

## JOURNAL OF THE HOUSE

## Fifty-sixth Legislative Assembly

\* \* \* \* \*

Bismarck, January 28, 1999

The House convened at 8:30 a.m., with Speaker Wald presiding.

The prayer was offered by Pastor Dennis Krey, Word of Faith Church, Bismarck.

The roll was called and all members were present except Representatives Brekke, Cleary, N. Johnson, Lemieux, and Solberg.

A quorum was declared by the Speaker.

**COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER**

This is to inform you that on January 27, 1999, I have signed the following: HB 1106 and HB 1109.

**THE HOUSE RECOGNIZED THE PRESENCE OF:**

Former Representative Gary Knell

**REQUEST**

**REP. LEMIEUX REQUESTED** that the record show that he was present for roll call, which request was granted.

**SIXTH ORDER OF BUSINESS**

**REP. DORSO MOVED** that the amendments on the Sixth order of business to HB 1028, HB 1188, HB 1202, HB 1304, HB 1360, HB 1390, and HB 1394 be adopted, which motion prevailed.

HB 1028, HB 1188, HB 1202, HB 1304, HB 1360, HB 1390, and HB 1394, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**SECOND READING OF HOUSE BILL**

**HB 1151:** A BILL for an Act to create and enact a new section to chapter 15-20.4 of the North Dakota Century Code, relating to a voluntary application for an authorization to operate a postsecondary educational institution; to amend and reenact sections 15-20.4-01, 15-20.4-02, 15-20.4-03, 15-20.4-04, 15-20.4-05, 15-20.4-09, 15-20.4-10, 15-20.4-11, 15-20.4-12, 15-20.4-13, and 15-20.4-14 of the North Dakota Century Code, relating to authorization to operate postsecondary educational institutions and approval of agent permits; 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 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Guleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Brekke; Cleary; Johnson, N.; Solberg

Engrossed HB 1151 passed, the title was agreed to, and the emergency clause was declared carried.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1180:** A BILL for an Act to amend and reenact subsection 1 of section 35-13-02, section 35-20-16, subsection 2 of section 35-34-04, subsection 2 of section 35-34-06, subsections 3, 5, and 6 of section 41-09-46, sections 57-38-49, 57-38-50, subsections 3, 4, and 6 of section 57-39.2-13, subsections 3, 4, and 6 of section 57-40.2-16, subsections 2, 3, and 4 of section 57-40.3-07.1, subsections 3, 4, and 6 of section 57-43.1-17.4, subsections 3, 4, and 6 of section 57-43.2-16.3, and subsections 2 and 3 of section 57-51-11 of the North Dakota Century Code, relating to the filings indexed in the central indexing system.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 4 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Guleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Mickelson; Monson; Mueller; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Stefanowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** DeKrey; Meyer; Nelson; Weisz

**ABSENT AND NOT VOTING:** Brekke; Cleary; Johnson, N.; Solberg

Engrossed HB 1180 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1186:** A BILL for an Act to amend and reenact sections 15-10-14.1, 15-10-17, and 15-62.3-01 of the North Dakota Century Code, relating to higher education reports, powers and duties of the state board of higher education, and definitions for the tuition assistance grant program; and to repeal sections 15-10-17.1, 15-10-18.1, 15-10-20, 15-10-23, 15-10-25.1, 15-10-34, 15-11-02, 15-11-05, 15-11-07, 15-11-21, 15-11-23, 15-11-24, 15-11-25, 15-11-31, 15-12-05, 15-12-13, 15-12-14, 15-12-15, 15-12-16, 15-12-17, 15-12-19, 15-13-05, 15-13-06, 15-13-07, 15-13-08, 15-13-09, 15-13-10, 15-13-11, and 15-13-12 of the North Dakota Century Code, relating to conduct of students, waiver of tuition for youth correctional center graduates, tuition at model schools, lease of building sites, out-of-state travel, authorization of contingency funds, colleges that may be united with the state university, courses of instruction, persons eligible as students, furnishing of supreme court reports to the law school, location of the university of North Dakota alumni building, control over the alumni building, contract for heat and light at the alumni building, assembly hall at the university, annual faculty report to state board of higher education, economic survey, state director of economic survey, collection of mineral samples, publishing of economic maps, publishing of agricultural experiment station reports, name of economic survey, annual report of normal school president, normal school degrees, separate funds for normal schools, normal schools' students' loan funds, administration of students' loan funds, participation in students' loan funds, rules governing students' loan funds, authorization to pledge rentals from residential units, and a dormitory at Mayville state university.

