitted to the county judge by affidavit. The county judge also shall require each applicant to submit the following facts upon blanks provided by the county, together with documentary evidence of age:

~~1-~~ a. An affidavit by each of the applicants showing that each is over the age of eighteen years. In addition, each applicant shall exhibit to the county judge a birth certificate or other satisfactory evidence of age. If either applicant is under the age of eighteen years, the county judge shall require the written consent under oath of:

~~a-~~ (1) Either parent of the minor applicant, if the parents are living together;

~~b-~~ (2) The parent having the legal custody of the minor applicant, if the parents are not living together;

~~c-~~ (3) The surviving parent, if one of the parents of the minor applicant is deceased; or

~~d-~~ (4) The guardian, or person under whose care and government the minor applicant is, if both parents of the minor applicant are deceased, or if a person other than a parent has legal and actual custody of the minor applicant.

~~2-~~ b. An affidavit showing whether or not either or both of the parties have been divorced. If a decree of divorce has

been granted to either or both of the parties, a certified copy of the decree must be filed with the application. A license shall not be issued if it contravenes any provisions of the decree of divorce.

2. All affidavits shall be subscribed and sworn to before a person authorized to administer oaths. The county judge shall retain on file in the judge's office all papers and records pertaining to all marriage licenses. Anyone knowingly swearing falsely to the statements contained in any affidavit mentioned in this section shall be punished as provided in section 14-03-28.
3. Each application for a marriage license must also contain a statement to the following effect:

NOTICE TO APPLICANTS

- a. Every person has the right to adopt any surname by which that person wishes to be known by using that surname consistently and without intent to defraud.
- b. A person's surname does not automatically change upon marriage. Neither party to the marriage must change the party's surname. Parties to a marriage need not have the same surname.
- c. One party or both parties to a marriage may elect to change the surname by which that party wishes to be known after the solemnization of the marriage by entering the new surname in the space below. The entry must consist of one of the following surnames:
 - (1) The surname of the other spouse;
 - (2) Any former surname of either spouse;
 - (3) A name combining into a single surname all or a segment of the premarriage surname or any former surname of either spouse; or
 - (4) A combination name separated by a hyphen, provided that each part of the combination surname is the premarriage surname or a former surname of either spouse.
- d. Use of the option under subdivision c has the effect of providing a record of the surname change. The marriage certificate containing the new surname, if any, constitutes proof that the use of the new surname, or the retention of the former surname, is lawful.
- e. Neither the use of nor the failure to use the option of selecting a new surname by means of this application, as provided in subdivision c, abrogates the right of either party to adopt a different surname through usage at a future date.

(Optional -- Enter new surname above)"

Renumber accordingly

after "less" insert "credit for", and after "the" insert "entire amount of"

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1337

Page 6, line 21, replace "twenty-one" with "thirty-one"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1377

Page 3, line 5, after the period insert "This Act does not apply to a lender-owner who transports or disposes of waste for profit."

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1405

Page 1, line 9, after "person" insert "sixteen years of age or older."

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1417

Page 1, line 15, replace "executive from" with "execution of"

Page 4, line 11, replace "bulletin board" with "space", after "to" insert "the", replace "for" with "in", and replace "convenience of defendants" with "booking area"

Page 4, line 12, remove "exclusively" and remove "and public"

Page 4, line 13, remove "defender's telephone numbers"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1424

Page 1, line 13, replace "any other" with "the building"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1438

Page 1, line 6, after "a" insert "North Dakota"

Page 1, line 19, after the period insert "Notice of intent to enroll in the admitting district obligates the student to attend the admitting district during the following school year, unless the school boards of the resident and the admitting districts agree in writing to allow the student to transfer back to the resident district, or the student's parents or guardians change residence to another district."

Page 2, line 2, after the period insert "A child placed at a group or residential care facility or a residential treatment center in accordance with section 15-40.2-08 is not eligible for open enrollment under this section."

Page 2, line 7, replace "ten" with "twenty"

Page 2, line 29, after "is" insert "approved"

Page 3, line 1, remove "grant the"

Page 3, remove lines 2 and 3

Page 3, line 4, remove "the district of residence shall"

Page 3, line 7, replace "per-pupil" with "per student"

Page 3, replace lines 10 through 16 with:

"SECTION 5. Open enrollment - Transportation. The district of residence of a student participating in open enrollment under this Act has no obligation to provide transportation. However, the district of residence may enter into a transportation arrangement with the admitting district as provided in section 15-34.2-02."

Page 3, line 17, replace "Guidelines" with "Standards"

Page 3, line 18, replace "guidelines" with "standards"

Page 3, line 19, replace "guidelines" with "standards"

Page 3, line 21, replace "guidelines" with "standards"

Page 3, line 23, after the period insert "The school board of the admitting district may determine that the district may not accept applications for open enrollment under this Act."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1462

Page 1, line 8, overstrike "and great grandparents"

Page 1, line 9, after "rights" insert "and the great grandparents may be granted reasonable visitation rights"

Page 1, line 13, remove "and"

Page 1, line 14, remove "great grandparents"

Page 1, line 20, remove the overstrike over "~~are automatically~~" and remove "may"

Page 1, line 21, remove "be" and remove "if termination of the rights is in the best"

Page 2, line 1, remove "interest of the minor"

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1479

Page 1, line 18, replace the first "or" with a comma, after "officer" insert ", or any other person into whose possession the photograph or other visual representation may come when that person is", and replace "the medical professional's or" with "that person's"

Page 1, line 19, remove "peace officer's"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1484

Page 3, line 1, replace "defendant" with "convicted felon"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1495

Page 1, line 7, replace "A" with "If House Bill No. 1277 does not become effective, a"

Page 1, line 11, replace "payment of" with "paying" and remove "requirement"

Page 2, after line 11, insert:

"SECTION 2. If House Bill No. 1277 is approved by the fifty-third legislative assembly and becomes effective, a new subsection to section 20.1-03-11 of the North Dakota Century Code is created and enacted as follows:

A person who leases land for agricultural purposes and who actively farms or ranches that land or a landowner is entitled to receive, upon paying the fee for a resident big game license and filing an affidavit describing a minimum of a quarter section [64.75 hectares] of land that is leased for agricultural purposes or owned by that person and which is within a district or unit open for hunting of moose, a preferential landowner license to hunt moose. The license must include a description of the land described in the affidavit and may be used to hunt moose only upon that land. If a license under this section is issued for a district or unit, at least one license must be issued under this subsection for that district or unit for hunting moose. The number of licenses issued under this subsection for a district or unit may not exceed fifteen percent of the total licenses prescribed in the governor's proclamation for that district or unit. If the number of eligible persons who apply for a license under this subsection exceeds the number of licenses available under this subsection, the licenses must be issued by lottery as prescribed in the governor's proclamation. A license to hunt moose may not be issued under this subsection for a district or unit open for the hunting of moose when the total number of licenses allocated to that district or unit is less than ten. A person who receives a license under this subsection is not eligible to apply for a license to hunt moose in future years but is eligible to participate in the North Dakota game warden association raffle under section 20.1-08-04.2."

Page 2, line 12, replace "Section" with "If House Bill No. 1277 does not become effective, section"

Page 2, after line 20, insert:

"SECTION 4. AMENDMENT. If House Bill No. 1277 is approved by the fifty-third legislative assembly and becomes effective, section 20.1-08-04.2 of the North Dakota Century Code is amended and reenacted as follows:

20.1-08-04.2. Governor's proclamation concerning the hunting of moose - License recipients not eligible to apply again. The governor may by proclamation provide for a season to hunt moose in such a manner, number, places, and times as he the governor shall prescribe. Licenses to hunt moose must be issued by lottery, except as provided under section 2 of this Act, with only residents eligible to apply. Each person who has received a license to hunt moose is not eligible to apply for another such license."

Renumber accordingly

SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3013

Page 1, line 3, replace "other than" with "including"

Page 1, line 13, replace "but are found neither in this state's" with "as established by the Department of Public Instruction"

Page 1, line 14, remove "constitution nor statutes"

Page 1, line 18, replace "other than" with "including"

Renumber accordingly

SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3044

Page 1, line 2, replace "state" with "legislative assembly" and after "salaries" insert "and benefits"

Page 1, line 3, after "salaries" insert "and benefits"

Page 1, line 6, after "salaries" insert "and benefits"

Page 1, line 10, after "salaries" insert "and benefits"

Page 1, line 17, replace "state" with "legislative assembly"

Page 1, line 18, after "salaries" insert "and benefits"

Renumber accordingly

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1262.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1262

Page 2, line 19, after "~~accounts~~" insert "from all employment"

Page 2, line 21, after "purposes" insert "and lost as the result of a compensable work injury"

Renumber accordingly

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1323, HB 1488.

SENATE AMENDMENTS TO HOUSE BILL NO. 1323

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

Page 1, line 15, replace "sixty-nine hundredths" with "a factor that represents the portion of funds in the highway tax distribution fund derived from taxes on motor fuels and other special fuels during the most recent fiscal year"

Page 2, after line 14, insert:

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

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1488

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

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

Page 1, after line 5, insert:

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

39-08-20. Driving without liability insurance prohibited - Penalty. A person may not drive, or the owner may not cause or knowingly permit to be driven, a motor vehicle in this state without a valid policy of liability insurance in effect in order to respond in damages for liability arising out of the ownership, maintenance, or use of that motor vehicle in the amount required by chapter 39-16.1. Upon

being stopped by a law enforcement officer for the purpose of enforcing or investigating the possible violation of an ordinance or state law or during the investigation of an accident, the person driving the motor vehicle shall provide to the officer upon request satisfactory evidence of the policy required under this section. If unable to comply with the request, that person may ~~not~~ be charged with a violation of this section if that person ~~submits~~ fails to submit such evidence to the officer or the officer's agency within twenty days of the date of the request. If that person produces a valid policy of liability insurance in effect at the time of violation of this section to the officer, officer's agency, or a court, that person may not be convicted or assessed any court costs for violation of this section. Violation of this section is a class B misdemeanor and the sentence imposed must include a fine of at least one hundred fifty dollars."

Renumber accordingly

REQUEST

REP. MARTINSON REQUESTED that the record show that the members of the Appropriations Committee were excused, which request was granted.

MOTIONS

REP. MARTINSON MOVED that the House take action on all bills with no dissenting votes, and that after SB 2522 the House take action on the bills on the Sixth order on which the amendments were adopted today that also had no dissenting votes, which motion prevailed.

REP. MARTINSON MOVED that SB 2505, SB 2367, and SB 2471 be placed at the bottom of the Fourteenth order on today's calendar, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. FREIER MOVED that the rules be suspended and that the House consider and adopt all of the amendments on the Sixth order of business in one motion, which include SB 2040, SB 2149, SB 2207, SB 2222, SB 2223, SB 2225, SB 2231, SB 2285, SB 2440, SB 2441, SB 2453, and SCR 4068, which motion prevailed.

SB 2040, SB 2149, SB 2207, SB 2222, SB 2223, SB 2225, SB 2231, SB 2285, SB 2440, SB 2441, SB 2453, and SCR 4068, as amended, were placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2116: A BILL for an Act to amend and reenact section 50-25.1-05.1 of the North Dakota Century Code, relating to findings of child abuse or neglect in cases involving parental religious beliefs.

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 85 YEAS, 0 NAYS, 13 EXCUSED, 0 ABSENT AND NOT VOTING.

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

EXCUSED: Byerly; Carlisle; Clayburgh; DeWitz; Gerntholz; Howard; Kroeber; Laughlin; Payne; Pyle; St. Aubyn; Wentz; Wilkie

SB 2116 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2418: A BILL for an Act to amend and reenact sections 15-21-09, 15-36-01, 15-36-01.1, 15-36-08, 15-36-10, 15-36-11, 15-36-14.1, 15-36-15, 15-36-16, 15-36-17, 15-38-17, 15-38-18, 15-38-19, 15-47-28, 15-47-30, subdivision q of subsection 1 of section 28-32-01, and subsection 1 of section 54-07-01.2 of the North Dakota Century Code, relating to teachers' certificates, the duties of the education standards practices board, and the duties of the administrator's professional practices board; 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 66 YEAS, 18 NAYS, 14 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Berg, J.; Bodine; Boucher; Brodshaug; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dalrymple; Dobrinski; Drovda; Freier; Froseth; Gates; Glassheim; Goffe; Gorder; Grumbo; Gulleeson; Hagle; Hanson; Hausauer; Henegar; Hokana; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kerzman; Kilichowski; Klein; Kretschmar; Kunkel; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olson, A.; Poolman; Porter; Price; Rennerfeldt; Ring; Rydell; Sitz; Skarphol; Stenehjelm; Stenson; Svedjan; Sveen; Thorpe; Torgerson; Wardner; Speaker R. Berg

NAYS: Austin; Bateman; Belter; Bernstein; Boehm; Brown; Dorso; Gorman; Grosz; Holm; Kempenich; Olsen, D.; Schindler; Shide; Soukup; Timm; Tollefson; Wanzek

EXCUSED: Byerly; Carlisle; Clayburgh; DeWitz; Gerntholz; Howard; Kroeber; Laughlin; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

Reengrossed SB 2418 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2285: A BILL for an Act to provide for the medical testing of a sex offense defendant for sexually transmitted diseases and the human immunodeficiency virus; to create and enact a new subdivision to subsection 1 of section 23-07.5-05 of the North Dakota Century Code, relating to disclosure of test results; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 83 YEAS, 0 NAYS, 15 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dalrymple; Dobrinski; Dorso; Drovda; Freier; Froseth; Gates; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleeson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kunkel; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; Poolman; Porter; Price; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; Stenehjelm; Stenson;

Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner; Speaker R. Berg

EXCUSED: Byerly; Carlisle; Clayburgh; DeWitz; Gerntholz; Howard; Kroeber; Laughlin; Nichols; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

Engrossed SB 2285 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2040: A BILL for an Act to amend and reenact sections 65-05-01 and 65-05-32 of the North Dakota Century Code, relating to the time limit for filing a claim for workers' compensation and privacy of records and hearings concerning workers' compensation matters; to provide for application of this Act; 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 81 YEAS, 0 NAYS, 17 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dalrymple; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Glassheim; Goffe; Gorder; Grosz; Grumbo; Gulleson; Hagle; Hanson; Henegar; Hokana; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kunkel; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; Poolman; Porter; Price; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; Stenehjelm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner; Speaker R. Berg

EXCUSED: Byerly; Carlisle; Clayburgh; DeWitz; Gerntholz; Gorman; Hausauer; Howard; Kroeber; Laughlin; Nichols; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

SB 2040 passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

REP. FREIER MOVED that the House waive the reading of the title to SB 2222, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2222: A BILL for an Act to create and enact chapter 10-32, a new section to chapter 57-38, section 57-38-60.2, and a new section to chapter 57-38.1 of the North Dakota Century Code, relating to enactment of the North Dakota Limited Liability Company Act, the income tax filing method of a limited liability company, and personal liability for income taxes of a governor or manager of a limited liability company; and to amend and reenact sections 10-30.1-01, 10-30.1-04, 10-30.1-06, 10-30.2-01, 10-30.2-11, 10-30.2-12, 10-30.2-14, 40-57.1-02, 40-57.1-04.3, 40-57.2-01, 40-57.3-03, subsection 5 of section 57-38-01, subdivision q of subsection 1 of section 57-38-01.2, subsection 3 of section 57-38-30.5, subsection 3 of section 57-38-45, and subsection 3 of section 57-38-67 of the North Dakota Century Code, relating to limited liability companies.

