

## JOURNAL OF THE HOUSE

## Fifty-fifth Legislative Assembly

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Bismarck, February 18, 1997

The House convened at 8:00 a.m., with Speaker Timm presiding.

The prayer was offered by the Rev. Jonathan Kelly, Midway Community Church, Gilby.

The roll was called and all members were present except Representative Rennerfeldt.

A quorum was declared by the Speaker.

**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 2029, SB 2047, SB 2124, SB 2147, SB 2182, SB 2187, SB 2196, SB 2209, SB 2275, SB 2277, SB 2278, SB 2316, SB 2317, SB 2320, SB 2336, SCR 4017, SCR 4021, SCR 4023, SCR 4029, SCR 4035.

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

**MR. SPEAKER:** The President has signed: HB 1020, HB 1070, HB 1105, HB 1107, HB 1120.

**MOTION**

**REP. BERG MOVED** that SB 2207 be returned to the House floor from the **Industry, Business and Labor Committee**, for the purpose of rereferral, which motion prevailed.

**ANNOUNCEMENT**

**SPEAKER TIMM ANNOUNCED** that SB 2207 was rereferred to the **Human Services Committee**.

**SIXTH ORDER OF BUSINESS**

**REP. DORSO MOVED** that the amendments on the Sixth order of business to HB 1053, HB 1078, HB 1151, HB 1153, HB 1187, HB 1191, HB 1215, HB 1216, HB 1255, HB 1293, HB 1299, HB 1333, HB 1337, HB 1368, HB 1371, HB 1385, HB 1388, HB 1399, HB 1403, HB 1413, HB 1416, HB 1417, HB 1445, HB 1456, HB 1461, and HB 1462 be adopted, which motion prevailed.

HB 1053, HB 1078, HB 1151, HB 1153, HB 1187, HB 1191, HB 1215, HB 1216, HB 1255, HB 1293, HB 1299, HB 1333, HB 1337, HB 1368, HB 1371, HB 1385, HB 1388, HB 1399, HB 1403, HB 1413, HB 1416, HB 1417, HB 1445, HB 1456, HB 1461, and HB 1462, as amended, were placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1017:** A BILL for an Act to provide an appropriation for defraying the expenses of the adjutant general.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 95 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Guleson; Rennerfeldt

Engrossed HB 1017 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1021:** A BILL for an Act to make an appropriation for defraying the expenses of the state game and fish department.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**NAYS:** Delzer; Devlin; Kroeplin

**ABSENT AND NOT VOTING:** Guleson; Rennerfeldt

Engrossed HB 1021 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1026:** A BILL for an Act to provide an appropriation for defraying the expenses of the workers compensation bureau and its divisions; to provide authorization to expend funds from the workers' compensation contingency line item; and to amend and reenact section 65-06.1-04 of the North Dakota Century Code, relating to civil air patrol workers' compensation reimbursements.

### 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, 7 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gunter; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Olson; Poolman; Price; Renner; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**NAYS:** Callahan; Fairfield; Hanson; Kelsh, S.; Oban; Rose; Thorpe

**ABSENT AND NOT VOTING:** Guleson; Rennerfeldt

Engrossed HB 1026 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1076:** A BILL for an Act to provide for a portion of a paved four-lane highway for United States highway 2.

**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 48 YEAS, 46 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Byerly; Carlisle; Christenson; Coats; Delmore; Drovdal; Glassheim; Gorder; Grande; Hawken; Jensen; Johnsen, C.; Kelsh, S.; Kempenich; Kerzman; Klein; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nichols; Niemeier; Nottestad; Oban; Poolman; Price; Rose; Sabby; Sandvig; Schmidt; Skarphol; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Warner; Wentz; Wilkie; Speaker Timm

**NAYS:** Axtman; Belter; Berg; Bernstein; Boehm; Brandenburg; Brown; Brusegaard; Callahan; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Dorso; Fairfield; Freier; Froseth; Galvin; Gerntholz; Grosz; Grumbo; Gunter; Hanson; Hausauer; Henegar; Huether; Jacobs; Johnson, D.; Keiser; Kelsch, R.; Kilzer; Kliniske; Kretschmar; Kroepflin; Kunkel; Nelson; Nicholas; Olson; Renner; Soukup; Wald; Wardner; Weisz

**ABSENT AND NOT VOTING:** Guleson; Koppelman; Rennerfeldt

Engrossed HB 1076 was declared lost for want of a Constitutional majority.

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**SECOND READING OF HOUSE BILL**

**HB 1193:** A BILL for an Act to create and enact a new section to chapter 34-02 of the North Dakota Century Code, relating to references by employers.