**ROLL CALL**

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

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Guleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price;

Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Weisz; Wentz; Wikenheiser; Speaker Wald

**NAYS:** Nichols; Warner; Winrich

**ABSENT AND NOT VOTING:** Brekke; Delzer; Johnson, N.; Solberg

Engrossed HB 1186 passed and the title was agreed to.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1031:** A BILL for an Act to create and enact a new subsection to section 12.1-32-15 of the North Dakota Century Code, relating to the sentencing of sexual offenders and individuals who commit a crime against a child; and to amend and reenact section 39-06-14 of the North Dakota Century Code, relating to information on an operator's license and the qualifications for an operator's license.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 7 YEAS, 88 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Boehm; Boucher; Dalrymple; Gorder; Herbel; Renner; Thoreson, L.

**NAYS:** Aarsvold; Belter; Berg; Bernstein; Brandenburg; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Henegar; Hoffner; Huether; Jensen; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemm; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Brekke; Johnson, N.; Solberg

HB 1031 was declared lost.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1074:** A BILL for an Act to amend and reenact subsection 5 of section 43-29-01.1, subsection 1 of section 43-29-07, subsections 2 and 3 of section 43-29-07.1, and subsection 2 of section 43-29-07.2 of the North Dakota Century Code, relating to examination and licensure of veterinarians and veterinary technicians.

### ROLL CALL

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

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brusegaard; Byerly; Carlisle; Clark; Cleary; Dalrymple; DeKrey; Delmore; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemm; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Carlson; Delzer; Meyer

**ABSENT AND NOT VOTING:** Brekke; Johnson, N.; Solberg

HB 1074 passed and the title was agreed to.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1191:** A BILL for an Act to amend and reenact section 15-21-13.1 of the North Dakota Century Code, or in the alternative to amend and reenact section 15.1-02-08 of the North Dakota Century Code, relating to the reporting of travel expenditures by school districts.

### 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 22 YEAS, 72 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Cleary; Ekstrom; Fairfield; Grumbo; Gulleson; Hanson; Hoffner; Huether; Kelsh, S.; Kerzman; Kroeber; Lemieux; Nichols; Niemeier; Rose; Sandvig; Schmidt; Stefonowicz; Thorpe; Winrich

**NAYS:** Belter; Berg; Bernstein; Boehm; Brandenburg; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Gunter; Haas; Hawken; Henegar; Herbel; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Klein; Klemin; Kliniske; Koppang; Koppelman; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Severson; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Speaker Wald

**ABSENT AND NOT VOTING:** Brekke; Jensen; Johnson, N.; Solberg

HB 1191 was declared lost.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1192:** A BILL for an Act to create and enact a new section to chapter 15-28 of the North Dakota Century Code or in the alternative to create and enact a new section to chapter 15.1-09 of the North Dakota Century Code, relating to the employment of legal counsel by school boards.

### 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 25 YEAS, 69 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Boucher; Cleary; Ekstrom; Fairfield; Froelich; Glassheim; Grumbo; Gulleson; Hanson; Hoffner; Huether; Kelsh, S.; Kerzman; Kroeber; Lemieux; Lundgren; Metcalf; Mueller; Niemeier; Nowatzki; Rose; Sandvig; Schmidt; Thorpe; Winrich

**NAYS:** Aarsvold; Belter; Berg; Boehm; Brandenburg; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Froseth; Galvin; Gorder; Grande; Grosz; Gunter; Haas; Hawken; Henegar; Herbel; Jensen; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Klein; Klemin; Kliniske; Koppang; Koppelman; Lloyd; Mahoney; Maragos; Martinson; Meyer; Mickelson; Monson; Nelson; Nicholas; Nichols; Nottestad; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Severson; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Speaker Wald

**ABSENT AND NOT VOTING:** Bernstein; Brekke; Johnson, N.; Solberg

HB 1192 was declared lost.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1193:** A BILL for an Act to amend and reenact sections 26.1-45-04, 26.1-45-04.1, and 26.1-45-09 of the North Dakota Century Code, relating to disclosures made to purchasers of long-term care insurance policies.