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 73 YEAS, 3 NAYS, 22 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dorso; Drovdal; Freier; Froseth; Gates; Goffe; Gorder; Grosz; Grumbo; Gulleson; Hagle; Hanson; Henegar; Hokana; Holm; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; Poolman; Porter; Price; Rennerfeldt; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; Stenehjelm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner; Speaker R. Berg

NAYS: Dobrinski; Glassheim; Ring

EXCUSED: Bateman; Byerly; Carlisle; Clayburgh; Dalrymple; DeWitz; Gerntholz; Gorman; Hausauer; Howard; Huether; Kaldor; Kroeber; Kunkel; Laughlin; Nichols; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

Reengrossed SB 2222 passed and the title was agreed to.

MOTION

REP. KALDOR MOVED that the House reconsider its action whereby SB 2222 passed, and that the House vote again on SB 2222, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2222: A BILL for an Act to create and enact chapter 10-32, a new section to chapter 57-38, section 57-38-60.2, and a new section to chapter 57-38.1 of the North Dakota Century Code, relating to enactment of the North Dakota Limited Liability Company Act, the income tax filing method of a limited liability company, and personal liability for income taxes of a governor or manager of a limited liability company; and to amend and reenact sections 10-30.1-01, 10-30.1-04, 10-30.1-06, 10-30.2-01, 10-30.2-11, 10-30.2-12, 10-30.2-14, 40-57.1-02, 40-57.1-04.3, 40-57.2-01, 40-57.3-03, subsection 5 of section 57-38-01, subdivision q of subsection 1 of section 57-38-01.2, subsection 3 of section 57-38-30.5, subsection 3 of section 57-38-45, and subsection 3 of section 57-38-67 of the North Dakota Century Code, relating to limited liability companies.

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 78 YEAS, 3 NAYS, 17 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dalrymple; Dorso; Drovdal; Freier; Froseth; Gates; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Henegar; Hokana; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kunkel; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; Poolman; Porter; Price; Rennerfeldt; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; Stenehjelm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner; Speaker R. Berg

NAYS: Dobrinski; Glassheim; Ring

EXCUSED: Bateman; Byerly; Carlisle; Clayburgh; DeWitz; Gerntholz; Hausauer; Howard; Kroeber; Laughlin; Nichols; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

Reengrossed SB 2222 passed and the title was agreed to.

MOTION

REP. MARTINSON MOVED that SB 2223 be placed at the top of the calendar, which motion prevailed.

MOTION

REP. FREIER MOVED that the House waive the reading of the titles to SB 2223, SB 2231, SB 2245, SB 2260, SB 2418, and SB 2522, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2223: A BILL for an Act to create and enact chapter 10-06.1, subdivisions q and r to subsection 3 of section 10-19.1-10, a new subdivision to subsection 5 of section 10-19.1-10, a new subsection to section 10-19.1-14, a new subsection to section 10-19.1-21, a new subsection to section 10-19.1-22, two new subsections to section 10-19.1-50, sections 10-19.1-61.1, 10-19.1-73.1, a new subsection to section 10-19.1-80, a new subsection to section 10-19.1-91, sections 10-19.1-110.1, 10-19.1-113.1, 10-31-02.1, 10-31-03.1, 10-31-07.2, a new subdivision to subsection 1 of section 39-30-05, a new subsection to section 45-10.1-26, section 47-19-28.1, a new subsection to section 51-17-06, a new section to chapter 57-36, a new section to chapter 57-39.2, a new section to chapter 57-43.1, a new section to chapter 57-43.2, and section 61-13-03.1 of the North Dakota Century Code, relating to limited liability companies; to amend and reenact sections 4-11-03, 10-19.1-01, subsection 4 of section 10-19.1-10, sections 10-19.1-13; 10-19.1-15, 10-19.1-16, 10-19.1-18, subsection 22 of section 10-19.1-26, subsection 2 of section 10-19.1-32, subsection 1 of section 10-19.1-48, subdivision b of subsection 1 of section 10-19.1-51, subsections 3 and 4 of section 10-19.1-61, subdivision b of subsection 1 of section 10-19.1-63, subsection 3 of section 10-19.1-64, subsections 3 and 5 of section 10-19.1-65, subsections 1 and 2 of section 10-19.1-72, subsections 1 and 2 of section 10-19.1-73, section 10-19.1-74, subsection 7 of section 10-19.1-79, subsection 1 of section 10-19.1-80, section 10-19.1-84, subsections 1 and 3 of section 10-19.1-87, section 10-19.1-88, subdivision d of subsection 1 of section 10-19.1-89, subsections 1, 5, and 10 of section 10-19.1-91, subsection 1 of section 10-19.1-93, sections 10-19.1-96, 10-19.1-97, 10-19.1-98, subsection 1 of section 10-19.1-99, sections 10-19.1-100, 10-19.1-101, subsection 1 of section 10-19.1-103, subsection 3 of section 10-19.1-108, subsection 1 of section 10-19.1-109, sections 10-19.1-110, 10-19.1-115, 10-19.1-124, 10-31-01, 10-31-02, 10-31-03, 10-31-04, 10-31-05, 10-31-06, 10-31-07, 10-31-07.1, 10-31-08, 10-31-09, 10-31-10, 10-31-11, 10-31-12, 10-31-13, 10-31-13.1, 10-31-14, 12.1-03-02, 13-02.1-01, 13-03-06, 13-03.1-07, 13-05-03, 15-09-01, subdivision b of subsection 1 of section 21-11-02, subsection 2 of section 26.1-20.1-02, subdivision a of subsection 4 of section 26.1-31.1-02, section 26.1-33-35, subsection 4 of section 28-21-08, section 28-25-10, subsection 1 of section 30.1-29-10, sections 34-09-06, 34-13-03, subsection 1 of section 36-04-04, subsection 5 of section 43-15-35, subsection 2 of section 47-19-14.5, section 47-19-14.6, subdivision a of subsection 17 of section 52-01-01, subsection 4 of section 57-40.3-07, subsection 1 of section 57-43.1-14, section 57-43.1-16, subsection 8 of section 57-43.2-01, section 60-05-02, and subsection 15 of section 65-01-02 of the North Dakota Century Code, relating to limited liability companies; to provide for amendment of 677 sections of the North Dakota Century Code by reference and instructions to the legislative council; to repeal chapter 10-06, sections 10-19.1-49, 10-19.1-111, and 10-19.1-113 of the North Dakota Century Code, relating to corporations; to provide a penalty; and to provide a contingent 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 80 YEAS, 1 NAY, 17 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dalrymple; Dorso; Drovdal; Freier; Froseth; Gates; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Henegar; Hokana; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kunkel; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; Poolman; Porter; Price; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; Stenehjelm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner; Speaker R. Berg

NAYS: Dobrinski

EXCUSED: Bateman; Byerly; Carlisle; Clayburgh; Dewitz; Gerntholz; Hausauer; Howard; Kroeber; Laughlin; Nichols; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

SB 2223 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2225: A BILL for an Act to create and enact two new sections to chapter 26.1-25 of the North Dakota Century Code, relating to accident surcharge; and to amend and reenact subsection 5 of section 26.1-40-11 of the North Dakota Century Code, relating to prohibited reasons for declinations of automobile insurance.

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 81 YEAS, 0 NAYS, 17 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dalrymple; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Henegar; Hokana; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kunkel; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; Poolman; Porter; Price; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; Stenehjelm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner; Speaker R. Berg

EXCUSED: Bateman; Byerly; Carlisle; Clayburgh; Dewitz; Gerntholz; Hausauer; Howard; Kroeber; Laughlin; Nichols; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

Engrossed SB 2225 passed and the title was agreed to.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2097 and SB 2524 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2097: Sens. Graba; Maxson; Andrist
SB 2524: Sens. Maxson; Traynor; W. Stenehjelm

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2088, SB 2108, SB 2120, SB 2174, SB 2293, and SB 2359 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2088: Sens. Marks; Kinnoin; Freborg
SB 2108: Sens. Schoenwald; Keller; Mutch
SB 2120: Sens. Tomac; Kinnoin; Tennefos
SB 2174: Sens. O'Connell; Schoenwald; Tennefos
SB 2293: Sens. Dotzenrod; Tomac; Tennefos
SB 2359: Sens. Jerome; Graba; Nalewaja

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

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

HB 1155: Sens. Graba; Jerome; Traynor
HB 1181: Sens. Jerome; Lindgren; B. Stenehjelm
HB 1225: Sens. Graba; Lindgren; Nalewaja
HB 1256: Sens. Tomac; Scherber; W. Stenehjelm

MOTION

REP. DORSO MOVED that SCR 4038, which is on the Fourteenth order, be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed. Pursuant to Rep. Dorso's motion, SCR 4038 was rereferred.

SECOND READING OF SENATE BILL

SB 2231: A BILL for an Act to create and enact sections 26.1-03-02.1, 26.1-03-19.1, 26.1-03-19.2, 26.1-03-19.3, 26.1-03-19.4, 26.1-03-19.5, 26.1-03-19.6, 26.1-03-19.7, chapter 26.1-06.2, a new section to chapter 26.1-10, a new subdivision to subsection 6 of section 26.1-10-05, chapter 26.1-18.1, a new subsection to section 26.1-26.3-06, chapter 26.1-26.5, a new subsection to section 26.1-31.1-02, section 26.1-35-01.1, a new subsection to section 26.1-46-01, two new subdivisions to subsection 7 of section 26.1-46-01, a new subdivision to subsection 3 of section 26.1-46-03, two new subsections to section 26.1-46-03, and section 26.1-46-08.1 of the North Dakota Century Code, relating to valuation of securities, examinations, administrative supervision, health maintenance organizations, managing general agents, business transacted with insurance broker controlled property and casualty insurer, reinsurance intermediaries, standard valuation law, and formation and operation of risk retention groups and purchasing groups; to amend and reenact section 26.1-05-04, subsection 5 of section 26.1-10-03, subsections 1, 2, 3, and 4 of section 26.1-10-04, subsection 8 of section 26.1-10-05, sections 26.1-12-08, 26.1-12-10, subsection 3 of section 26.1-26.3-01, subsection 6 of section 26.1-26.3-03, section 26.1-26.3-06, subdivision c of subsection 8 of section 26.1-31.1-01, subsection 1 of section 26.1-31.1-06, subsection 6 of section 26.1-31.1-07, section 26.1-31.1-10, subdivision d of subsection 2 of section 26.1-31.2-01, subdivisions b and d of subsection 4 of section 26.1-31.2-01, subsection 2 of section 26.1-31.2-02, sections 26.1-35-07, 26.1-35-08, subdivisions a and e of subsection 7 of section 26.1-46-01, subsection 10 of section 26.1-46-01, section 26.1-46-02, subsection 1 of section 26.1-46-03, sections 26.1-46-04, 26.1-46-06, 26.1-46-07, 26.1-46-08, and 26.1-46-09 of the North Dakota Century Code, relating to domestic companies, insurance holding company systems, mutual life companies, managing general agents, reinsurance intermediaries, reinsurance credit, standard valuation law, and formation and operation of risk retention groups and purchasing groups; and to repeal sections 26.1-03-02, 26.1-03-19, 26.1-03-20, 26.1-03-21, 26.1-12-17, chapters 26.1-18, and

26.1-26.2 of the North Dakota Century Code, relating to valuation of securities held by a company, financial examinations, risk limitations of mutual insurance companies, mutual insurance companies, health maintenance organizations, and business transacted with insurance broker controlled property and casualty insurer.

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, 0 NAYS, 17 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dalrymple; Dobrinski; Dorso; Drovda; Freier; Froeth; Gates; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleon; Hagle; Hanson; Henegar; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kunkel; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; Poolman; Price; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner; Speaker R. Berg

EXCUSED: Bateman; Byerly; Carlisle; Clayburgh; Dewitz; Gerntholz; Hausauer; Howard; Kroeber; Laughlin; Nichols; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

ABSENT AND NOT VOTING: Hokana; Porter

Engrossed SB 2231 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2440: A BILL for an Act to create and enact a new subsection to section 49-21-02.1 and three new sections to chapter 49-21 of the North Dakota Century Code, relating to the regulation of interexchange telecommunications companies, the authority of the public service commission, refunds, and quality of service; and to amend and reenact sections 49-21-01, 49-21-01.1, 49-21-01.2, 49-21-01.3, 49-21-01.4, 49-21-01.6, 49-21-02.2, 49-21-04, 49-21-06, 49-21-07, 49-21-09, and 49-21-22 of the North Dakota Century Code, relating to the regulation of telecommunications companies.