**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 77 YEAS, 16 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christopherson; Clark; Coats; Dalrymple; Delmore; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Grande; Grosz; Grumbo; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kilzer; Klein; Kliniske; Kroepflin; Kunkel; Mahoney; Martinson; Mickelson; Monson; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Poolman; Price; Renner; Rose; Sabby; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thoreson; Tollefson; Torgerson; Wald; Wardner; Weisz; Wentz; Wilkie; Speaker Timm

**NAYS:** Brown; Christenson; DeKrey; Delzer; Gorder; Kelsh, S.; Kerzman; Kretschmar; Lloyd; Maragos; Murphy; Olson; Sandvig; Thompson; Thorpe; Warner

**ABSENT AND NOT VOTING:** Guleson; Koppelman; Oban; Rennerfeldt

Engrossed HB 1193 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1262:** A BILL for an Act to amend and reenact subsection 4 of section 65-05.1-01, subsection 3 of section 65-05.1-02.1, subsections 4 and 6 of section 65-05.1-04, and section 65-05.1-06.1 of the North Dakota Century Code, relating to workers' compensation vocational rehabilitation.

**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 70 YEAS, 24 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Belter; Berg; Bernstein; Boehm; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Grande; Grosz; Gunter; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kilzer; Klein; Kliniske; Kretschmar; Kunkel; Lloyd; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nottestad; Olson; Poolman; Price; Renner; Sabby;

Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Weisz; Wentz; Speaker Timm

**NAYS:** Aarsvold; Boucher; Brandenburg; Callahan; Christenson; Coats; Delmore; Fairfield; Glassheim; Grumbo; Hanson; Huether; Kelsh, S.; Kerzman; Kroeplin; Mahoney; Nichols; Niemeier; Oban; Rose; Sandvig; Thorpe; Warner; Wilkie

**ABSENT AND NOT VOTING:** Gulleeson; Koppelman; Rennerfeldt

Engrossed HB 1262 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1263:** A BILL for an Act to amend and reenact sections 65-02-23, 65-02-25, 65-02-26, and 65-05-33 of the North Dakota Century Code, relating to amnesty periods, disclosure of claim and investigative information in workers' compensation fraud cases, and definition of fraudulent activity; 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 75 YEAS, 20 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Grande; Grosz; Grumbo; Gunter; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kilzer; Klein; Kliniske; Kretschmar; Kroeplin; Kunkel; Lloyd; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Olson; Poolman; Price; Renner; Sabby; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Weisz; Wentz; Wilkie; Speaker Timm

**NAYS:** Boucher; Brandenburg; Callahan; Christenson; Coats; Delmore; Fairfield; Glassheim; Gulleeson; Hanson; Kelsh, S.; Kerzman; Mahoney; Oban; Rose; Sandvig; Schmidt; Sveen; Thorpe; Warner

**ABSENT AND NOT VOTING:** Koppelman; Rennerfeldt

Engrossed HB 1263 passed and the title was agreed to.

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

**MADAM PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1002, HB 1004, HB 1023, HB 1024, HB 1058, HB 1115, HB 1183, HB 1189, HB 1199, HB 1265, HB 1301, HB 1332, HB 1357, HB 1362, HB 1381, HB 1420, HB 1421, HB 1434, HB 1435, HB 1436, HB 1437, HB 1441, HB 1442, HB 1451, HB 1453, HCR 3001, HCR 3012, HCR 3018, HCR 3019, HCR 3020, HCR 3030, HCR 3031, HCR 3032.

#### SECOND READING OF HOUSE BILL

**HB 1264:** A BILL for an Act to create and enact a new section to chapter 65-05 of the North Dakota Century Code, relating to payment of preacceptance disability benefits to an employee who allegedly suffers a work-related injury; to amend and reenact sections 65-05-08, 65-05-08.1, 65-05-09, 65-05-10, and 65-06.2-02 of the North Dakota Century Code, relating to payment of workers' compensation disability benefits and payments to confined workers; to provide an effective date; and to provide an expiration date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 77 YEAS, 17 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Belter; Berg; Bernstein; Boehm; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Froseth; Galvin; Gerntholz; Gorder; Grande; Grosz; Grumbo; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kilzer; Klein; Kliniske; Kretschmar; Kroeplin; Kunkel; Lloyd; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols;

Nottestad; Olson; Poolman; Price; Renner; Sabby; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**NAYS:** Aarsvold; Boucher; Brandenburg; Callahan; Christenson; Coats; Fairfield; Glassheim; Gulleston; Kelsh, S.; Kerzman; Mahoney; Niemeier; Oban; Rose; Sandvig; Thorpe

**ABSENT AND NOT VOTING:** Freier; Koppelman; Rennerfeldt

Engrossed HB 1264 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1268:** A BILL for an Act to amend and reenact sections 54-12-08, 65-02-08, and 65-10-03 of the North Dakota Century Code, relating to revocation of an appointment of a special assistant attorney general and to payment of attorney's fees paid for representing workers' compensation claimants.