**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 17 YEAS, 77 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Delmore; Ekstrom; Fairfield; Grumbo; Gulleon; Hoffner; Kelsh, S.; Kerzman; Meyer; Niemeier; Rose; Sandvig; Schmidt; Thorpe; Warner

**NAYS:** Belter; Berg; Bernstein; Boehm; Brandenburg; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Huether; Jensen; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Severson; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Brekke; Johnson, N.; Lemieux; Solberg

HB 1193 was declared lost.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1198:** A BILL for an Act to amend and reenact section 23-06.2-05 and subsection 1 of section 39-06-14 of the North Dakota Century Code, relating to an individual's decision to be an organ donor.

**ROLL CALL**

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

**YEAS:** Aarsvold; Bernstein; Keiser; Kelsch, R.; Klemin; Lemieux; Lundgren; Maragos; Svedjan; Tollefson; Winrich

**NAYS:** Belter; Berg; Boehm; Boucher; Brandenburg; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Kelsh, S.; Kempenich; Kerzman; Klein; Kliniske; Koppang; Koppelman; Kroeber; Lloyd; Mahoney; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Stefonowicz; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Warner; Weisz; Wentz; Wikenheiser; Speaker Wald

**ABSENT AND NOT VOTING:** Brekke; Grosz; Johnson, N.; Solberg

HB 1198 was declared lost.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1204:** A BILL for an Act to provide for a state-owned airline; to amend and reenact subsection 2 of section 28-32-01 of the North Dakota Century Code, relating to administrative agencies; and to provide a continuing appropriation.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 32 YEAS, 63 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Brandenburg; Dalrymple; Delmore; Disrud; Ekstrom; Fairfield; Glassheim; Grumbo; Gunter; Hawken; Hoffner; Huether; Jensen; Johnson, D.; Kelsh, S.; Lemieux; Mahoney; Maragos; Nicholas; Nichols; Niemeier; Nottestad; Schmidt; Svedjan; Sveen; Thoreson, L.; Thorpe; Warner; Wentz; Winrich

**NAYS:** Belter; Berg; Bernstein; Boehm; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delzer; Devlin; Dorso; Drovdal; Eckre; Froelich; Froseth; Galvin; Gorder; Grande; Grosz; Gulleson; Haas; Hanson; Henegar; Herbel; Keiser; Kelsch, R.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lloyd; Lundgren; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Severson; Stefanowicz; Thoreson, B.; Timm; Tollefson; Weisz; Wikenheiser; Speaker Wald

**ABSENT AND NOT VOTING:** Brekke; Johnson, N.; Solberg

HB 1204 was declared lost.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1205:** A BILL for an Act to provide for the accessibility of sexual offender and crimes against children information to law enforcement 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 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Stefanowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Brekke; Johnson, N.; Solberg

HB 1205 passed and the title was agreed to.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1235:** A BILL for an Act to amend and reenact section 40-18-22 of the North Dakota Century Code, relating to continuing education for municipal judges.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Stefanowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Brekke; Johnson, N.; Solberg

HB 1235 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1237:** A BILL for an Act to amend and reenact section 29-17-11 of the North Dakota Century Code, relating to forming a jury; and to repeal section 29-17-09 of the North Dakota Century Code, relating to completing a jury panel.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovda; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Guleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Stefanowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Brekke; Johnson, N.; Solberg

HB 1237 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1248:** A BILL for an Act to amend and reenact section 61-32-03 of the North Dakota Century Code, relating to drainage of sheetwater.

**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 70 YEAS, 25 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Boehm; Boucher; Brandenburg; Brusegaard; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovda; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Grosz; Grumbo; Guleson; Haas; Hanson; Huether; Jensen; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Kroeber; Lemieux; Lundgren; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Porter; Price; Renner; Rennerfeldt; Sandvig; Schmidt; Severson; Stefanowicz; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wikenheiser; Speaker Wald

**NAYS:** Berg; Bernstein; Byerly; Carlisle; Carlson; Clark; Dalrymple; Glassheim; Gorder; Grande; Gunter; Hawken; Henegar; Herbel; Hoffner; Koppelman; Lloyd; Mahoney; Poolman; Rose; Svedjan; Sveen; Thoreson, B.; Wentz; Winrich

**ABSENT AND NOT VOTING:** Brekke; Johnson, N.; Solberg

HB 1248 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1288:** A BILL for an Act to provide a bill of rights for children who are deaf or hard of hearing.