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 76 YEAS, 5 NAYS, 17 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Austin; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dalrymple; Dobrinski; Dorso; Drovda; Freier; Froeth; Gates; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Hagle; Hanson; Henegar; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kunkel; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; Poolman; Porter; Price; Rennerfeldt; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner; Speaker R. Berg

NAYS: Aarsvold; Allmaras; Gulleon; Hokana; Ring

EXCUSED: Bateman; Byerly; Carlisle; Clayburgh; DeWitz; Gerntholz; Hausauer; Howard; Kroeber; Laughlin; Nichols; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

Engrossed SB 2440 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2199: A BILL for an Act to amend and reenact sections 65-04-04.2, 65-04-17, and 65-07-03 of the North Dakota Century Code, relating to determination of weekly wage for workers compensation premium purposes, reporting of employer premiums, and calculation of the experience rating for employers.

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 78 YEAS, 0 NAYS, 18 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dalrymple; Dobrinski; Dorso; Drovda; Freier; Froseth; Gates; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleon; Hagle; Hanson; Henegar; Hokana; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Oban; Olsen, D.; Poolman; Porter; Price; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; Stenehjelm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner; Speaker R. Berg

EXCUSED: Bateman; Byerly; Carlisle; Clayburgh; DeWitz; Gerntholz; Hausauer; Howard; Kroeber; Kunkel; Laughlin; Nichols; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

ABSENT AND NOT VOTING: Allmaras; Olson, A.

SB 2199 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2453: A BILL for an Act to amend and reenact section 12.1-28-02 of the North Dakota Century Code, relating to gambling offenses and dissemination of information about a lottery.

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 71 YEAS, 10 NAYS, 17 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Berg, J.; Bodine; Boehm; Boucher; Brodshaug; Brown; Carlson, C.; Christopherson; Cleary; Coats; Dalrymple; Dobrinski; Dorso; Drovda; Froseth; Gates; Glassheim; Goffe; Gorman; Grosz; Grumbo; Gulleon; Hagle; Hanson; Henegar; Hokana; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kunkel; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Oban; Poolman; Porter; Price; Rennerfeldt; Ring; Rydell; Schindler; Sitz; Skarphol; Stenehjelm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner; Speaker R. Berg

NAYS: Belter; Bernstein; Carlson, A.; Freier; Gorder; Kretschmar; Olsen, D.; Olson, A.; Shide; Soukup

EXCUSED: Bateman; Byerly; Carlisle; Clayburgh; DeWitz; Gerntholz; Hausauer; Howard; Kroeber; Laughlin; Nichols; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

SB 2453 passed and the title was agreed to.

MOTION

REP. MARTINSON MOVED that a time certain of 1:00 p.m., today be set for debate on SB 2528, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2226: A BILL for an Act to create and enact chapter 26.1-17.1 of the North Dakota Century Code, relating to prepaid limited health service organizations.

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 80 YEAS, 0 NAYS, 18 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dalrymple; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Henegar; Hokana; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; Poolman; Porter; Price; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; Stenehjelm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner; Speaker R. Berg

EXCUSED: Bateman; Byerly; Carlisle; Clayburgh; DeWitz; Gerntholz; Hausauer; Howard; Kroeber; Kunkel; Laughlin; Nichols; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

SB 2226 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2475: A BILL for an Act to amend and reenact section 11-10-04 of the North Dakota Century Code, relating to residency requirements of county officers.

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 80 YEAS, 0 NAYS, 18 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dalrymple; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Henegar; Hokana; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; Poolman; Porter; Price; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; Stenehjelm; Stenson; Svedjan;

Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzen; Wardner;
Speaker R. Berg

EXCUSED: Bateman; Byerly; Carlisle; Clayburgh; DeWitz; Gerntholz; Hausauer;
Howard; Kroeber; Kunkel; Laughlin; Nichols; Payne; Pyle; St. Aubyn;
Wald; Wentz; Wilkie

SB 2475 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2482: A BILL for an Act to amend and reenact section 57-12-01 of the North Dakota Century Code, relating to the time of meetings of the county board of equalization.

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 78 YEAS, 0 NAYS, 18 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dalrymple; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulletson; Hagle; Hanson; Henegar; Hokana; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Mahoney; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; Poolman; Porter; Price; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzen; Wardner; Speaker R. Berg

EXCUSED: Bateman; Byerly; Carlisle; Clayburgh; DeWitz; Gerntholz; Hausauer; Howard; Kroeber; Kunkel; Laughlin; Nichols; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

ABSENT AND NOT VOTING: Belter; Maragos

Engrossed SB 2482 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2492: A BILL for an Act to create and enact a new section to chapter 34-11.1 of the North Dakota Century Code, relating to a public employee's right to representation during grievance proceedings.

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 80 YEAS, 0 NAYS, 17 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dalrymple; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulletson; Hagle; Hanson; Henegar; Hokana; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kunkel; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Oban; Olsen, D.; Olson, A.; Poolman; Porter; Price; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzen; Wardner; Speaker R. Berg

EXCUSED: Bateman; Byerly; Carlisle; Clayburgh; DeWitz; Gerntholz; Hausauer; Howard; Kroeber; Laughlin; Nichols; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

ABSENT AND NOT VOTING: Nicholas

SB 2492 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2511: A BILL for an Act to amend and reenact section 53-02-08 of the North Dakota Century Code, relating to officers to be in attendance at public dances, music festivals, or concerts.

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 80 YEAS, 0 NAYS, 18 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dalrymple; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Glasheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulletson; Hagle; Hanson; Henegar; Hokana; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; Poolman; Porter; Price; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner; Speaker R. Berg

EXCUSED: Bateman; Byerly; Carlisle; Clayburgh; DeWitz; Gerntholz; Hausauer; Howard; Kroeber; Kunkel; Laughlin; Nichols; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

SB 2511 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2536: A BILL for an Act to create and enact a new section to chapter 26.1-45 of the North Dakota Century Code, relating to adoption of long-term care benefits comparison guides by the commissioner of insurance.

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 79 YEAS, 0 NAYS, 18 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dalrymple; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Glasheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulletson; Hagle; Hanson; Henegar; Hokana; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; Poolman; Porter; Price; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; Stenehjem; Stenson; Svedjan; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner; Speaker R. Berg

EXCUSED: Bateman; Byerly; Carlisle; Clayburgh; DeWitz; Gerntholz; Hausauer; Howard; Kroeber; Kunkel; Laughlin; Nichols; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

ABSENT AND NOT VOTING: Sveen

Engrossed SB 2536 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2537: A BILL for an Act to amend and reenact subsection 6 of section 11-11.1-03 and sections 11-11.1-04 and 11-11.1-07 of the North Dakota Century Code, relating to authority of job development authorities.

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 80 YEAS, 0 NAYS, 18 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dalrymple; Dobrinski; Dorso; Drovda; Freier; Froseth; Gates; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleston; Hagle; Hanson; Henegar; Hokana; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; Poolman; Porter; Price; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner; Speaker R. Berg

EXCUSED: Bateman; Byerly; Carlisle; Clayburgh; DeWitz; Gerntholz; Hausauer; Howard; Kroeber; Kunkel; Laughlin; Nichols; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

SB 2537 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2538: A BILL for an Act to authorize the state board of education to exchange certain state-owned land at Bismarck state college for certain property owned by the Theodore Roosevelt Medora foundation; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 79 YEAS, 0 NAYS, 19 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dalrymple; Dobrinski; Dorso; Drovda; Freier; Froseth; Gates; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Hagle; Hanson; Henegar; Hokana; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; Poolman; Porter; Price; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner; Speaker R. Berg

EXCUSED: Bateman; Byerly; Carlisle; Clayburgh; DeWitz; Gerntholz; Gulleeson; Hausauer; Howard; Kroeber; Kunkel; Laughlin; Nichols; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

SB 2538 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4014: A concurrent resolution for the amendment of section 21 of article X of the Constitution of North Dakota, relating to expenditures from the permanent coal trust fund for clean coal demonstration projects.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 83 YEAS, 0 NAYS, 15 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleeson; Hagle; Hanson; Henegar; Hokana; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; Poolman; Porter; Price; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; Stenehjelm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner; Speaker R. Berg

EXCUSED: Bateman; Byerly; Carlisle; DeWitz; Gerntholz; Hausauer; Howard; Kroeber; Nichols; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

SCR 4014 was declared adopted on a roll call vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4034: A concurrent resolution urging Congress to provide funds to the appropriate agency for construction of a scenic road connecting the three units of the Theodore Roosevelt National Park in the North Dakota Badlands.

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

SCR 4034 was declared lost on a voice vote.

MOTION

REP. BELTER MOVED that the House reconsider its action whereby SB 2511 passed, which motion prevailed.

MOTION

REP. BELTER MOVED that SB 2511 be rereferred to the Transportation Committee, which motion prevailed. Pursuant to Rep. Belter's motion, SB 2511 was rereferred.

SECOND READING OF SENATE BILL

SB 2086: A BILL for an Act to amend and reenact sections 54-57-03 and 54-57-07 of the North Dakota Century Code, relating to the jurisdiction

of the office of administrative hearings and compensation for providing hearing officers.

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 86 YEAS, 0 NAYS, 11 EXCUSED, 1 ABSENT AND NOT VOTING.

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

EXCUSED: Bateman; Byerly; DeWitz; Hausauer; Nichols; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

ABSENT AND NOT VOTING: Belter

Engrossed SB 2086 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DORSO MOVED that the House do concur in the Senate amendments to Engrossed HB 1027 as printed on HJ page 1015, which motion prevailed.

Engrossed HB 1027, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1027: A BILL for an Act to provide for accessibility standards for buildings and facilities subject to the federal Americans with Disabilities Act of 1990 and to require notice of application of federal accessibility guidelines to construction projects; to amend and reenact section 23-13-04, subsection 9 of section 39-01-15, and section 48-02-19 of the North Dakota Century Code, relating to doors and parking spaces and compliance with Americans with Disabilities Act guidelines; and to repeal sections 23-13-12, 23-13-13, and 40-31-01.1 of the North Dakota Century Code, relating to toilet stalls, toilet rooms, and ramped curbing.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 84 YEAS, 0 NAYS, 11 EXCUSED, 3 ABSENT AND NOT VOTING.

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

Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner;
Speaker R. Berg

EXCUSED: Bateman; Byerly; DeWitz; Hausauer; Kunkel; Payne; Pyle; St. Aubyn;
Wald; Wentz; Wilkie

ABSENT AND NOT VOTING: Belter; Keiser; Nicholas;

Engrossed HB 1027 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. TIMM MOVED that the House do concur in the Senate amendments to Engrossed HB 1061 as printed on HJ page 971, which motion prevailed.

Engrossed HB 1061, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1061: A BILL for an Act to amend and reenact subsection 1 of section 57-38-40 of the North Dakota Century Code, relating to an extension of the time for claiming a credit or refund of income taxes paid to another state; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 85 YEAS, 0 NAYS, 10 EXCUSED, 3 ABSENT AND NOT VOTING.

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

EXCUSED: Byerly; DeWitz; Hausauer; Kunkel; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

ABSENT AND NOT VOTING: Belter; Keiser; Nicholas

Engrossed HB 1061 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DORSO MOVED that the House do concur in the Senate amendments to HB 1172 as printed on HJ page 993, which motion prevailed.

HB 1172, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1172: A BILL for an Act to create and enact a new section to chapter 13-04.1 of the North Dakota Century Code, relating to advance fees by money brokers.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 84 YEAS, 0 NAYS, 10 EXCUSED, 4 ABSENT AND NOT VOTING.

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

EXCUSED: Byerly; DeWitz; Hausauer; Kunkel; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

ABSENT AND NOT VOTING: Belter; Holm; Keiser; Nicholas

HB 1172 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DORSO MOVED that the House do concur in the Senate amendments to Engrossed HB 1175 as printed on HJ page 1120, which motion prevailed.

Engrossed HB 1175, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1175: A BILL for an Act to amend and reenact sections 6-01-02, 6-03-13.1, 6-03-17, and 6-03-19 of the North Dakota Century Code, relating to the definition of paying and receiving activity conducted at separate facilities and paying and receiving stations, and to publishing a notice to discontinue a paying and receiving station.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 84 YEAS, 0 NAYS, 10 EXCUSED, 4 ABSENT AND NOT VOTING.

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

EXCUSED: Byerly; DeWitz; Hausauer; Kunkel; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

ABSENT AND NOT VOTING: Belter; Holm; Keiser; Nicholas

Engrossed HB 1175 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. GATES MOVED that the House do concur in the Senate amendments to Engrossed HB 1183 as printed on HJ pages 993-994, which motion prevailed.

Engrossed HB 1183, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1183: A BILL for an Act to amend and reenact sections 15-59-01, 15-59-02.1, 15-59-04, 15-59-04.1, 15-59-05, 15-59-05.2, 15-59-06, 15-59-06.2, 15-59-07, 15-59-07.2, 15-59-10, 15-59.3-01, 15-59.3-02, 15-59.3-03, 15-59.3-04, 15-59.3-05, 15-59.3-06, and 15-59.3-07 of the North Dakota Century Code, relating to special education and boarding home care for children with disabilities.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 84 YEAS, 0 NAYS, 10 EXCUSED, 4 ABSENT AND NOT VOTING.