### 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 63 YEAS, 32 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Belter; Berg; Bernstein; Boehm; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Dorso; Freier; Froseth; Galvin; Gerntholz; Gorder; Grande; Grosz; Gunter; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kilzer; Klein; Kliniske; Kunkel; Lloyd; Martinson; Mickelson; Monson; Nelson; Nicholas; Nottestad; Olson; Poolman; Price; Renner; Sabby; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Weisz; Speaker Timm

**NAYS:** Aarsvold; Boucher; Brandenburg; Callahan; Christenson; Coats; Delmore; Drovda; Fairfield; Glassheim; Grumbo; Gulleston; Hanson; Huether; Kelsh, S.; Kempenich; Kerzman; Kretschmar; Kroeplin; Mahoney; Maragos; Murphy; Nichols; Niemeier; Oban; Rose; Sandvig; Schmidt; Thorpe; Warner; Wentz; Wilkie

**ABSENT AND NOT VOTING:** Koppelman; Rennerfeldt

Engrossed HB 1268 passed and the title was agreed to.

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### MOTION

**REP. FREIER MOVED** that the House waive the reading of the titles to HB 1269 and HB 1270, which motion prevailed.

### SECOND READING OF HOUSE BILL

**HB 1269:** A BILL for an Act to create and enact a new section to chapter 65-01 of the North Dakota Century Code, relating to the presumption that certain conditions of paid firefighters and law enforcement officers are work-related; to amend and reenact sections 65-01-02, 65-01-03, 65-01-11, 65-01-15, and 65-07-03 of the North Dakota Century Code, relating to definitions, the presumption of being an employee for purposes of workers' compensation, and the burden of proof in workers' compensation matters; and to provide for a study of wage-loss benefits structure.

### 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 74 YEAS, 21 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Belter; Berg; Bernstein; Boehm; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Dorso; Drovda; Freier; Froseth; Galvin; Gerntholz; Gorder; Grande; Grosz; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kilzer; Klein; Kliniske; Kretschmar; Kunkel; Lloyd; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Nottestad; Olson; Poolman; Price; Renner; Sabby; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**NAYS:** Aarsvold; Boucher; Brandenburg; Callahan; Christenson; Coats; Delmore; Fairfield; Glassheim; Grumbo; Gulleson; Kelsh, S.; Kerzman; Kroeplin; Mahoney; Niemeier; Oban; Rose; Sandvig; Schmidt; Thorpe

**ABSENT AND NOT VOTING:** Koppelman; Rennerfeldt

Engrossed HB 1269 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1270:** A BILL for an Act to create and enact a new section to chapter 65-01 of the North Dakota Century Code, relating to decisions made by the workers compensation bureau; to amend and reenact sections 65-02-11, 65-02-20, 65-02-27, and subsection 4 of section 65-08-01 of the North Dakota Century Code, relating to process and procedure used by the bureau, dispute resolution under the bureau's managed care program, the workers' adviser program, and procedures for filing a claim under an extraterritorial coverage agreement; and to repeal section 65-01-14 of the North Dakota Century Code, relating to initial decisions made by the workers compensation bureau; 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 74 YEAS, 21 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Belter; Berg; Bernstein; Boehm; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Grande; Grosz; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kilzer; Klein; Kliniske; Kretschmar; Kunkel; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Nottestad; Olson; Poolman; Price; Renner; Sabby; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**NAYS:** Aarsvold; Boucher; Brandenburg; Callahan; Christenson; Coats; Delmore; Fairfield; Glassheim; Grumbo; Gulleson; Kelsh, S.; Kerzman; Kroeplin; Lloyd; Mahoney; Niemeier; Oban; Rose; Sandvig; Thorpe

**ABSENT AND NOT VOTING:** Koppelman; Rennerfeldt

Engrossed HB 1270 passed and the title was agreed to.

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### MOTION

**REP. DORSO MOVED** that HB 1383 and HB 1440 be placed at the top of the calendar, which motion prevailed.

### SECOND READING OF HOUSE BILL

**HB 1383:** A BILL for an Act to provide for a study by the workers compensation bureau of the feasibility of basing premium calculations on an employee's gross wages.