**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 10 YEAS, 84 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Ekstrom; Fairfield; Hanson; Kelsh, S.; Kroeber; Maragos; Thorpe; Warner

**NAYS:** Belter; Berg; Bernstein; Boehm; Brandenburg; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovda;

Eckre; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Lemieux; Lloyd; Lundgren; Mahoney; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Stefanowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Brekke; Johnson, N.; Nicholas; Solberg

HB 1288 was declared lost.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1289:** A BILL for an Act relating to the licensure of interpreters for the deaf and hard of hearing; to provide a penalty; to provide a continuing appropriation; and to provide an effective date.

### ROLL CALL

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

**YEAS:** Cleary; Ekstrom; Hanson; Maragos

**NAYS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Stefanowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Brekke; Johnson, N.; Solberg

HB 1289 was declared lost.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1305:** A BILL for an Act to provide for consumer access to credit report information; and to provide a penalty.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 39 YEAS, 55 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boehm; Boucher; Brandenburg; Delmore; Eckre; Ekstrom; Fairfield; Froelich; Glassheim; Gulleson; Hanson; Hoffner; Johnson, D.; Kelsh, S.; Kerzman; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Metcalf; Meyer; Mueller; Nelson; Nichols; Niemeier; Nowatzki; Renner; Rose; Sandvig; Schmidt; Stefanowicz; Thorpe; Warner; Wentz; Winrich

**NAYS:** Belter; Berg; Bernstein; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delzer; Devlin; Disrud; Dorso; Drovdal; Froseth; Galvin; Gorder; Grande; Grosz; Grumbo; Gunter; Haas; Hawken; Henegar; Herbel; Huether; Jensen; Keiser; Kelsch, R.; Kempenich; Klein; Klemin; Kliniske; Koppang; Martinson; Mickelson; Monson; Nicholas; Nottestad; Pollert; Poolman; Porter; Price; Severson; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Weisz; Wikenheiser; Speaker Wald

**ABSENT AND NOT VOTING:** Brekke; Johnson, N.; Rennerfeldt; Solberg



HB 1305 was declared lost.

\*\*\*\*\*

**SECOND READING OF HOUSE CONCURRENT RESOLUTIONS ON CONSENT  
CALENDAR**

**HCR 3002:** A concurrent resolution directing the Legislative Council to study American Indian long-term care and case management needs, access to appropriate services, and the functional relationship between state service units and the North Dakota American Indian reservation service systems.

**HCR 3005:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of facilitating pro se representation in domestic relations matters.

**HCR 3010:** A concurrent resolution urging the Citizens Stamp Advisory Committee to approve for release a stamp honoring Louis L'Amour.

**HCR 3016:** A concurrent resolution directing the Legislative Council to study the qualifications, standards, and the monitoring requirements for guardianship services for incapacitated persons.

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

HCR 3002, HCR 3005, Engrossed HCR 3010, and HCR 3016 were declared adopted on a voice vote.

\*\*\*\*\*

**MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1050, HB 1057, HB 1201, HB 1218, HB 1227.

**MOTION**

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

**MOTION**

**REP. MONSON MOVED** that the House be on the Fifth, Ninth, Twelfth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Friday, January 29, 1999, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1136: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1136 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 65-02 of the North Dakota Century Code, relating to managed care for workers' compensation;" and after "reenact" insert "subsection 4 of section 26.1-26.4-02 and"

Page 1, line 2, after "relating" insert "to the definition of utilization review and" and after "agents" insert "; and to provide an effective date"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Subsection 4 of section 26.1-26.4-02 of the North Dakota Century Code is amended and reenacted as follows:

4. "Utilization review" means a system for prospective and concurrent review of the necessity and appropriateness in the allocation of health care resources and services that are subject to state insurance regulation and which are given or proposed to be given to an individual within this state. Utilization review does not include elective requests for clarification of coverage."