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

EXCUSED: Byerly; DeWitz; Hausauer; Kunkel; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

ABSENT AND NOT VOTING: Belter; Holm; Keiser; Nicholas

Engrossed HB 1183 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DORSO MOVED that the House do concur in the Senate amendments to Engrossed HB 1229 as printed on HJ page 994, which motion prevailed.

Engrossed HB 1229, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1229: A BILL for an Act to amend and reenact section 23-06-03.1 of the North Dakota Century Code, relating to the deposit or transfer of payments made on pre-need funeral contracts.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 83 YEAS, 0 NAYS, 11 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; Dobrinski; Dorso;

Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Henegar; Hokana; Howard; Huether; Jacobs; Johnson; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nichols; Oban; Olsen, D.; Olson, A.; Poolman; Porter; Price; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner; Speaker R. Berg

EXCUSED: Byerly; DeWitz; Hausauer; Kaldor; Kunkel; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

ABSENT AND NOT VOTING: Belter; Holm; Keiser; Nicholas

Engrossed HB 1229 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DORSO MOVED that the House do concur in the Senate amendments to Engrossed HB 1246 as printed on HJ page 1016, which motion prevailed.

Engrossed HB 1246, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1246: A BILL for an Act to create and enact a new section to chapter 50-11.1 of the North Dakota Century Code, relating to prohibiting smoking in child care facilities; and to amend and reenact section 23-12-10 of the North Dakota Century Code, relating to designation of smoking areas.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 82 YEAS, 0 NAYS, 11 EXCUSED, 5 ABSENT AND NOT VOTING.

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

EXCUSED: Bateman; Byerly; DeWitz; Hausauer; Kunkel; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

ABSENT AND NOT VOTING: Belter; Holm; Keiser; Nicholas; Oban

Engrossed HB 1246 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DORSO MOVED that the House do concur in the Senate amendments to Engrossed HB 1264 as printed on HJ page 1121, which motion prevailed.

Engrossed HB 1264, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1264: A BILL for an Act to amend and reenact subdivision a of subsection 1 of section 28-32-01 and section 54-21.3-03 of the North Dakota Century Code, relating to exclusions from the definition of administrative agency and the state building code; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 82 YEAS, 0 NAYS, 11 EXCUSED, 5 ABSENT AND NOT VOTING.

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

EXCUSED: Bateman; Byerly; DeWitz; Hausauer; Kunkel; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

ABSENT AND NOT VOTING: Belter; Holm; Keiser; Martin; Nicholas

HB 1264 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. RYDELL MOVED that the House do concur in the Senate amendments to Engrossed HB 1281 as printed on HJ page 1123, which motion prevailed.

Engrossed HB 1281, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1281: A BILL for an Act relating to a waiver from the federal government to allow employment incentives for recipients of aid to families with dependent children benefits; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 84 YEAS, 0 NAYS, 10 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; Dobrinski; Dorso; Drovda; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Henegar; Hokana; Howard; Huether; Jacobs; Johnson; Kaldor; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nichols; Oban; Olsen, D.; Olson, A.; Poolman; Porter; Price; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; Stenehjelm; Stenson;

Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzen; Wardner;
Speaker R. Berg

EXCUSED: Byerly; DeWitz; Hausauer; Kunkel; Payne; Pyle; St. Aubyn; Wald;
Wentz; Wilkie

ABSENT AND NOT VOTING: Belter; Holm; Keiser; Nicholas

Engrossed HB 1281 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. GATES MOVED that the House do concur in the Senate amendments to Engrossed HB 1291 as printed on HJ page 1121, which motion prevailed.

Engrossed HB 1291, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1291: A BILL for an Act to amend and reenact section 15-40.2-03 of the North Dakota Century Code, relating to the tuition calculations for school districts educating pupils in other districts.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 84 YEAS, 0 NAYS, 10 EXCUSED, 4 ABSENT AND NOT VOTING.

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

EXCUSED: Byerly; DeWitz; Hausauer; Kunkel; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

ABSENT AND NOT VOTING: Belter; Holm; Keiser; Nicholas

Engrossed HB 1291 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2441: A BILL for an Act to amend and reenact section 26.1-30-18 of the North Dakota Century Code, relating to the inception and expiration of insurance policies.

MOTION

REP. BERNSTEIN 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 54 YEAS, 44 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Bodine; Boehm; Boucher; Byerly; Carlisle; Carlson, A.; Christopherson; Clayburgh; Dalrymple; Dorso; Freier; Gates; Gerntholz; Glassheim; Gorman; Hagle; Hausauer; Henegar; Holm; Howard; Jacobs; Johnson; Kaldor; Kempenich; Kerzman; Kilichowski; Kunkel; Monson; Mutzenberger; Ness; Oban; Olsen, D.; Olson, A.; Payne; Ring; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Torgerson; Wald; Wanzek; Wilkie; Speaker R. Berg

NAYS: Allmaras; Berg, J.; Bernstein; Brodshaug; Brown; Carlson, C.; Cleary; Coats; DeWitz; Dobrinski; Drovdal; Froseth; Goffe; Gorder; Grosz; Grumbo; Gulleon; Hanson; Hokana; Huether; Keiser; Kelsch; Klein; Kretschmar; Kroeber; Laughlin; Mahoney; Maragos; Martin; Martinson; Nelson; Nicholas; Nichols; Poolman; Porter; Price; Pyle; Rennerfeldt; Rydell; Schindler; Timm; Tollefson; Wardner; Wentz

SB 2441 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. MARTIN MOVED that the House do concur in the Senate amendments to Engrossed HB 1302 as printed on HJ page 1121, which motion prevailed.

Engrossed HB 1302, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1302: A BILL for an Act to amend and reenact section 40-38-03 of the North Dakota Century Code, relating to compensation of the board of directors of a public library.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 81 YEAS, 1 NAY, 10 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleon; Hagle; Hanson; Henegar; Hokana; Howard; Huether; Jacobs; Johnson; Kaldor; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kroeber; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nichols; Olsen, D.; Olson, A.; Poolman; Porter; Price; Rennerfeldt; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner; Speaker R. Berg

NAYS: Ring

EXCUSED: Byerly; DeWitz; Hausauer; Kunkel; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

ABSENT AND NOT VOTING: Belter; Holm; Keiser; Kretschmar; Nicholas; Oban

Engrossed HB 1302 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KRETSCHMAR MOVED that the House do concur in the Senate amendments to HB 1307 as printed on HJ page 1069, which motion prevailed.

HB 1307, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1307: A BILL for an Act to amend and reenact section 48-08-07 of the North Dakota Century Code, relating to the length of time a county may enter a lease of a public building.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 84 YEAS, 0 NAYS, 10 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; Dobrinski; Dorso; Drowdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleeson; Hagle; Hanson; Henegar; Hokana; Howard; Huether; Jacobs; Johnson; Kaldor; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nichols; Oban; Olsen, D.; Olson, A.; Poolman; Porter; Price; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; Stenehjelm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner; Speaker R. Berg

EXCUSED: Byerly; DeWitz; Hausauer; Kunkel; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

ABSENT AND NOT VOTING: Belter; Holm; Keiser; Nicholas

HB 1307 passed and the title was agreed to.

MOTION

REP. FREIER MOVED that the House stand in recess until 1:00 p.m., which motion prevailed.

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

SECOND READING OF SENATE BILL

SB 2528: A BILL for an Act to create and enact sections 15-27.6-02.5, 15-27.6-06.5, and a new section to chapter 15-27.6 of the North Dakota Century Code, relating to school district boundary restructuring; and to amend and reenact section 15-27.6-01, subsection 7 of section 15-27.6-04, sections 15-27.6-05, 15-27.6-10, and 15-27.6-11 of the North Dakota Century Code, relating to school district boundary restructuring.

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 51 YEAS, 47 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Berg, J.; Bodine; Boehm; Brodshaug; Carlisle; Christopherson; Cleary; DeWitz; Dobrinski; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorman; Gulleeson; Hagle; Henegar; Hokana; Holm; Kaldor; Keiser; Kelsch; Klein; Kretschmar; Kroeber; Laughlin; Mahoney; Maragos; Monson; Mutzenberger; Nelson; Ness; Nichols; Oban; Payne; Price; Pyle; Ring; Rydell; Sitz; Skarphol; St. Aubyn; Stenson; Svedjan; Sveen; Torgerson; Wentz; Speaker R. Berg

NAYS: Allmaras; Austin; Bateman; Belter; Bernstein; Boucher; Brown; Byerly; Carlson, A.; Carlson, C.; Clayburgh; Coats; Dalrymple; Dorso; Drovdal; Gorder; Grosz; Grumbo; Hanson; Hausauer; Howard; Huether; Jacobs; Johnson; Kempenich; Kerzman; Kilichowski; Kunkel; Martin; Martinson; Nicholas; Olsen, D.; Olson, A.; Poolman; Porter; Rennerfeldt; Schindler; Shide; Soukup; Stenehjelm; Thorpe; Timm; Tollefson; Wald; Wanzek; Wardner; Wilkie

Engrossed SB 2528 passed and the title was agreed to.

MOTION

REP. FREIER MOVED that SB 2216, SB 2367, and SB 2471, which are on the Fourteenth order, be laid over one legislative day, which motion prevailed.

MOTION

REP. FREIER MOVED that SB 2498 be placed at the top of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2498: A BILL for an Act to create and enact a new section to chapter 54-02 of the North Dakota Century Code, relating to the designation of an honorary equine.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 48 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Bodine; Boucher; Brodshaug; Carlson, C.; Cleary; Coats; Freier; Glassheim; Grumbo; Gulleon; Hagle; Hausauer; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kelsch; Kerzman; Kilichowski; Klein; Kretschmar; Laughlin; Mahoney; Monson; Mutzenberger; Nelson; Ness; Nicholas; Oban; Olsen, D.; Poolman; Pyle; Ring; Schindler; Shide; Sitz; St. Aubyn; Stenehjelm; Stenson; Svedjan; Thorpe; Timm; Tollefson; Wald; Wanzek

NAYS: Austin; Bateman; Belter; Berg, J.; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson, A.; Christopherson; Clayburgh; Dalrymple; Dewitz; Dobrinski; Dorso; Drovdal; Gates; Gerntholz; Goffe; Gorder; Gorman; Grosz; Hanson; Henegar; Kaldor; Keiser; Kempenich; Kroeber; Kunkel; Maragos; Martin; Martinson; Nichols; Olson, A.; Payne; Porter; Price; Rennerfeldt; Rydell; Skarphol; Soukup; Sveen; Torgerson; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Froseth

SB 2498 was declared lost for want of a Constitutional majority.

MOTION

REP. GATES MOVED that the vote by which SB 2528 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed on a verification vote.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1038, HB 1039, HB 1044, HB 1054, HB 1057, HB 1116, HB 1140, HB 1237, HB 1240, HB 1445.

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1464.

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

MR. SPEAKER: The Senate has failed to pass: HB 1040.

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

MR. SPEAKER: The Senate has failed to pass: HB 1118, HB 1365.

SECOND READING OF SENATE BILL

SB 2149: A BILL for an Act to amend and reenact subsection 1 of section 65-06.2-02 and section 65-06.2-03 of the North Dakota Century Code, relating to workers' compensation coverage of certain inmates; and to provide a statement of legislative intent.

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 2 YEAS, 94 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Keiser; Ring

NAYS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; 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; Gulleon; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; 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; 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: Hagle; Martin

SB 2149 was declared lost.

SECOND READING OF SENATE BILL

SB 2207: A BILL for an Act to create and enact chapter 26.1-33.1 of the North Dakota Century Code, relating to viatical settlements.

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 8 YEAS, 89 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Berg, J.; Brodshaug; Cleary; Coats; Glassheim; Pyle; Ring; Thorpe

NAYS: Aarsvold; Allmaras; Austin; Bateman; Belter; Bernstein; Bodine; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Dalrymple; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Gates; Gerntholz; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleon; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; 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; Rennerfeldt; 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: Hagle

SB 2207 was declared lost.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4068: A concurrent resolution directing the Legislative Council to study gift and estate tax laws and their relationship to medical assistance payments.

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

SCR 4068 was declared adopted on a voice vote.

SECOND READING OF SENATE BILL

SB 2245: A BILL for an Act to amend and reenact sections 36-09-01, 36-09-02, 36-09-02.1, 36-09-04, 36-09-06, 36-09-08, 36-09-10, 36-09-11, 36-09-12, 36-09-13, 36-09-14, 36-09-15, and 36-09-18 of the North Dakota Century Code, relating to livestock brands and marks; and to provide a continuing appropriation.

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 69 YEAS, 29 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Aarsvold; Allmaras; Berg, J.; Bodine; Boucher; Brodshaug; Cleary; Coats; Glassheim; Goffe; Gulleson; Hanson; Huether; Kaldor; Kelsch; Kerzman; Kilichowski; Kroeber; Laughlin; Mutzenberger; Nelson; Ness; Oban; Pyle; Ring; Sitz; Stenson; Thorpe; Wilkie

Engrossed SB 2245 passed and the title was agreed to.

MOTION

REP. FREIER MOVED that the House stand in recess until 2:50 p.m., which motion prevailed.

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

MOTION

REP. PORTER MOVED that the House reconsider its action whereby SB 2498 failed to pass for want of a Constitutional majority, which motion prevailed on a verification vote.

SECOND READING OF SENATE BILL

SB 2498: A BILL for an Act to create and enact a new section to chapter 54-02 of the North Dakota Century Code, relating to the designation of an honorary equine.