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

**YEAS:** Aarsvold; Axtman; Belter; Berg; Boehm; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kilzer; Klein; Kliniske; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Olson; Poolman; Price; Renner; Sabby; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**NAYS:** Bernstein; Boucher; Brandenburg; Callahan; Christenson; Gulleson; Kerzman; Oban; Rose; Sandvig; Thorpe

**ABSENT AND NOT VOTING:** Fairfield; Koppelman; Rennerfeldt

Engrossed HB 1383 passed and the title was agreed to.

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#### MOTION

**REP. DORSO MOVED** that the House waive the reading of the title to HB 1440, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1440:** A BILL for an Act to create and enact a new subsection to section 65-01-02 and five new sections to chapter 65-02 of the North Dakota Century Code, relating to a workers compensation board of directors; to amend and reenact section 65-02-01 of the North Dakota Century Code, relating to the director and division directors of the workers compensation bureau; to repeal section 65-02-08.1 of the North Dakota Century Code, relating to the workers compensation state advisory council; 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 85 YEAS, 10 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovda; Freier; Froseth; Galvin; Gertholz; Gorder; Grande; Grosz; Grumbo; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kilzer; Klein; Kliniske; Kroeplin; Kunkel; Lloyd; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Nichols; Nottestad; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**NAYS:** Aarsvold; Coats; Glassheim; Gulleson; Kerzman; Kretschmar; Mahoney; Murphy; Niemeier; Oban

**ABSENT AND NOT VOTING:** Fairfield; Koppelman

Engrossed HB 1440 passed and the title was agreed to.

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#### DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 10:10 a.m., February 18, 1997: HB 1020, HB 1070, HB 1105, HB 1107.

#### 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 in recess until 2:00 p.m., which motion prevailed.

#### REPORT OF STANDING COMMITTEE

**HB 1027, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed HB 1027 was placed on the Sixth order on the calendar.

Page 1, line 13, replace "36,910" with "18,000"

Page 1, line 15, replace "2,524,088" with "2,505,178"

Page 1, line 23, replace "5,317,749" with "5,298,839"

Re-number accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

## DEPARTMENT 190 - RETIREMENT AND INVESTMENT OFFICE

HOUSE - This amendment reduces the equipment line item by \$18,910 because equipment purchases included in the 1997-99 biennium budget recommendation were completed with funds appropriated for the 1995-97 biennium.

	1997-99 EXECUTIVE RECOMMENDATION	EQUIPMENT REDUCTION	TOTAL CHANGES	HOUSE VERSION
Salaries and wages	\$1,455,252			\$1,455,252
Operating expenses	949,926			949,926
Equipment	36,910	(\$18,910)	(\$18,910)	18,000
Contingency	<u>82,000</u>	<u>          </u>	<u>          </u>	<u>82,000</u>
Total special funds	\$2,524,088	(\$18,910)	(\$18,910)	\$2,505,178

**REPORT OF STANDING COMMITTEE**

**HB 1101: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). HB 1101 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "repeal" with "amend and reenact"

Page 1, replace line 4 with:

**"SECTION 1. AMENDMENT.** Section 5-01-07 of the North Dakota Century Code is amended and reenacted as follows:

**5-01-07. Township beer or liquor licenses.** No retail beer or liquor license may be issued in any organized township without the written consent of the board of township supervisors. A decision of the board of township supervisors to withhold written consent may be appealed to the county commission for the county in which the township is located."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1172: Natural Resources Committee (Rep. Olson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1172 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subsections 3 and 4 of"

Page 1, line 2, replace "big game and wild turkeys" with "deer"

Page 1, line 4, replace "Section" with "Subsections 3 and 4 of section"

Page 1, line 5, replace "is" with "are"

Page 1, remove lines 6 through 18

Page 1, line 19, remove the overstrike over "~~resident~~" and remove "person"

Page 2, line 13, after "proclamation" insert ", including licenses issued to nonresidents under subsection 3,"

Page 2, line 14, remove "who do not receive licenses under subsection 3"

Page 2, remove lines 15 through 31

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 31



Page 6, remove lines 1 through 25

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1180**, 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 HB 1180 was placed on the Sixth order on the calendar.

Page 1, line 3, after the semicolon insert "and"

Page 1, line 4, remove "; and to provide an appropriation"

Page 2, remove lines 12 through 19

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 125 - ATTORNEY GENERAL

HOUSE - This amendment removes the appropriation of \$183,000 from the general fund for two criminal investigators.

DEPARTMENT 301 - HEALTH DEPARTMENT

HOUSE - This amendment removes the appropriation of \$175,000 from the general fund for two forensic scientists at the state crime lab.

**REPORT OF STANDING COMMITTEE**

**HB 1202: Natural Resources Committee (Rep. Olson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1202 was placed on the Sixth order on the calendar.