Page 1, after line 10, insert:

**"SECTION 3.** A new section to chapter 65-02 of the North Dakota Century Code is created and enacted as follows:

Licensure required for psychologists and physicians performing utilization review. Psychologists making utilization review determinations under sections 65-02-20 and 65-02-21 shall have current licenses from the state board of psychologist examiners. Physicians making utilization review determinations under 65-02-20 and 65-02-21 shall have current licenses from the state board of medical examiners. This requirement does not apply to psychologists or physicians conducting independent medical examinations under section 65-05-28.

**SECTION 4. EFFECTIVE DATE.** Section 2 of this Act becomes effective on August 1, 2000."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1153: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1153 was placed on the Sixth order on the calendar.

Page 3, line 17, remove ", bearing the excise tax stamp of the state"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1155: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1155 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "a new chapter to title 64 and"

Page 1, line 2, remove "public service commission regulation of"

Page 1, line 3, remove "price scanners and", replace "sections" with "section", and remove the comma

Page 1, line 4, remove "and 64-02-10", replace "price scanners," with "the definition of", and replace the third comma with a period

Page 1, remove line 5

Page 1, remove lines 7 through 23

Page 2, remove lines 1 and 2

Page 2, remove lines 18 through 31

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 8

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1161: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1161 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1175: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1175 was placed on the Sixth order on the calendar.

Page 1, line 4, remove "26.1-26-02,"

Page 5, line 12, remove the overstrike over "~~limited insurance~~"

Page 5, line 13, remove the overstrike over "~~representatives,~~"

Page 5, remove lines 17 through 31

Page 6, remove lines 1 through 13

Page 8, line 18, remove the overstrike over "~~act as a limited insurance representative~~" and remove "write only a"

Page 8, line 19, remove "specific product type"

Page 8, line 26, after "~~that~~" insert "to market a specific product type"

Page 8, line 27, remove the overstrike over "~~the~~" and remove "an agent's"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1176: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1176 was placed on the Sixth order on the calendar.

Page 3, line 14, after "account" insert a comma and after "between" insert ", as"

Page 3, line 22, replace "An excess of capital, net" with "Net" and remove the second comma

Page 11, line 25, replace "in" with "is"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1178: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1178 was placed on the Sixth order on the calendar.

Page 1, line 2, after "to" insert "medicare provider-sponsored organizations and" and remove "and paid-up life"

Page 1, line 3, remove "insurance policies"

Page 1, line 5, replace "sections" with "section"

Page 1, line 6, after the first comma insert "subsection 8 of section 26.1-47-01," and after "and" insert "section"

Page 5, after line 2, insert:

**"SECTION 9. AMENDMENT.** Subsection 8 of section 26.1-47-01 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

8. "Preferred provider ~~agreement~~ arrangement" means a contract between the health care insurer and one or more health care providers which complies with all the requirements of this chapter."

Page 5, line 24, after "contract" insert "without cause"

Page 5, line 29, after "commissioner" insert "within ten days of implementing the arrangements. If the preferred provider arrangement does not meet the requirements of this chapter, the commissioner may declare the contract void and disapprove the preferred provider arrangement" and remove "approval of"

Page 6, line 2, after the underscored period insert "This subsection does not prohibit a preferred provider arrangement from including capitation payments or shared-risk arrangements authorized under subdivision a of subsection 1 which are not tied to specific medical decisions with respect to a patient."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1211: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1211 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subsection 4 of"

Page 1, line 4, replace "Section" with "Subsection 4 of section"

Page 1, remove lines 6 through 24

Page 2, remove lines 1 through 11

Page 2, line 17, replace the second "a" with "the"

Page 2, line 18, replace "as required" with "provided for"

Page 2, remove lines 20 through 29

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1219: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO NOT PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1219 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1230: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1230 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**HB 1238: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1238 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1254: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1254 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1281: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1281 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1284: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1284 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1299: Human Services Committee (Rep. Price, Chairman)** recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1299 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1301: Human Services Committee (Rep. Price, Chairman)** recommends **DO NOT PASS** (8 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1301 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1302: Human Services Committee (Rep. Price, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1302 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**HB 1307: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1307 was placed on the Sixth order on the calendar.

Page 1, line 1, after "57-38.3-02" insert "and subsection 1 of section 57-38.3-05"

Page 1, line 8, remove "a housing authority created under section 23-11-02."