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 56 YEAS, 41 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Bodine; Boucher; Brodshaug; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; Dorso; Freier; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Jacobs; Johnson; Kelsch; Kerzman; Kilichowski; Kretschmar; Mahoney; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Oban; Olsen, D.; Poolman; Porter; Pyle; Ring; Schindler; Shide; Sitz; St. Aubyn; Stenehjelm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Wald; Wanzek; Wardner; Wentz

NAYS: Austin; Bateman; Belter; Berg, J.; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson, A.; Dewitz; Dobrinski; Drovdal; Froseth; Gates; Gerntholz; Goffe; Gorder; Gorman; Grosz; Huether; Kaldor; Keiser; Kempenich; Klein; Kroeber; Kunkel; Laughlin; Maragos; Martin; Nichols; Olson, A.; Payne; Price; Rennerfeldt; Rydell; Skarphol; Soukup; Torgerson; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Glassheim

SB 2498 passed and the title was agreed to.

MOTION

REP. RYDELL MOVED that the House reconsider its action whereby Engrossed SB 2381 failed to pass, which motion lost on a verification vote.

REQUEST

REP. RYDELL REQUESTED a ruling by the Speaker with reference to the failure of the reconsideration of SB 2381 by which it failed to pass.

RULING BY THE SPEAKER

SPEAKER R. BERG RULED that in accordance with House Rule 318, the motion for reconsideration needed a Majority of the members elect, and the verification vote for reconsideration of SB 2381 lacked that majority.

SECOND READING OF SENATE BILL

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 31 YEAS, 67 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Allmaras; Berg, J.; Bodine; Cleary; Coats; Gates; Goffe; Gorman; Grumbo; Hanson; Hausauer; Hokana; Howard; Huether; Keiser; Kelsch; Kilichowski; Mahoney; Maragos; Martinson; Mutzenberger; Nelson; Oban; Ring; Rydell; Sitz; St. Aubyn; Stenehjelm; Stenson; Thorpe; Wentz

NAYS: Aarsvold; Austin; Bateman; Belter; Bernstein; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Dalrymple; Dewitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gerntholz; Glassheim; Gorder; Grosz; Gulleson; Hagle; Henegar; Holm; Jacobs; Johnson; Kaldor; Kempenich; Kerzman; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Martin; Monson; Ness; Nicholas; Nichols; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Schindler; Shide; Skarphol; Soukup; Svedjan; Sveen; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wilkie; Speaker R. Berg

Engrossed SB 2421 was declared lost.

SECOND READING OF SENATE BILL

SB 2448: A BILL for an Act to create and enact a new subsection to section 57-01-02 of the North Dakota Century Code, relating to authorizing the tax commissioner to require payments of one hundred thousand dollars or more due on a return, report, or other document to be paid by a method in which the funds are immediately available to the state, requiring a taxpayer to provide the tax commissioner with evidence of the payment, providing for penalties and interest on late payments, authorizing the tax commissioner to adopt rules necessary for the administration of this payment method; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 10 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Byerly; Carlisle; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; Dobrinski; Dorso; Drovda; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grumbo; Gullerson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; 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; Price; Pyle; Ring; Rydell; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

NAYS: Bateman; Brown; Carlson, A.; DeWitz; Grosz; Porter; Rennerfeldt; Schindler; Torgerson; Wald

SB 2448 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2490: A BILL for an Act to amend and reenact sections 15-40.2-09 and 15-40.2-10 of the North Dakota Century Code, relating to the attendance of students in public schools or institutions of bordering states.

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 92 YEAS, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Gates; Gerntholz; Glassheim; Gorder; Grosz; Grumbo; Gullerson; Hagle; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; 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

NAYS: Goffe; Hanson; Kroeber; Monson; Poolman

ABSENT AND NOT VOTING: Gorman

Engrossed SB 2490 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2522: A BILL for an Act to create and enact a new chapter to title 4 of the North Dakota Century Code, relating to aquaculture; to amend and reenact subsection 27 of section 20.1-01-02, subsection 3 of section 20.2-02-15, subsection 3 of section 20.1-03-04, section 20.1-03-08, subsection 29 of section 20.1-03-12, subsection 4 of section 20.1-06-10, and section 20.1-06-12 of the North Dakota Century Code, relating to private fish ponds; to provide a penalty; and to provide for application of this Act.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 38 YEAS, 59 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Berg, J.; Bodine; Boucher; Brodshaug; Cleary; Coats; Dobrinski; Glassheim; Gorder; Grumbo; Gulleeson; Hagle; Hanson; Henegar; Hokana; Huether; Kaldor; Kerzman; Kilichowski; Kroeber; Laughlin; Mahoney; Maragos; Martin; Mutzenberger; Nelson; Ness; Nichols; Oban; Pyle; Ring; Sitz; Stenehjem; Stenson; Thorpe; Wilkie

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

ABSENT AND NOT VOTING: Dalrymple

Engrossed SB 2522 was declared lost.

SECOND READING OF SENATE BILL

SB 2109: A BILL for an Act to amend and reenact subsections 11 and 12 of section 52-07.1-03 and section 52-07.1-07 of the North Dakota Century Code, relating to state off and on indicators for extended unemployment compensation benefits and total extended unemployment compensation benefit amount.

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 13 YEAS, 83 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Allmaras; Berg, J.; Bodine; Brodshaug; Cleary; Goffe; Kaldor; Mutzenberger; Nelson; Oban; Pyle; Ring; Thorpe

NAYS: Aarsvold; Austin; Bateman; Belter; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Coats; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleeson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein;

Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Ness; Nicholas; Nichols; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; Stenehjelm; Stenson; Svedjan; Sveen; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Dalrymple; St. Aubyn

SB 2109 was declared lost.

SECOND READING OF SENATE BILL

SB 2106: A BILL for an Act to amend and reenact subdivision b of subsection 1 of section 52-06-04 of the North Dakota Century Code, relating to unemployment compensation weekly benefit amount.

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 28 YEAS, 69 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Berg, J.; Bodine; Boucher; Brodshaug; Coats; Dobrinski; Glassheim; Goffe; Hanson; Hokana; Kaldor; Kilichowski; Kroeber; Laughlin; Mahoney; Mutzenberger; Nelson; Ness; Nichols; Oban; Pyle; Ring; Sitz; Stenson; Thorpe; Wilkie

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

ABSENT AND NOT VOTING: Dalrymple

SB 2106 was declared lost.

SECOND READING OF SENATE BILL

SB 2396: A BILL for an Act to amend and reenact subsections 14 and 15 of section 65-01-02 of the North Dakota Century Code, relating to the definitions of employee and employer for purposes of workers' compensation.

ROLL CALL

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

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; 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

NAYS: Bernstein

ABSENT AND NOT VOTING: Dalrymple

Engrossed SB 2396 passed and the title was agreed to.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2058, SB 2378, SB 2447.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2052, SB 2229, SB 2294, SB 2298, SB 2303, SB 2336, SB 2337, SB 2354, SB 2355, SB 2356, SB 2474, SB 2484, SB 2506, SB 2513, SB 2514, SB 2520, SB 2521, SB 2533.

REQUEST

REP. CLEARY REQUESTED that the House divide Reengrossed SB 2426, which request was granted.

DIVISION A

SECTION 17. Assessment. Every hospital that is required to be licensed under chapter 23-16 is subject to an annual assessment as determined by the department. The department shall establish an assessment for each hospital based upon each hospital's gross patient service revenue and the cost of administering sections 7 through 17 of this Act. The department shall collect the assessment and shall deposit the assessment in the general fund of the state treasury.

SECTION 18. A new subsection to section 26.1-04-03 of the 1991 Supplement to the North Dakota Century Code is created and enacted as follows:

Coercing or enticing purchase based on falsely low premiums. Coercing or enticing the purchase of an accident and health insurance policy or evidence of coverage by representing the premium to be lower than otherwise available in the market knowing that after purchase, the premium charged will increase substantially to reflect current market prices for the same insurance product.

SECTION 19. AMENDMENT. Section 26.1-18-12 of the North Dakota Century Code is amended and reenacted as follows:

26.1-18-12. Evidence of coverage - Contents - Exception.

1. Every enrollee residing in this state is entitled to evidence of coverage under a health care plan. If the enrollee obtains coverage under a health care plan through an insurance policy or a contract issued by a health service corporation, whether by option or otherwise, the insurer or the health service corporation shall issue the evidence of coverage. Otherwise, the health maintenance organization shall issue the evidence of coverage.
2. An evidence of coverage may not contain any provision or statement which is unjust, unfair, inequitable, or which encourages misrepresentation, or which is untrue, misleading, or deceptive as defined in section 26.1-18-24.

3. An evidence of coverage must contain a clear and complete statement, if a contract, or a reasonably complete summary, if a certificate, of:
 - a. The health care services and the insurance or other benefits, if any, to which the enrollee is entitled under the health care plan.
 - b. Any limitations on the services, kinds of services, benefits, or kinds of benefits, to be provided, including any deductible or copayment feature except that an evidence of coverage may not require copayment or deductible amounts for prenatal care.
 - c. Where and in what manner information is available as to how services may be obtained.
 - d. The total amount of payment for health care services and the indemnity or service benefits, if any, which the enrollee is obligated to pay with respect to an individual contract, and an indication whether the plan is contributory or noncontributory with respect to group contracts.
 - e. A clear and understandable description of the health maintenance organization's method of resolving enrollee complaints.
4. An evidence of coverage must contain a provision that benefits under the evidence of coverage may not be denied for any health care service performed by a registered nurse licensed pursuant to chapter 43-12.1 if the following conditions are met: (a) the service performed is within the scope of the registered nurse's license; (b) the evidence of coverage currently provides benefits for identical services performed by a provider; (c) the service is not performed while the registered nurse is employed within a hospital, skilled nursing facility, or intermediate care facility; and (d) the evidence of coverage does not offer coverage, at the option of an individual with respect to an individual evidence of coverage or the employer or the group or association representative with respect to a group evidence of coverage, for services rendered by self-employed registered nurses licensed pursuant to chapter 43-12.1. No lack of signature, referral, or employment by any other provider, and no provision of chapter 43-17 may be asserted to deny benefits under this provision.
5. Any subsequent change may be evidenced in a separate document issued to the enrollee.
6. An evidence of coverage must contain a provision that entitles the enrollee, if the furnishing of any health care services through providers under contract with or employed by the health maintenance organization is not available within fifty miles [80.47 kilometers] of the certificate holder's legal residence, to coverage for the provision of those health care services under the health care plan by a provider not under contract with or employed by the health maintenance organization and located within fifty miles [80.47 kilometers] of the certificate holder's legal residence. For the enrollee to be eligible for benefits under this subsection, the provider not under contract with or employed by the health maintenance organization must furnish the health care services at the same cost or less that would have been incurred had the enrollee secured the health care services through a provider under contract with or employed by the health maintenance organization.

maintenance organization may not deliver, issue, execute, or renew any health insurance policy or health service contract on a group, blanket, franchise, or association basis which after the first ninety days the coverage is in effect, excludes coverage to an individual because of that individual's preexisting medical condition.

The first sentence of subsection 3 of section 22:

The reimbursement to a physician for benefits required under this section may not exceed the reimbursements established for the same services under chapter 50-24.1.

SECTION 34. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income to the department of human services for the purpose of administering sections 28 through 30 of this Act for the biennium beginning July 1, 1993, and ending June 30, 1995.

Total all funds	\$42,677,067
Less estimated income	<u>31,677,067</u>
Total general fund appropriation	\$11,000,000

REQUEST

REP. NESS REQUESTED recorded roll call votes on Division A and Division B of Reengrossed SB 2426, which request was granted.

ROLL CALL

The question being on the adoption of Division A of Reengrossed SB 2426, the roll was called and there were 0 YEAS, 97 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

NAYS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dewitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Guleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; 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: Dalrymple

Division A of Reengrossed SB 2426 lost.

DIVISION B

SECTION 1. A new subsection to section 23-01-03 of the North Dakota Century Code is created and enacted as follows:

Regulate the expansion of long-term care facilities and services through the certificate of need process under chapter 23-17.2.

SECTION 2. HEALTH COUNCIL'S HEALTH TASK FORCE - DEVELOPMENT OF HEALTH CARE FINANCING AND COVERAGE - REPORT TO LEGISLATIVE COUNCIL. The state health council's health task force shall develop prospective all payers ratesetting or other health care financing systems that cover institutional and professional providers of health care. The health task force also shall develop mechanisms to provide health coverage for all state residents. During the 1993-94 interim, the task force shall report to the legislative

council or an interim committee designated by the legislative council on the progress of the developments. If the task force recommends proposed legislation to be introduced in the fifty-fourth legislative assembly, the task force shall inform the legislative council or the interim committee designated by the legislative council of the proposed legislation before July 1, 1994.

SECTION 3. AMENDMENT. Subsection 7 of section 23-17.2-02 of the North Dakota Century Code is amended and reenacted as follows:

7. "Health care facility" means those health care facilities licensed by the department or certified by the department under the federal Social Security Act as amended including, but not limited to, hospitals, skilled nursing facilities, kidney disease treatment centers (including freestanding hemodialysis units), intermediate care facilities, rehabilitation facilities, and ambulatory surgical facilities, but not including clinical laboratories which under title XVIII of the federal Social Security Act meet the requirements of paragraphs (10) and (11) of section 1861(s) of that Act. The term includes a long-term care facility. The term also includes a facility in which a physician has an ownership interest and to which that physician may refer patients.

SECTION 4. A new subsection to section 23-17.2-02 of the North Dakota Century Code is created and enacted as follows:

"Long-term care facility" means any skilled nursing facility, intermediate care facility, basic care facility, nursing home as defined in subsection 3 of section 43-34-01, boardinghouse, or swing bed hospital approved to furnish long-term care services. The term does not include a facility, as defined by subsection 2 of section 25-01.2-02, providing services to developmentally disabled persons.

SECTION 5. A new subdivision to subsection 1 of section 23-17.2-03 of the North Dakota Century Code is created and enacted as follows:

Any expansion of services by or of the physical plant of a long-term care facility.