Page 1, line 1, after "20.1-03-11" insert "and section 20.1-08-04.6"

Page 1, line 2, after "elk" insert "and the governor's proclamation concerning the hunting of elk; and to declare an emergency"

Page 2, line 26, replace "an" with "a one-time"

Page 3, line 4, after the period insert "The director may issue special elk depredation management licenses to landowners in designated areas around Theodore Roosevelt national park upon payment of the fee requirement for a resident big game license. The provisions of this section governing the number of licenses issued for each designated district or unit for hunting elk do not apply to special elk depredation management licenses and a person who receives such a license under this subsection is eligible to apply for a license to hunt elk in future years and is eligible to participate in the rocky mountain elk foundation raffle under section 20.1-08-04.6."

**SECTION 2. AMENDMENT.** Section 20.1-08-04.6 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-08-04.6. Governor's proclamation concerning the hunting of elk - Rocky mountain elk foundation raffle.** The governor may by proclamation provide for a season to hunt elk in a manner, number, places, and times as the governor prescribes. Licenses to hunt elk must be issued by lottery, except as provided under subsection 7 of section 20.1-03-11, with only residents eligible to apply; however, the governor may by proclamation make available to the rocky mountain elk foundation a license to hunt elk in a manner, places, and times as the governor prescribes. The rocky mountain elk foundation shall hold a raffle under rules adopted by the commissioner with only residents eligible to participate. No more than ten percent of the gross proceeds of the raffle may be used to promote the raffle and all net proceeds must be used for elk management and related projects in North Dakota as described under rocky mountain elk foundation policies and objectives. The rocky mountain elk foundation shall submit reports concerning the raffle as the commissioner requires. A Except for landowners who receive special elk depredation management licenses

issued to landowners of subsection 7 of section 20.1-03-11 and persons who receive a special elk depredation management license issued by lottery under this section, a person may only receive one license to hunt elk issued by lottery and one nontransferable license to hunt elk through the rocky mountain elk foundation raffle in a lifetime.

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

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1222: Natural Resources Committee (Rep. Olson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1222 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "weekends" with "periods"

Page 1, line 12, remove "weekend"

Page 1, line 15, after "state" insert "or by providing other evidence determined satisfactory by the director"

Page 1, line 19, after "year" insert "and must purchase the license from the Bismarck office of the department"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1353: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1353 was placed on the Sixth order on the calendar.

Page 1, replace lines 16 through 20 with "The notary public shall place an impression of the notary's seal on the certificate of authorization and return the certificate of authorization to the secretary of state. After the certificate of authorization is received, approved, and filed, the secretary of state shall issue a notary commission that authorizes the notary to commence the duties of the office of notary public."

Page 2, line 26, remove "If a notary public dies during the term of a commission, the"

Page 2, remove lines 27 and 28

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1395: Natural Resources Committee (Rep. Olson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1395 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "12" with "41"

Page 2, line 1, after "Publishing" insert "and selling" and remove "all"

Page 2, line 30, replace "12" with "41"

Page 3, replace line 1 with:

"41. For a combination license, ~~twenty-five~~ twenty-seven dollars."

Page 3, line 6, overstrike "three" and insert immediately thereafter "five"

Page 3, line 9, overstrike the first "the" and overstrike "program, including the habitat restoration"

Page 3, overstrike lines 10 and 11

Page 3, line 12, overstrike "resulting from the habitat restoration stamp program" and insert immediately thereafter "fees", after the second "the" insert "game and fish private land", and overstrike the second "restoration"

Page 3, line 13, overstrike "stamp" and insert immediately thereafter "and access improvement" and overstrike "and are intended to provide a fund to lease privately owned lands for wildlife"

Page 3, line 14, overstrike "habitat."

Page 3, line 23, remove the overstrike over the overstruck period

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1397: Natural Resources Committee (Rep. Olson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1397 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for access to federal lands located in this state."

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

**SECTION 1. Federal lands - Access required.** A lessee of federal lands located in this state may not close access roads to the federal lands or otherwise prevent access to the lands."

Renumber accordingly

#### FIRST READING OF SENATE BILLS

**SB 2029:** A BILL for an Act to create and enact a new section to chapter 15-40.1 of the North Dakota Century Code, relating to payments for students having limited English language skills.

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

**SB 2047:** A BILL for an Act to amend and reenact sections 54-10-14 and 54-40.1-05 of the North Dakota Century Code, relating to audits of regional planning councils and the submission of regional planning council audit reports to the legislative audit and fiscal review committee.

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

**SB 2124:** A BILL for an Act to provide for the creation of the dry pea and lentil council; to provide a penalty; and to provide a continuing appropriation.