Page 1, line 9, replace "section" with "chapter"

Page 1, line 10, replace "54-17-07.3" with "54-17, or a housing authority created under section 23-11-02, except that the Grand Forks housing authority is deemed the claimant agency for all housing authorities for the purposes of submitting debtor information to the tax commissioner for fund transfers and for providing notice to the debtor as required by section 57-38.3-05"

Page 1, after line 10, insert:

**"SECTION 2. AMENDMENT.** Subsection 1 of section 57-38.3-05 of the North Dakota Century Code is amended and reenacted as follows:

1. Within a time specified by the commissioner, a claimant agency seeking to collect a debt through setoff shall supply the information necessary, in a form and in the manner prescribed by the commissioner, to identify each debtor whose refund is sought to be set off and certify the amount of the debt or debts owed by each ~~such~~ debtor."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1325: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1325 was placed on the Sixth order on the calendar.

Page 1, line 3, after the semicolon insert "to amend and reenact section 65-02-23 of the North Dakota Century Code as amended by section 3 of House Bill No. 1331 and the new section to chapter 65-03 of the North Dakota Century Code as created by section 2 of House Bill No. 1296, as approved by the fifty-sixth legislative assembly;"

Page 2, after line 10, insert:

**"SECTION 3. AMENDMENT.** If House Bill No. 1331 becomes effective, section 65-02-23 of the North Dakota Century Code, as amended by section 3 of House Bill No. 1331, is amended and reenacted as follows:

**65-02-23. Workers' compensation fraud unit - Continuing appropriation.**

The bureau shall establish a workers' compensation fraud unit. The bureau may employ investigators and licensed attorneys, or contract with a private investigator whenever feasible or cost effective, to investigate and review any alleged case of fraud against the fund by employers, injured workers, or providers of medical or other services, including activities described under section 65-04-14 or 65-05-33. The unit shall refer cases of fraud to the bureau for the imposition of administrative penalties and may refer them to the appropriate authorities for prosecution. Money in the workers' compensation fund is appropriated on a continuing basis for payment of costs associated with identifying, preventing, and investigating employer or provider fraud. The biennial independent performance ~~audit~~ evaluation of the bureau must evaluate and report on the effectiveness of these expenditures. The bureau may establish a process to charge investigative costs against the rate class of an employer being investigated and to credit any recoveries to that rate class."

Page 3, line 12, remove "**performance**" and overstrike "**audit**" and insert immediately thereafter "**performance evaluation**"

Page 3, line 15, overstrike "audit" and insert immediately thereafter "evaluation"

Page 3, line 17, overstrike "audit" and insert immediately thereafter "evaluation"

Page 3, line 19, overstrike "audit" and insert immediately thereafter "evaluation"

Page 3, line 22, overstrike "the auditor" and insert immediately thereafter "a representative of the firm" and overstrike "audit" and insert immediately thereafter "evaluation"

Page 3, line 25, remove "performance" and overstrike "audit" and insert immediately thereafter "performance evaluation"

Page 3, line 26, remove "performance" and overstrike "audit" and insert immediately thereafter "performance evaluation"

Page 3, line 28, remove "performance" and overstrike "audit" and insert immediately thereafter "performance evaluation"

Page 3, line 30, replace "audit" with "evaluation"

Page 3, after line 30, insert:

**"SECTION 6. AMENDMENT.** If House Bill No. 1296 becomes effective, the new section to chapter 65-03 of the North Dakota Century Code, as created by section 2 of House Bill No. 1296, is amended and reenacted as follows:

**Safety programs.** The bureau shall create and operate work safety and loss prevention programs to protect the health of covered employees and the financial integrity of the fund, including programs promoting safety practices by employers and employees through education, training, consultation, grants, or incentives. The biennial independent performance ~~audit~~ evaluation of the bureau must evaluate and report on the effectiveness of these programs."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1332: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1332 was placed on the Sixth order on the calendar.

Page 10, line 22, overstrike "reasonably" and after "to" insert "reasonably"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1333: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1333 was placed on the Sixth order on the calendar.