SECTION 6. A new subsection to section 23-17.2-03 of the North Dakota Century Code is created and enacted as follows:

The health council shall grant priority review to cooperative agreements organized under sections 7 through 17 of this Act.

SECTION 7. Definitions. As used in sections 7 through 17 of this Act, unless the context or subject matter otherwise requires:

1. "Cooperative agreement" means an agreement among two or more hospitals for the sharing, allocation, or referral of patients, personnel, instructional programs, support services and facilities, or medical, diagnostic, or laboratory facilities or procedures or other services traditionally offered by hospitals.
2. "Department" means the department of health and consolidated laboratories.
3. "Hospital" means a hospital required to be licensed under chapter 23-16 or any nonprofit parent of a hospital, hospital subsidiary, or hospital affiliate that provides medical or medically related diagnostic and laboratory services or engages in ancillary activities supporting those services.

SECTION 8. Application for cooperative agreements - Departmental review. A hospital may negotiate a cooperative agreement with another hospital if the likely benefits resulting from the agreement outweigh the disadvantages attributable to a reduction in competition that may result from the agreement. The parties to a cooperative agreement may apply to the department for a certificate of public advantage governing the agreement. The application must include an executed copy of the cooperative agreement and must describe the nature and scope of the cooperation in the agreement and any consideration passing to any party under the agreement. The applicants shall file a copy of the application and related materials with the attorney general and the department. The department shall review the application and shall hold a public hearing on the application. The department shall grant or deny the application within ninety days of the date of filing of the application. The decision must be in writing and must set forth the basis for the decision. The department shall furnish a copy of the decision to the applicants, the attorney general, and any intervenor.

SECTION 9. Standards for certification. The department shall issue a certificate of public advantage for cooperative agreement if the department determines that the applicants have demonstrated by clear and convincing evidence that the likely benefits to health care consumers resulting from the agreement outweigh any disadvantages attributable to a reduction in competition that may result from the agreement. The department shall consult with the attorney general regarding its evaluation of any potential reduction in competition resulting from a cooperative agreement.

1. In evaluating the potential benefits of a cooperative agreement to health care consumers, the department shall consider whether any of the following benefits may result from the cooperative agreement:
 - a. Enhancement of the quality of hospital and hospital-related care provided to residents of this state;
 - b. Preservation of hospital facilities in geographical proximity to the communities traditionally served by those facilities;
 - c. Gains in the cost efficiency of services provided by the hospitals involved;
 - d. Improvements in the utilization of hospital resources and equipment; and
 - e. Avoidance of duplication of hospital resources.
2. The department's evaluation of any disadvantages attributable to any reduction in competition likely to result from the agreement may include the following factors:
 - a. The extent of any likely adverse impact on the bargaining power of health maintenance organizations, preferred provider organizations, managed health care service agents, or other health care payers in negotiating payment and service arrangements with hospitals, physicians, allied health care professionals, or other health care providers;
 - b. The extent of any reduction in competition among physicians, allied health professionals, other health care providers, or persons furnishing goods or services to or in competition with hospitals that is likely to result directly or indirectly from the hospital cooperative agreement;
 - c. The extent of any likely adverse impact on patients in the quality, availability, and price of health care services; and

- d. The availability of arrangements that are less restrictive to competition and achieve the same benefits or a more favorable balance of benefits to health care consumers over disadvantages attributable to any reduction in competition likely to result from the agreement.

SECTION 10. Certificate termination. If the department determines that the likely benefits to health care consumers which result from a certified agreement no longer outweigh disadvantages attributable to a potential reduction in competition resulting from the agreement, the department may initiate proceedings to terminate the certificate of public advantage.

SECTION 11. Records. The department shall maintain all cooperative agreements for which the certificates of public advantage remain in effect. Any party to a cooperative agreement who terminates the agreement shall file a notice of termination with the department within thirty days after termination.

SECTION 12. Investigation by attorney general. The attorney general, at any time after an application is filed under section 8 of this Act, may require by subpoena the attendance and testimony of witnesses and the production of documents in the county in which the applicants are located for the purpose of investigating whether the cooperative agreement satisfies the standards set forth in section 9 of this Act. The attorney general may seek an order from the district court compelling compliance with a subpoena issued under this section.

SECTION 13. Cooperative agreement enjoined - Automatic stay - Standards for adjudication. The attorney general may seek to enjoin the operation of a cooperative agreement for which an application for certificate of public advantage has been filed by filing suit against the parties to the cooperative agreement in district court. The attorney general may file an action before or after the department acts on the application for a certificate, but the action must be brought no later than forty days following the department's approval of an application for certificate of public advantage. Upon the filing of the complaint, the department's certification, if previously issued, must be stayed and the cooperative agreement is of no further force unless the court orders otherwise or until the action is concluded. The attorney general may apply to the court for ancillary temporary or preliminary relief necessary to stay the cooperative agreement pending final disposition of the case. In any action, the applicants for a certificate bear the burden of establishing by clear and convincing evidence that the likely benefits to health care consumers which result from the cooperative agreement outweigh any disadvantages attributable to a reduction in competition that may result from the agreement. The court shall review whether the agreement constitutes an unreasonable restraint of trade under state or federal law in assessing disadvantages attributable to a reduction in competition likely to result from the agreement.

SECTION 14. Cancellation of a certificate of public advantage. If, at any time following the forty day period specified in section 13 of this Act, the attorney general determines that, as a result of changed circumstances, the benefits to health care consumers which result from a certified agreement no longer outweigh the disadvantages attributable to a reduction in competition resulting from the agreement, the attorney general may file suit in district court seeking to cancel the certificate of public advantage. In an action brought under this section, the attorney general has the burden of establishing by a preponderance of the evidence that, as a result of changed circumstances, the benefits to health care consumers which result from the agreement and the unavoidable costs of canceling the agreement are outweighed by disadvantages attributable to a reduction in competition resulting from the agreement. If the attorney general first establishes by a preponderance of the evidence that the department's certification was obtained as a result of material misrepresentation to the

department or the attorney general as the result of coercion, threats, or intimidation toward any party to the cooperative agreement, the parties to the agreement bear the burden of establishing by clear and convincing evidence that the benefits to health care consumers which result from the agreement and the unavoidable costs of canceling the agreement are outweighed by disadvantages attributable to any reduction in competition resulting from the agreement.

SECTION 15. Resolution by consent decree - Attorney fees. The district court may resolve any action brought by the attorney general under section 13 or 14 of this Act by entering an order that, with the consent of the parties, modifies the cooperative agreement. Upon the entry of the order, the parties to the cooperative agreement have the protection specified in section 16 of this Act and the cooperative agreement has the effectiveness specified in section 16 of this Act. If the attorney general prevails in an action under section 12, 13, or 14 of this Act, the attorney general is entitled to an award of the reasonable costs of the investigation or litigation and reasonable attorney fees, expert witness fees, and court costs incurred in litigation.

SECTION 16. Effective certification - Validity - Application. A cooperative agreement for which a certificate of public advantage has been issued is a lawful agreement. If the parties to a cooperative agreement file an application for a certificate of public advantage governing the agreement with the department, the conduct of the parties in negotiating a cooperative agreement is lawful conduct. This section does not immunize any person for conduct in negotiating a cooperative agreement for which an application for a certificate of public advantage is not filed. If the department or the district court determines that the applicants have not established by clear and convincing evidence that the likely benefits to health care consumers which result from a cooperative agreement outweigh any disadvantage attributable to a potential reduction in competition resulting from the agreement, the agreement is invalid and has no force or effect. This section does not exempt hospitals or other health care providers from compliance with laws governing certificates of need or hospital cost reimbursement. Sections 7 through 17 of this Act do not apply to any agreement among hospitals by which ownership or control over substantially all of the stock, assets, or activities of one or more previously licensed and operating hospitals is placed under the control of another licensed hospital or hospitals.

SECTION 21. A new section to chapter 26.1-36 of the North Dakota Century Code is created and enacted as follows:

Copayments and deductibles - When prohibited. An insurance company, nonprofit health service corporation, or health maintenance organization may not deliver, issue, execute, or renew any health insurance policy, health service contract, or evidence of coverage on an individual, group, blanket, franchise, or association basis which requires copayments or deductibles for prenatal care.

SECTION 22. A new section to chapter 26.1-36 of the North Dakota Century Code is created and enacted as follows:

Health insurance policy and health service contract - Children's preventive health care coverage.

1. An insurance company, nonprofit health service corporation, or health maintenance organization may not deliver, issue, execute, or renew any health insurance policy, health service contract, or evidence of coverage which provides coverage for a family member of the insured person on a group, blanket, franchise, or association basis unless the policy, contract, or evidence of coverage provides coverage for routine periodic physical examinations for the covered person from birth through the age of sixteen, unless specifically

rejected in writing by the contractholder. The benefits for children's preventive health care services on a periodic basis must include eighteen visits from birth through the age of sixteen at approximately the following intervals: birth, two months, four months, six months, nine months, twelve months, fifteen months, eighteen months, two years, three years, four years, five years, six years, eight years, ten years, twelve years, fourteen years, and sixteen years. Services may be covered only to the extent they are provided by, or under the supervision of, one physician during a visit.

2. For purposes of this section:

- a. "Children's preventive health care services" means physician-delivered or physician-supervised services for eligible dependents from birth through the age of sixteen, including medical history, physical examination, developmental assessment, anticipatory guidance, and appropriate immunizations and laboratory tests, in keeping with prevailing medical standards.
- b. "Periodic physical examinations" means the routine tests and procedures for the purpose of detection of abnormalities or malfunctions of bodily systems and parts according to accepted medical practice.

3. Copayments and deductibles may not be imposed for visits under this section.

4. This section does not apply to a disability income, specified disease, medicare supplement, hospital indemnity, or accident only policy.

SECTION 23. Health insurance coverage - Continuation during unemployment. An insurance company, nonprofit health service corporation, or health maintenance organization may not discontinue coverage of a person or that person's dependents who are covered under a group health plan through that person's employer when that person leaves the employ of that employer as long as the insurer continues to receive payment for that coverage. The insurance company, nonprofit health service corporation, or health maintenance organization shall offer the same coverage for at least thirty-six months to that person at a rate comparable to the rate being paid by the employer for that employer's employees. This section does not preclude a person from opting to continue coverage under section 26.1-36-23.

SECTION 24. AMENDMENT. Section 26.1-36-37.1 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

26.1-36-37.1. Standard health insurance proof of loss form - Claim payment time limits. The commissioner shall prescribe by rule a standard health insurance proof of loss and claim form for use in filing proof of loss and a claim for all health care services. For purposes of this section, "health care service" means any service included in providing an individual with medical, dental, or hospital care or any service incident to providing medical, dental, or hospital care as well as any service provided to prevent, alleviate, care, or heal human illness or injury. After receipt of a health insurance proof of loss form, the insurer shall, within fifteen business days, pay the claim or that portion of the claim that is not contested, deny the claim, or make an initial request for additional information. If a claim or a portion of a claim is contested, the insured or the insured's assignee must be notified in writing that the claim is contested and the reasons for the contest. Nothing in this notification precludes the insurer from denying the claim in whole or in part, for other reasons at a later date. Within fifteen business days of the receipt of the information initially requested, the insurer shall pay or deny the claim.

SECTION 25. Group health care coverage - Cooperative agreement allowed. The commissioner of insurance shall adopt rules to enable groups to form a cooperative that would allow those groups to purchase group health insurance coverage as one entity.

SECTION 26. A new section to chapter 50-24.1 of the North Dakota Century Code is created and enacted as follows:

Department to establish and administer state unified health insurance coverage plan. The department of human services may establish a state unified health insurance coverage plan to provide health insurance coverage to all persons eligible for medical assistance pursuant to section 50-24.1-02. The department may administer the plan or any public or private entity may contract with the department to administer the plan. The plan must provide insurance coverage of all benefits mandated by the Medicare Catastrophic Coverage Act of 1988 and all benefits provided under this chapter as well as coverage for long-term care and coverage of all prescription drugs. The department shall apply for federal funds to administer the plan based on estimates of the medical assistance eligible persons within this state.

SECTION 27. A new section to chapter 50-24.1 of the North Dakota Century Code is created and enacted as follows:

Definitions. As used in this chapter:

1. "County agency" means a county social service board.
2. "Department" means the department of human services.

SECTION 28. A new section to chapter 50-24.1 of the North Dakota Century Code is created and enacted as follows:

Health services for children and pregnant women.

1. As used in this section:

- a. "Eligible child" means a minor, or an adult with respect to the remaining days of the month in which the minor became an adult, whose countable income is less than one and sixty-three hundredths times the poverty line.
- b. "Eligible pregnant woman" means a woman who is pregnant and, if she was found eligible under this section while pregnant, a formerly pregnant woman for sixty days after the day the pregnancy ends and for the remaining days of the month in which the sixtieth day falls, whose countable income is less than one and sixty-three hundredths times the poverty line.
- c. "Health services" means any medical care provided under this chapter except nursing facility services, a level of care in a medical institution equivalent to that of nursing facility services, and services otherwise made available under 42 U.S.C. 1396n(c), (d), or (e).
- d. "Poverty line" means the income official poverty line as defined by the United States office of management and budget, and as revised annually in accordance with 42 U.S.C. 9847 and 42 U.S.C. 9902(2).

2. The department shall establish a health plan to provide health services to eligible children and eligible pregnant women. In addition to administering the health plan through county agencies,

the department may contract with any other governmental or private entity to administer any part of the plan.