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

**SB 2147:** A BILL for an Act to create and enact two new sections to chapter 50-11 of the North Dakota Century Code, relating to fingerprinting of individuals housed or employed by foster care providers; and to amend and reenact section 50-11-02 of the North Dakota Century Code, relating to terms and conditions for licensing foster care facilities.

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

**SB 2182:** A BILL for an Act to amend and reenact sections 6-09.10-03 and 6-09.10-10 of the North Dakota Century Code, relating to extension of the expiration date of the agricultural mediation service; to repeal sections 6-09.10-08.1, 6-09.10-08.2, 6-09.10-08.3, 6-09.10-08.4, 6-09.10-08.5, and 6-09.10-08.6 of the North Dakota Century Code, relating to legal and tax assistance for farmers and small businesses; and to declare an emergency.

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

**SB 2187:** A BILL for an Act to create and enact a new section to chapter 54-06 of the North Dakota Century Code, relating to the use of state telephones by state appointed and elected officials and state employees; and to declare an emergency.

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

**SB 2196:** A BILL for an Act to amend and reenact subsection 7 of section 57-60-01 of the North Dakota Century Code, relating to the definition of gross receipts under the

privilege tax on coal conversion facilities; to provide for retroactive application; to provide an effective date; to provide an expiration date; and to declare an emergency.

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

**SB 2209:** A BILL for an Act to amend and reenact subsections 7 and 8 of section 12.1-35-01, sections 12.1-35-03, 27-20-52, and 39-08-10.1 of the North Dakota Century Code, relating to the release of the identity of children and records regarding children and the release of the identity of persons seriously injured or deceased.

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

**SB 2275:** A BILL for an Act relating to school district bond ratings, assistance to school districts unable to make principal or interest payments on certain debt obligations, and a special levy to repay any assistance received.

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

**SB 2277:** A BILL for an Act to amend and reenact section 19-10-19 of the North Dakota Century Code, relating to inspection fees for petroleum products.

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

**SB 2278:** A BILL for an Act to prohibit health plans from interfering with health care provider communications with patients and to prohibit certain provisions in contracts with a health care provider; and to provide a penalty.

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

**SB 2316:** A BILL for an Act to create and enact a new section to chapter 54-03 of the North Dakota Century Code, relating to the convening of a special session of the legislative assembly to consider vetoed legislation; and to declare an emergency.

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

**SB 2317:** A BILL for an Act to amend and reenact sections 34-07-02 and 34-07-15 of the North Dakota Century Code, relating to school-to-work program exemptions.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

**SB 2320:** A BILL for an Act to create and enact a new chapter to title 43 of the North Dakota Century Code, relating to licensing of interpreters for deaf individuals; and to provide a penalty.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

**SB 2336:** A BILL for an Act to provide for the expiration of certain rules adopted by the superintendent of public instruction; and to amend and reenact sections 15-21-04.1, 15-21-07, 15-21-07.1, 15-21-07.2, 15-21.1-03, 15-21.1-04, 15-45-03, and subsection 1 of section 28-32-01 of the North Dakota Century Code, relating to rulemaking by the superintendent of public instruction.

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

#### **FIRST READING OF SENATE CONCURRENT RESOLUTIONS**

**SCR 4017:** A concurrent resolution directing the Legislative Council to study legislative employee compensation.

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

**SCR 4021:** A concurrent resolution directing the Legislative Council to study participation in the teachers' fund for retirement by retired persons who have resumed teaching.

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

**SCR 4023:** A concurrent resolution directing the Legislative Council to study the process of privatization and contracting for public sector services.

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

**SCR 4029:** A concurrent resolution to create and enact a new section to article X of the Constitution of North Dakota, relating to dedication and distribution of a portion of sales, use, and motor vehicle excise tax revenues to political subdivisions for state revenue sharing and personal property tax replacement; and to provide an effective date.

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

**SCR 4035:** A concurrent resolution congratulating the North American Indigenous Games TEAM North Dakota, an indigenous sports organization comprised of members from the Spirit Lake Nation; Standing Rock Sioux; Three Affiliated Tribes; and Turtle Mountain Band of Chippewa, for successfully securing the bid to host the 1999 North American Indigenous Games in Fargo, North Dakota, to be held July 28 through August 27, 1999.

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

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

### **SPECIAL ORDER OF BUSINESS**

#### **ANNOUNCEMENT**

**SPEAKER TIMM ANNOUNCED** that the House would be on a Special Order of Business.

**SPEAKER TIMM APPOINTED** Reps. Freier and Guleson to the Escort Committee and the Honorable Byron L. Dorgan, U.S. Senator, was escorted to the rostrum.