Page 2, line 24, replace "regarding" with "compiled and analysis performed pursuant to a managed care program which relate to", replace "and" with "or", and replace "medical" with "health care"

Page 2, line 25, replace "gathered or compiled by the bureau is" with "are" and replace the second "is" with "are"

Page 2, line 26, after "inspection" insert "to the extent the information and analysis identify a specific health care provider", replace "other than" with "except", after the first "to" insert "the specific health care provider", and after "employees" insert an underscored comma

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1367: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1367 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "ten" with "sixty"

Page 1, line 8, overstrike the comma, after "~~upon~~" insert "or within thirty days of receipt of a written", and remove the overstrike over "~~demand of the owner of the property,~~" and insert immediately thereafter "whichever is shorter,"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1455: Appropriations Committee (Rep. Dalrymple, Chairman)** recommends **DO NOT PASS** (18 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1455 was placed on the Eleventh order on the calendar.

#### MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2110, SB 2130, SB 2199, SB 2334, SCR 4004.

#### MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

**MR. SPEAKER:** The Senate has passed unchanged: HB 1054.

#### FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Reps. Froelich, Meyer introduced:

**HCR 3031:** A concurrent resolution urging Congress to encourage the formation of new legislative or administrative initiatives to extend insurance options, similar to crop insurance options, to livestock producers.

Was read the first time and referred to the **Agriculture Committee**.

Reps. Boucher, Rose and Sens. DeMers, Heitkamp introduced:

**HCR 3032:** A concurrent resolution to create and enact a new section to article X of the Constitution of North Dakota, relating to creation of a health and education trust fund.

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

Reps. Solberg, Drovdal, Kerzman, Meyer, Stefonowicz and Sen. Lyson introduced:

**HCR 3033:** A concurrent resolution urging Congress to raise the cap on marketing loans available to farmers and to adopt a cost of production index adjustment mechanism.

Was read the first time and referred to the **Agriculture Committee**.

Rep. Lemieux introduced:

**HCR 3034:** A concurrent resolution directing the Legislative Council to study the impact on state and local government entities and on businesses of having the state divided between two time zones.

Was read the first time and referred to the **Political Subdivisions Committee**.

Reps. Lemieux, Meyer introduced:

**HCR 3035:** A concurrent resolution urging the Environmental Protection Agency and the Congress of the United States to increase resources for and efforts of the U.S.-Canada Technical Working Group to harmonize pesticide regulations between the two countries, to commit more resources and efforts toward establishing tolerances for pesticides registered for use in Canada but not in the United States, and to accept registration data currently accepted by Canadian officials in support of Canadian pesticide registrations.

Was read the first time and referred to the **Agriculture Committee**.

Rep. Boucher introduced:

**HCR 3036:** A concurrent resolution for the amendment of section 9 of article I of the Constitution of North Dakota, relating to judicial review of governmental determinations that impact a person's property or activities.

Was read the first time and referred to the **Judiciary Committee**.

Reps. Warner, Nelson and Sen. Heitkamp introduced:

**HCR 3037:** A concurrent resolution urging Congress to review the North American Free Trade Agreement and the General Agreement on Tariffs and Trade and amend those portions of the agreements that treat North Dakota agricultural producers inequitably or repeal the agreements in their entirety.

Was read the first time and referred to the **Agriculture Committee**.

Reps. Monson, D. Johnson, Nowatzki and Sen. Heitkamp introduced:

**HCR 3038:** A concurrent resolution urging Congress to acknowledge the difference between the hallucinogenic drug known as marijuana and the agricultural crop known as industrial hemp; to acknowledge that allowing and encouraging farmers to produce industrial hemp will improve the balance of trade by promoting domestic sources of industrial hemp; and to assist United States producers by clearly authorizing the

commercial production of industrial hemp and by being the leading advocate for the industrial hemp industry.

Was read the first time and referred to the **Agriculture Committee**.

Reps. Berg, Kempenich, Lemieux introduced:

**HCR 3039:** A concurrent resolution urging Congress to enact legislation to return adequate funds to states to fund the employment security system and give a fair return to employers for the taxes employers pay under the Federal Unemployment Tax Act.

Was read the first time and referred to the **Finance and Taxation Committee**.

Reps. Wald, Belter, Grosz and Sens. Kinnoin, Solberg, Wardner introduced:

**HCR 3040:** A concurrent resolution urging Congress to make the federal income tax fairer, simpler, flatter, lower, and subject to fewer exceptions and special interest provisions.

Was read the first time and referred to the **Finance and Taxation Committee**.