3. The plan must encourage the use of physician's assistants, registered nurses with advanced licenses, and other licensed medical providers determined by the department to provide necessary and cost-effective services.
4. The department may set conditions under which medical providers may participate under the plan. The conditions must encourage the use of cost containment measures.
5. The department, within the limits of legislative appropriation, shall make payments to medical providers at rates and under conditions determined by the department.
6. The department shall provide for the payment of coinsurance amounts and deductible amounts, for an eligible child or an eligible pregnant woman who is covered under a group or individual health insurance coverage contract or policy, issued by an insurance company, nonprofit health service corporation, or health maintenance organization, when the department determines it to be cost effective.
7. The department shall make application forms and other information available to eligible provider offices, private and public human service agencies, school districts, private and public elementary schools, headstart facilities, community health offices, program sites for the women, infants, and children program, and other locations the department determines would facilitate the distribution of information and application forms. The department shall establish an outreach program to encourage potentially eligible persons to receive information about the plan and other medical care programs administered or supervised by the department.
8. The department may contract with any entity that receives application forms to accept an application, collect information necessary to determine eligibility under the plan, collect any enrollment fee that may be imposed, and forward the information to the department or to a county agency, as the department may direct.
9. If at any time it becomes lawful for a state medicaid agency to impose upon a medicaid applicant an enrollment fee or a sliding fee scale, with respect to the health services provided under this section, the department shall impose an enrollment fee or a sliding fee scale. If authority to impose an enrollment fee or a sliding fee scale is available only upon approval of a request for a waiver submitted to federal officials charged with the administration of the medical assistance program pursuant to 42 U.S.C. 1396 et seq., the department shall request a waiver. No deduction, cost sharing, or similar charge may be imposed for services furnished to an eligible child or services furnished to an eligible pregnant woman, if those services relate to the pregnancy or any other medical condition that may complicate the pregnancy, emergency services, or family planning services and supplies, and that any deduction, cost sharing, or similar charge, which may be imposed with respect to other services, must be nominal in amount, as provided by 42 U.S.C. 1396o. An enrollment fee, premium, or similar charge may not be imposed except as permitted under 42 U.S.C. 1396o(c). To the extent consistent with the requirements of federal law, the department shall impose an enrollment fee of fifty dollars, not to exceed one hundred fifty dollars per family, for each eligible child or eligible pregnant woman for whom an application for coverage for health services under this chapter is submitted. To the extent consistent with the requirements of federal law, the

department shall establish a sliding fee scale under which an eligible child or an eligible pregnant woman with higher income pays a larger proportion of the cost of services furnished under this section than does an eligible person with lower income. The department shall deposit fees collected under this section in the health services fund.

SECTION 29. Coordination - Evaluation - Waiver. The department of human services and the state department of health and consolidated laboratories shall coordinate related services including the women, infants, and children program, medicaid, and local public health services to maximize the use of the services and the funding available for those services. The state department of health and consolidated laboratories shall monitor the health consequences to the covered population with special emphasis on outcomes of perinatal care to assist in policy development.

SECTION 30. State health services fund - Uses - Contributions. The state health services fund is a special fund in the state treasury. Subject to appropriation by the legislative assembly, the department of human services may use moneys in the fund to administer the health plan established under section 28 of this Act or to facilitate the plan as the department determines to be necessary. Contributions to the fund must be deposited in the state treasury and credited to the state health services fund.

SECTION 31. A new subdivision to subsection 1 of section 57-38-01.2 of the 1991 Supplement to the North Dakota Century Code is created and enacted as follows:

Reduced by an amount equal to the premiums paid for long-term care insurance with benefits that meet or exceed minimum standards established by the commissioner of insurance.

SECTION 32. A new subsection to section 57-38-30.3 of the 1991 Supplement to the North Dakota Century Code is created and enacted as follows:

The amount of taxable income for an individual may be reduced by an amount equal to the premiums paid for long-term care insurance with benefits that meet or exceed minimum standards established by the commissioner of insurance.

SECTION 33. A new section to chapter 57-38 of the North Dakota Century Code is created and enacted as follows:

Optional contributions to state health services fund. An individual taxpayer may designate on that individual's tax return a contribution to the state health services fund of any amount of one dollar or more to be added to tax liability or deducted from any refund that would otherwise be payable by or to that individual. On the individual state income tax return for taxable years beginning after December 31, 1992, the tax commissioner shall notify the individual of this optional contribution opportunity. The amount of these optional contributions must be transferred by the tax commissioner to the state treasurer for deposit in the state health services fund for use as provided in section 30 of this Act.

NOTE: Renumber the lines, sections, and pages accordingly and correct the title.

The question being on the adoption of Division B of Reengrossed SB 2426, the roll was called and there were 35 YEAS, 61 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Berg, J.; Bodine; Boucher; Brodshaug; Cleary; Coats; Dobrinski; Glassheim; Goffe; Grumbo; Gulleason; Hanson; Hokana; Huether; Kaldor; Kerzman; Kilichowski; Kroeber; Laughlin; Mahoney;

Maragos; Mutzenberger; Nelson; Ness; Nichols; Oban; Pyle; Ring; Sitz; Stenson; Thorpe; Wentz; Wilkie

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

ABSENT AND NOT VOTING: Dalrymple; Kelsch

Division B of Rengrossed SB 2426 lost.

RULING BY THE SPEAKER

SPEAKER R. BERG RULED that in accordance with House Rule 319 because Division A and B failed, there would be no question before the House on Reengrossed SB 2426.

MOTIONS

REP. MARTINSON MOVED that all bills acted upon on the Sixth order today, with the exception of SB 2441, be messaged to the Senate immediately, which motion prevailed.

REP. MARTINSON MOVED that the time certain will be 12:30 p.m., Friday, March 19, 1993 for the consideration of amendments to SB 2351 and that immediately following the consideration of the amendments to SB 2351, SB 2351 be placed on the Fourteenth order for second reading and final passage, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on SB 2022: Reps. Hausauer, Kunkel, Huether.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on SB 2027: Reps. Rydell, Stenehjem, Cleary.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on SB 2028: Reps. Rydell, Christopherson, Bodine.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on SB 2048: Reps. Austin, Gorder, Brodshaug.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on SB 2082: Reps. Keiser, Jacobs, Stenson.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on SB 2083: Reps. Tollefson, Keiser, Mahoney.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on SB 2095: Reps. Bernstein, Froseth, Stenson.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on SB 2097: Reps. Shide, Keiser, Kilichowski.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on SB 2108: Reps. Dorso, Jacobs, Mahoney.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on SB 2144: Reps. DeWitz, Wentz, Wilkie.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on SB 2327: Reps. Kretschmar, Maragos, Gulletson.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on SB 2379: Reps. Torgerson, Gates, Goffe.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 4:00 p.m., March 18, 1993: HB 1025, HB 1041, HB 1042, HB 1049, HB 1067, HB 1077, HB 1078, HB 1125, HB 1141, HB 1152, HB 1153, HB 1154, HB 1156, HB 1171, HB 1173, HB 1176, HB 1177, HB 1185, HB 1233, HB 1235, HB 1243, HB 1253, HB 1301, HB 1319, HB 1331.

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

MADAM PRESIDENT: The Speaker has signed: SB 2436.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2004, SB 2016, SB 2060, SB 2074, SB 2096, SB 2227, SB 2255, SB 2265, SB 2279, SB 2287, SB 2306, SB 2394, SB 2486.

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

MADAM PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2397.

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

MADAM PRESIDENT: The House has amended and subsequently failed to pass: SB 2254, SB 2264, SB 2374.

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

MADAM PRESIDENT: The House has failed to pass: SB 2304.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SCR 4019.

REPORT OF CONFERENCE COMMITTEE

SCR 4019: Your Conference Committee (Sens. Kelsh, Tomac, Mutch and Reps. Rydell, Kelsch, Coats) recommends that the HOUSE RECEDE from the House amendments on HJ pages 277-278, adopt amendments as follows, and place SCR 4019 on the Seventh order:

That the House recede from its amendments as printed on pages 277-278 of the House Journal and page 230 of the Senate Journal, and that Senate Concurrent Resolution No. 4019 be amended as follows:

Page 1, line 2, after "compensation" insert "and directing the Legislative Council to study legislative employee pay scales to determine if inequities exist and study the feasibility and desirability of providing additional compensation to legislative employees based on prior employment by the Legislative Assembly"

Page 3, line 17, replace "partial pay only" with "estimated partial pay"

Page 3, line 18, replace "partial pay only" with "estimated partial pay"

Page 3, line 19, replace "partial pay only" with "estimated partial pay"

Page 5, after line 29, insert:

"Irma Holstrom, Telephone Attendant

58.00"

Page 6, line 11, replace "partial pay only" with "estimated partial pay"

Page 6, line 12, replace "partial pay only" with "estimated partial pay"

Page 6, line 13, replace "partial pay only" with "estimated partial pay"

Page 6, line 14, replace "partial pay only" with "estimated partial pay" and replace "41.00" with "41.36"

Page 6, after line 14, insert:

"**BE IT FURTHER RESOLVED**, that each employee of the Fifty-third Legislative Assembly who was employed by the Fifty-second Legislative Assembly is entitled to any additional per day compensation as was granted by the Fifty-second Legislative Assembly; and

BE IT FURTHER RESOLVED, that each employee who was not employed by the Fifty-second Legislative Assembly, but was employed by the Legislative Assembly during a previous regular legislative session during which that employee was paid for at least 45 days, as either an employee of the Senate or the House, is entitled to receive any additional per day compensation, to which the employee would have been entitled if the employee had been employed by the Fifty-second Legislative Assembly, and to receive the additional compensation, which may not exceed five dollars per day, that employee must certify to the Legislative Council the year of each regular session during which that employee was employed as required by this resolution; and"

Page 6, line 17, replace the period with "; and

BE IT FURTHER RESOLVED, that the Legislative Council study legislative employee pay scales to determine if inequities exist and study the feasibility and desirability of providing additional compensation to legislative employees based on prior employment by the Legislative Assembly; and

BE IT FURTHER RESOLVED, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Fifty-fourth Legislative Assembly."

Renumber accordingly

SCR 4019 was placed on the Seventh order of business on the calendar.

REPORT OF DELAYED BILLS COMMITTEE

MR. SPEAKER: Your Delayed Bills Committee (Rep. Martinson, Chairman) has examined and has cast a unanimous ballot in favor of a bill for an Act to amend and reenact subsection 8 of section 26.1-38.1-02 of the North Dakota Century Code, relating to including nonprofit health service corporations in the definition of member insurer under the life and health guaranty association.

The bill will be HB 1511.

REP. MARTINSON MOVED that the report be adopted, 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 and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 9:00 a.m., Friday, March 19, 1993, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2015, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (22 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2015 was placed on the Sixth order on the calendar.

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

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

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

Page 1, after line 15, insert:

"Mineral leasing refunds

266,000"

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

Page 2, after line 3, insert:

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

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 226 - LAND DEPARTMENT

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

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

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

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

REPORT OF STANDING COMMITTEE

SB 2018, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (22 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2018 was placed on the Sixth order on the calendar.

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

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

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

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

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

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

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

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

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

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

Page 2, line 11, replace "5,724,563" with "5,604,774"

Page 2, line 12, replace "69,648" with "62,683"

Page 2, line 17, replace "7,655,212" with "7,528,458"

Page 2, line 18, replace "2,051,058" with "2,033,090"

Page 2, line 19, replace "5,604,154" with "5,495,368"

Page 2, line 22, replace "13,058,831" with "12,784,512"

Page 2, line 23, replace "99,813" with "89,832"

Page 2, line 28, replace "20,212,725" with "19,928,425"

Page 2, line 29, replace "3,633,052" with "3,591,904"

Page 3, line 1, replace "16,579,673" with "16,336,521"

Page 3, line 4, replace "1,949,044" with "1,907,073"

Page 3, line 5, replace "30,000" with "27,000"

Page 3, line 8, replace "6,730,953" with "6,685,982"

Page 3, line 11, replace "3,374,424" with "3,305,093"

Page 3, line 12, replace "55,348" with "49,813"

Page 3, line 16, replace "5,493,540" with "5,418,674"

Page 3, line 17, replace "1,850,759" with "1,849,177"

Page 3, line 18, replace "3,642,781" with "3,569,497"

Page 3, line 19, replace "29,006,404" with "28,531,310"

Page 3, line 20, replace "16,124,446" with "16,012,679"

Page 3, line 21, replace "45,130,850" with "44,543,989"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 531 - CORRECTIONS CENTRAL OFFICE

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

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

DEPARTMENT 532 - COMMUNITY SERVICES

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

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

DEPARTMENT 533 - INDUSTRIAL SCHOOL

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

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

DEPARTMENT 534 - STATE PENITENTIARY

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

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

DEPARTMENT 535 - ROUGH RIDER INDUSTRIES

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

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

DEPARTMENT 536 - PAROLE AND PROBATION

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

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

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

REPORT OF STANDING COMMITTEE

SB 2020, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman)

recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (21 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2020 was placed on the Sixth order on the calendar.

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

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

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

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

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

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 140 - OFFICE OF ADMINISTRATIVE HEARINGS

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

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

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

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

REPORT OF STANDING COMMITTEE

SB 2056, as engrossed: Judiciary Committee (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2056 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subsections 1 and 2 of section 12.1-28-02,"

Page 1, line 8, after "to" insert "gambling offenses," and after "chance" insert a comma

Page 1, after line 10, insert:

"SECTION 1. AMENDMENT. Subsections 1 and 2 of section 12.1-28-02 of the 1991 Supplement to the North Dakota Century Code are amended and reenacted as follows:

1. It is an infraction to engage in gambling ~~on~~:

a. On private premises where the total amount wagered by an individual player exceeds twenty-five dollars per individual hand, game, or event; or

b. In a licensed liquor establishment where the total amount wagered per individual per week exceeds five dollars on professional sporting events and where there is less than a one hundred percent pay out to the participants.