#### **MOTION**

**REP. BOUCHER MOVED** that the remarks of the Honorable Byron L. Dorgan, U.S. Senator, be printed in the Journal, which motion prevailed.

#### **REMARKS OF THE HONORABLE BYRON L. DORGAN, UNITED STATES SENATOR**

Mr. Speaker and members of the state House, I just came in and noticed the handbill says Disco Dolly and the Fun Bus are ready to meet you at the Third House party. I'm thinking I'm serving in the wrong place. I noticed a lot of familiar faces here and want to thank you for inviting me to say a few words. As you know, the Senate is not in session this week and I know that you have frenetic activity as you try to reach crossover with a lot of legislation. I can't help but think of the times when I worked here in the Capitol. I was leaning over the railing listening to the debate here in the state House and the debate, actually, in the U.S. Senate is not very different. I remember the debate on the REA bill when someone stood up and said if it weren't for the REA we'd still be watching television by candlelight. In the U.S. Senate someone once stood up and said if Abe Lincoln were alive today, he'd be turning over in his grave.

So we have a lot of pithy debate in both bodies of the legislature, both at the state and the federal level. For those who think that virtually all politicians are windbags in blue suits, I just want to say that I think that those who serve both in this tower in the executive branch and those who serve in legislatures, Republicans and Democrats, while we poke fun at ourselves and others poke fun at the political process, I think my experience has been that they are the hardest working, most honest bunch of men and women that I have had the opportunity to know in my life. It is where we make decisions, where we come together and make public policy decisions.

I would like to note as well that the death of Clarence Martin, a member who served in this state House for so many years, someone I've worked with on some raging, aggressive debates in the 1970s on coal issues, represented, in my judgment, the finest tradition and virtue of public service and I pay honor today to his memory as well.

Most people, I think, wonder when the day is done, when you and I in the state legislature or in the United States Congress go home, have we done much to affect the decisions that people care about when they sit around their supper table and talk about life. Have we done much to decide whether their kids are going to go to good schools? Have we improved the schools? Have we done much to determine whether grandmother or the kids are going to have decent health care? Have we done much to determine whether the son or daughter is going to be able to get trained for a job and then find a decent job? Have we done much to make sure neighborhoods and streets are safe? Have we done much to make sure that the air that we breathe and the water we drink is clean? Have we done much to give people an opportunity to buy a house and realize that important dream? Well, we in many ways deal with all those issues on virtually every day a legislature meets and sometimes what seems to be small decisions turn out to be serious decisions that make an opportunity for profound change in our society.

Seems to me in a state like ours we've faced some very special challenges because we are a small state. Not small geographically, but we're a small state in population. We face challenges because of that, especially in the area of education and we don't, as you know, in the U.S. Congress, deal much with education, except higher education. We do a lot of issues on Pell grants and student loans, but the issue of elementary and secondary education is largely dealt with by local governments, school boards, and the state legislatures. The question of what kind of education system we have is a decision largely in your hands and the hands of all the school boards around our state. Like you, I came from a school that was very small. Most of you probably came from a small North Dakota school. My high school graduating class was nine. And if two people were in the library, which was the size of a coat closet, it was very crowded. But now, things have changed. In Regent, North Dakota, if we put an on ramp and an off ramp from the telecommunications information superhighway through Hettinger County and through Regent, they will be able to access the biggest library in the world instantly, just like that. And so technology is going to change our educational system as well. The president of IBM recently gave a speech. He said something I found really fascinating in terms of

technology. He said they are close to research on density storage technology, sufficient so that the Library of Congress which has 14 million volumes of work, the largest volume of recorded knowledge in human history, which in the not too distant future, will be able to put those 14 million volumes of work on a wafer the size of a penny. Think of what that does. To carry around a reference pack of 14 million volumes of work to put into a laptop computer and access a reservoir of information almost unheard of in our schools anywhere in North Dakota.

The other challenge we face in a state like North Dakota is the challenge of jobs. There isn't much we can do that would overcome the benefits of better wheat prices and better cattle prices, although we don't control them. Those who do seem to me to increasingly rig them towards prices. I mean you've got bigger interests that have more influence on prices than the smaller interests do. The grocery manufacturers, the grain millers and the grain trade, and a whole range of interests who prefer lower prices than higher prices and they have much more economic clout regrettably than the tens of thousands of individual family farmers. But with respect to jobs, we can, even as we work in ways on the edges to try to help create circumstances where we get better prices for our products, provide the funding necessary for agricultural coops, which are on the rise in North Dakota, so that agricultural processing through the cooperative movement and through cooperative ownership techniques can produce new jobs and new opportunities, yes even for farmers.