Rep. Grosz and Sen. Traynor introduced:

**HCR 3041:** A concurrent resolution urging the Environmental Protection Agency to reduce gasoline sulfur levels to provide the flexibility of a regional approach that will maximize air quality benefits and to propose regulations reducing vehicle admissions in recognition that fuels and vehicles work in tandem and neither fuels nor vehicles can be addressed in isolation.

Was read the first time and referred to the **Natural Resources Committee**.

Rep. Gunter introduced:

**HCR 3042:** A concurrent resolution to create and enact a new section to article X of the Constitution of North Dakota, relating to the allocation of funds from settlements with tobacco product manufacturers.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Reps. Price, Rose and Sen. Lee introduced:

**HCR 3043:** A concurrent resolution directing the Legislative Council to study the Uniform Rights of the Terminally Ill Act, the durable power of attorney for health care laws for this state, and the durable power of attorney for health care laws of other states and the feasibility of creating one comprehensive advanced directive law addressing all aspects of health care advance planning.

Was read the first time and referred to the **Judiciary Committee**.

Reps. Disrud, Ekstrom and Sen. Bercier introduced:

**HCR 3044:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of supporting development of the state's wind energy resources.

Was read the first time and referred to the **Natural Resources Committee**.

#### FIRST READING OF SENATE BILLS

**SB 2110:** A BILL for an Act to create and enact a new section to chapter 32-12.2 of the North Dakota Century Code, relating to establishment of a risk management motor vehicle accident review board; and to amend and reenact subdivision a of subsection 2 of section 28-32-01 of the North Dakota Century Code, relating to an exemption from the Administrative Agencies Practices Act.

Was read the first time and referred to the **Transportation Committee**.

**SB 2130:** A BILL for an Act to amend and reenact sections 11-14-18, 11-22-04, 11-28.3-11, 16.1-14-15, 18-11-22, 23-30-09, 26.1-21-09, 36-15-09, 36-22-09, 44-09-26, 48-02-07, 49-17.2-27, 54-10-03, 54-10-14, 54-10-19, 61-03-03, and 61-03-18 of the North Dakota Century Code, relating to the duties of the state auditor; and to repeal section 25-07-09 of the North Dakota Century Code, relating to the collection of clothing account at the school for the deaf.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

**SB 2199:** A BILL for an Act to create and enact a new section to chapter 15-34.1 of the North Dakota Century Code, relating to participation in extracurricular activities by students receiving home education; and to amend and reenact subsection 4 of section 15-34.1-06 of the North Dakota Century Code, relating to home education.

Was read the first time and referred to the **Education Committee**.

**SB 2334:** A BILL for an Act to create and enact two new sections to chapter 57-20 of the North Dakota Century Code, relating to notice and preservation of tax liens; to amend and reenact sections 11-11-13, 11-13-07, 11-27-08, 15-08-19, 21-02-01, 32-31-01, 32-31-02, 32-31-03, subsection 60 of section 40-05-01, section 40-25-03, subsection 3 of section 57-02-08, sections 57-20-13, 57-22-22, 57-23-07, 57-25-01, 57-25-02, 57-25-04, 57-25-05, 57-28-01, 57-28-02, 57-28-03, 57-28-04, 57-28-05, 57-28-06,



57-28-07, 57-28-08, 57-28-09, 57-28-10, 57-28-14, 57-28-18, 57-28-19, 57-28-19.1, 57-28-22, 57-28-23, 57-29-01, 57-45-05, 57-45-11, 57-45-12, 61-01-21, 61-07-05, 61-09-15, 61-16.1-31, 61-21-52, and 61-35-87 of the North Dakota Century Code, relating to sales of property for delinquent taxes and provisions for foreclosure of tax liens for unpaid property taxes; to repeal sections 40-25-04, 40-25-05, 40-25-08, 40-25-09, 40-25-10, 57-20-24, 57-20-25, chapters 57-24, 57-26, 57-27, and section 57-28-21 of the North Dakota Century Code, relating to sales of property for delinquent taxes; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

**FIRST READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4004:** A concurrent resolution directing the Legislative Council to study the possibility of creating an incentive package to assist rural communities and nursing facilities in closing or significantly reducing bed capacity and providing alternative long-term care services.

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

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

**LANCE HAGEN, Chief Clerk**