2. It is a class A misdemeanor to:

- a. Sell, purchase, receive, or transfer a chance to participate in a lottery;
- b. Disseminate information about a lottery with intent to encourage participation in it; or
- c. Engage in gambling on private premises where the total amount wagered by an individual player exceeds five hundred dollars per individual hand, game, or event or where the amount wagered in a licensed liquor establishment by an individual player exceeds twenty-five dollars per professional game or event or where wagers are accepted on other than professional sporting events."

Page 7, after line 10, insert:

- "m. To the extent the net proceeds are used toward the primary purpose of a charitable, educational, religious, or public-spirited organization, that has obtained a final determination from the internal revenue service as qualifying for exemption from federal income tax under section 501(c)(3) of the Internal Revenue Code, the organization may establish a special trust fund as a contingency for funding or maintaining the organization's future program services should the organization discontinue conducting games of chance or dissolve. The commission may adopt rules for the establishment of special trust funds."

Page 16, after line 23, insert:

- "d. Unless a licensed entity changes its primary purpose or its basic character as set forth in subsection 2, it is entitled to relicensure in the same class as it was previously licensed."

Page 18, line 6, remove "and" and after "facilities" insert ", consultants, or attorneys"

Page 18, replace lines 28 and 29 with:

"The monetary fine for each violation by a manufacturer for failing to disclose true ownership on a license application, knowingly selling gaming equipment illegally in this state, or continued violations after notification by the attorney general or commission, may not exceed two hundred fifty thousand dollars. For other violations, monetary fines for each violation by a manufacturer may not exceed five thousand dollars or two percent of the manufacturer's average quarterly gross sales to licensed distributors for resale to organizations licensed to conduct charitable gaming in this state, whichever is greater."

Page 19, line 1, remove "thousand dollars."

Page 21, line 2, replace "eighty" with "one hundred"

Page 23, line 4, after "commission" insert ", after opportunity for the parties to be heard."

Page 24, line 24, overstrike "two" and insert immediately thereafter "twelve"

Page 24, line 26, overstrike "one dollar" and insert immediately thereafter "three dollars"

Page 24, line 27, overstrike "one dollar" and insert immediately thereafter "three dollars"

Page 27, line 17, after "and" insert "shall"

Page 28, line 12, after the second underscored comma insert "unless otherwise provided by the commission."

Page 30, line 28, replace "monitoring" with "controlling"

Page 33, line 8, replace "notes" with "footnotes"

Page 33, line 28, remove "and manufacturer's distributor of"

Page 33, line 29, remove "electronic-mechanical pull tab dispensing devices"

Page 34, line 1, after the underscored period insert "The license fee for a manufacturer's distributor is five hundred dollars."

Page 40, line 2, replace "game" with "games" and after "twenty-one" insert "or bingo"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2092, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends DO PASS (21 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2092 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2110: Appropriations Committee (Rep. Dalrymple, Chairman) recommends DO PASS (22 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2110 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2155: Judiciary Committee (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). SB 2155 was placed on the Sixth order on the calendar.

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

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

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

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

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

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

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

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

Page 1, after line 15, insert:

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

Page 2, after line 13, insert:

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

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

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

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

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

Page 3, after line 15, insert:

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

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

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

3. Unclaimed tickets and breakage from each live race meet and simulcast program as defined by the commission and the percentage of the wagering pool to be paid to the racing promotion fund under subsections 1 and 2 must be retained by the commission in a special fund to assist in improving and upgrading racetracks in the state, for the promotion of horse racing within the state, and in developing new racetracks in the state as necessary and approved by the commission. ~~Unclaimed tickets and breakage from the simulcast program, as defined by the commission, must be retained by the commission in a special fund to assist in improving and upgrading racetracks in the state, for the promotion of horse~~

~~racetracks within the state, and in developing new racetracks in the state as necessary and approved by the commission. Notwithstanding this section, the commission may, upon approval of the emergency commission, receive no more than twenty-five percent of this fund for the purpose of payment of operating expenses of the commission.~~

6. The racing commission shall deposit the moneys received pursuant to subsections 1, 2, and 3 and from the North Dakota horse racing foundation pursuant to section 3 of this Act in three special funds in the state treasury. These funds must be known as the breeders' fund, the purse fund, and the racing promotion fund. Moneys, and any earnings on the moneys, in the breeders' fund, purse fund, and racing promotion fund are appropriated to the commission on a continuing basis to carry out the purposes of those funds under this chapter and must be administered and disbursed in accordance with rules adopted by the commission.

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2295, as engrossed: Human Services Committee (Rep. Rydell, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2295 was placed on the Sixth order on the calendar.

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

Page 1, replace lines 6 through 13 with:

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

Page 2, replace lines 1 through 12 with:

- "5. "Third-party payer" means any insurer or other entity responsible for providing payment for health care services, including the workers compensation bureau, the comprehensive health association of North Dakota, and any self-insured entity.

SECTION 2. Application for cooperative agreements - Departmental review. A health care provider may negotiate a cooperative agreement with another health care provider or third-party payer if the likely benefits resulting from the agreement outweigh the disadvantages attributable to a reduction in competition that may result from the agreement. The parties to a cooperative agreement may apply to the department for a certificate of public advantage governing the agreement. The application must include an executed copy of the cooperative agreement and must describe the nature and scope of the cooperation in the agreement and any consideration passing to any party under the agreement. The applicants shall file a copy of the application and related materials with the attorney general and the

department. The department shall review the application and shall hold a public hearing on the application. The department shall grant or deny the application within ninety days of the date of filing of the application. The decision must be in writing and must set forth the basis for the decision. The department shall furnish a copy of the decision to the applicants, the attorney general, and any intervenor."

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

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

Page 2, replace lines 18 through 29 with:

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

1. In evaluating the potential benefits of a cooperative agreement to health care consumers, the department shall consider whether any of the following benefits may result from the cooperative agreement:
 - a. Enhancement of the quality of health care services provided to residents of this state;
 - b. Preservation of health care facilities in geographical proximity to the communities traditionally served by those facilities;
 - c. Gains in the cost efficiency of services provided by the parties involved;
 - d. Improvements in the utilization of health care resources and equipment; and
 - e. Avoidance of duplication of health care resources.
2. The department's evaluation of any disadvantages attributable to any reduction in competition likely to result from the agreement may include the following factors:
 - a. The extent of any likely adverse impact on the bargaining power of health maintenance organizations, preferred provider organizations, managed health care service agents, or other health care payers in negotiating payment and service arrangements with hospitals, physicians, allied health care professionals, or other health care providers;
 - b. The extent of any reduction in competition among physicians, allied health professionals, other health care providers, or persons furnishing goods or services to or in competition with providers or third-party payers that is likely to result directly or indirectly from the cooperative agreement;

- c. The extent of any likely adverse impact on patients in the quality, availability, and price of health care services; and
- d. The availability of arrangements that are less restrictive to competition and achieve the same benefits or a more favorable balance of benefits to health care consumers over disadvantages attributable to any reduction in competition likely to result from the agreement.

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

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

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

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

SECTION 7. Cooperative agreement enjoined - Automatic stay - Standards for adjudication. The attorney general may seek to enjoin the operation of a cooperative agreement for which an application for certificate of public advantage has been filed by filing suit against the parties to the cooperative agreement in district court. The attorney general may file an action before or after the department acts on the application for a certificate, but the action must be brought no later than forty days following the department's approval of an application for certificate of public advantage. Upon the filing of the complaint, the department's certification, if previously issued, must be stayed and the cooperative agreement is of no further force unless the court orders otherwise or until the action is concluded. The attorney general may apply to the court for ancillary temporary or preliminary relief necessary to stay the cooperative agreement pending final disposition of the case. In any action, the applicants for a certificate bear the burden of establishing by clear and convincing evidence that the likely benefits to health care consumers which result from the cooperative agreement outweigh any disadvantages attributable to a reduction in competition that may result from the agreement. The court shall review whether the agreement constitutes an unreasonable restraint of trade under state or federal law in assessing disadvantages attributable to a reduction in competition likely to result from the agreement.

SECTION 8. Cancellation of a certificate of public advantage.

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

SECTION 9. Resolution by consent decree - Attorney fees.

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

SECTION 10. Effective certification - Validity - Application.

A cooperative agreement for which a certificate of public advantage has been issued is a lawful agreement. If the parties to a cooperative agreement file an application for a certificate of public advantage governing the agreement with the department, the conduct of the parties in negotiating a cooperative agreement is lawful conduct. This section does not immunize any person for conduct in negotiating a cooperative agreement for which an application for a certificate of public advantage is not filed. If the department or the district court determines that the applicants have not established by clear and convincing evidence that the likely benefits to health care consumers which result from a cooperative agreement outweigh any disadvantage attributable to a potential reduction in competition resulting from the agreement, the agreement is invalid and has no force or effect. This section does not exempt hospitals or other health care providers from compliance with laws governing hospital cost reimbursement. This Act does not apply to any agreement among hospitals by which ownership or control over substantially all of the stock, assets, or activities of one or more previously licensed and operating hospitals is placed under the control of another licensed hospital or hospitals. Notwithstanding any provisions to the contrary, any improvements, construction, expansion, or acquisition of health care equipment or services approved as a condition of a cooperative agreement is not subject to laws governing certificate of need.

SECTION 11. Assessment to fund cooperative agreement evaluation process. The department shall establish an assessment to be paid by each party to a cooperative agreement. The aggregate amount of the

assessment for a cooperative agreement may not exceed forty thousand dollars. The parties shall pay the assessment to the department when the application for the cooperative agreement is submitted to the department. The department shall deposit the assessment in the general fund of the state treasury.

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

Page 3, remove lines 1 through 27

Page 4, remove lines 1 through 28

Page 5, remove lines 1 through 28

Page 6, remove lines 1 through 5

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2351, as reengrossed: Judiciary Committee (Rep. Kretschmar, Chairman) A MAJORITY of your committee (Reps. Kretschmar, Kelsch, Brown, Drovdal, Hagle, Klein, Skarphol, Wanzek) recommends DO PASS.

REPORT OF STANDING COMMITTEE

SB 2351, as reengrossed: Judiciary Committee (Rep. Kretschmar, Chairman) A MINORITY of your committee (Reps. Allmaras, Grumbo, Maragos, Mutzenberger, Ring, Sitz) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS.

Page 1, line 1, remove "to create and enact chapter 28-01.3 of the North Dakota"

Page 1, remove lines 2 through 4

Page 1, line 5, remove "damages; and" and after "Laws" insert "of North Dakota"

Page 1, remove line 6

Page 1, line 7, replace the comma with "; and to declare an emergency."

Page 1, remove line 8

Page 1, remove lines 10 through 21

Page 2, remove lines 1 through 29

Page 3, remove lines 1 through 29

Page 4, remove lines 1 through 28

Page 5, remove lines 1 through 29

Page 6, remove lines 1 through 29

Page 7, remove lines 1 through 23

Page 7, line 25, replace ", chapter 28-01.1 of the North Dakota Century Code, and section" with "of North Dakota is"

Page 7, remove line 26

Page 7, after line 27, insert:

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

Renumber accordingly

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

REPORT OF STANDING COMMITTEE

SB 2361, as engrossed: Judiciary Committee (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2361 was placed on the Sixth order on the calendar.

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

Page 1, after line 7, insert:

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

15-47-06. Election procedure in all school districts - Canvass of boards - Tie vote - Absent voters - Recounts. An election in a public school district, except as otherwise provided in this title, must be conducted and the votes must be canvassed in the manner provided by the laws of this state for the election of county officers. Immediately after the polls are closed, the judges shall count and canvass the votes for each office and within ~~twenty-four~~ forty-eight hours after the polls are closed, the returns must be signed by the judges and clerks of the election and filed with the business manager of the school district. If the election results in a tie, the business manager of the district immediately, and in writing, shall notify the candidates between whom the tie exists, and within three days after the election, and at a time agreed upon by the candidates, the election must be decided in the presence of the judges and clerks of election in a manner agreed upon by the candidates. A record of the proceedings must be made in the records of the business manager of the district. The school board shall canvass all election returns and shall declare the result of any election within three days of the election, and in the case of a tie, within three days of the breaking of the tie pursuant to this section. The result of the election must be entered upon the records of the board. The person receiving the highest number of votes for each office in the district must be declared elected. Absent voters' ballots must be available in any school district election in accordance with chapter 16.1-07. Section 16.1-16-01 applies to public school district elections, except the members of the school board not subject to a recount and not disqualified under subdivision c of subsection 2 of section 16.1-05-02 shall perform the duties of the recount board, the school district business manager shall perform the duties of the county auditor, the school board takes the place of the county canvassing board, and all expenses of the recount must be paid as provided in section 15-28-10."

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

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

Page 2, overstrike line 11

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

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

Page 2, remove the overstrike over lines 17 through 20

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

Page 2, remove the overstrike over line 22

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

Page 2, line 24, overstrike "must be"

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

Page 2, remove lines 26 and 27

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

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

Page 5, remove the overstrike over lines 11 through 14

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

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

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

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

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

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

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

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

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

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

e."

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

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

Page 14, after line 23, insert:

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

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

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

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

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

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

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

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

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

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

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

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

Page 24, overstrike line 21

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

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

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

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

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2390, as engrossed: Human Services Committee (Rep. Rydell, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2390 was placed on the Sixth order on the calendar.

Page 2, line 2, replace "eighty" with "ninety"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2487, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (17 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2487 was placed on the Sixth order on the calendar.

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

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

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

Page 2, after line 3, insert:

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

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 165 - ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

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

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

FIRST READING OF HOUSE BILL

Reps. Porter, Boucher and Sens. Evanson, Robinson introduced:

(Approved by the Delayed Bills Committee)

HB 1511: A BILL for an Act to amend and reenact subsection 8 of section 26.1-38.1-02 of the North Dakota Century Code, relating to including nonprofit health service corporations in the definition of member insurer under the life and health guaranty association.

Was read the first time and referred to the Human Services Committee.

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

ROY GILBREATH, Chief Clerk