I come from Hettinger County, North Dakota, and I know that there are folks in here who represent that area. Hettinger County used to have 5,000 people 25 years ago, now it has 3,000 people. Slope County is the next county, that's our neighbor county. There's someone here who represents Amidon, North Dakota, and Slope County, by the way, which is a county the size of the state of Rhode Island, and last year it had 11,000 births - seven thousand nine hundred calves, 2,500 pigs, 1,300 lambs, and seven children. A population less than 1,000 people last year had seven children in Slope County. People just aren't getting pregnant when they're on Medicare anymore, probably never did. But the average age in those rural counties is sufficiently high so that we aren't having the circumstances - new babies and growth in population. The question for us in jobs is how do we develop economic opportunity in those areas? In this state we have 11 counties that are growing and 42 counties that are shrinking. Eleven counties are growing and 42 counties in North Dakota are shrinking. The question for us is how do we provide economic opportunity? How do we create an economic circumstance to provide some hope and growth and opportunity for those counties that are seeing a shrinking population.

There are two experiments going on in North Dakota. One in north central North Dakota and one in south central North Dakota called REAP zones - Regional Economic Area Partnerships - which I wrote in 1993. The President has just put \$10 million for each zone in his five-year budget. We are trying to figure out, in areas where you have massive out migration of people, are there ways to develop a magnet by which you can create jobs that bring people back into rural areas that are now shrinking like prunes. And that's a test for all of us. It's not just enough to say the state's doing well when 11 counties are growing and 42 counties are shrinking. The question is how do we create economic opportunity all across our state.

Finally, we are having a pretty aggressive fight in this session of Congress about a highway bill which also relates to opportunity. And I'm not uncomfortable for a moment with the fact that we get \$1.86 back for every dollar we send in in highway taxes. People talk about donor states and donee states. The fact is, we're a state ten times the size of Massachusetts and we only have 640,000 people. Now, a small state that has a lot of people has a tax base trough. The gas tax that affords them the opportunity, to build a big network of roads and keep them up very well and repair their bridges. The fact is, we've got ten Massachusetts in land mass and only 640,000 people, and the average North Dakotan pays twice as much in gas tax as the average New Yorker does every single year. I'm not uncomfortable at all being a state that gets more back than we pay in. We ought to. Can you imagine Dwight Eisenhower in the 50s talking about building an interstate highway system across this country and then sitting around the White House with Sam Rayburn. They're saying, "Gee, how do we justify to any taxpayer building an interstate highway that goes from Fargo, North Dakota, to Beach, North Dakota? How are we going to justify that to the taxpayers? There aren't enough people who live out there to justify that expense." But of course they didn't come to that conclusion because they decided they were going to build a national system and part of the ability to send fresh fruit one direction and frozen fish the other direction is that you do not drive over narrow two-lane gravel roads in the middle. And that's what a national network in our highway transportation system was about. And so I'm not uncomfortable a bit in this fight over highway funding and we ought not get less than the breach when the big states fight over a formula. When the fighting's all done and the dust is all settled, we want to make sure that we have sufficient money to maintain the roads and bridges in our states, rural states, North Dakota, South Dakota, Idaho, and more, so that our citizens have opportunity and jobs and economic growth and expansion as well and that's what that fight's going to be about.

Finally, two water issues. We face the most incredible challenge in water policy that we've probably ever faced in North Dakota. One is the Devils Lake basin. And we may be in a situation where there isn't anything you or I or anybody else can humanly do to prevent more water from coming into that basin and prevent flooding. We've spent \$80 million in federal money mitigating damages, raising roads, extending dikes and doing many other things. If we had an outlet in place tomorrow, and I think we should have an outlet, but if we had one in place tomorrow, it would take a foot to a foot and a half off the lake in one year. That lake has increased over 15 feet in three and a half years. So, if someone says let's build an outlet and we'll solve the problem, it's not going to solve the problem. We should do an outlet, we should do more upper basin storage, and we should do massive amounts of mitigation because we have to help the people in the Devils Lake basin who are facing a crisis. But we should understand, as we prepare to mitigate the damage, that we may not, by ourselves, be able to solve that problem. We can, however, reach out and help the folks in the Devils Lake basin as much as we can humanly help them even as we deal with this crisis.

And Garrison Diversion. It is still important to this state's economic future and its job base. Leadership of the state House and the Senate were in Washington recently for a session, a negotiating session, and other negotiations are proceeding. I hope we can solve this problem to realize finally the promise that was given our state. If you accept the flood that comes and stays, we'll give a benefit. You can take the water behind the flood and move around your state for economic development and opportunity. We got the flood that came and stayed, we had all the costs, we've not yet received all the benefits. We've received \$350 million in the last 11 years, and that's fine, but it's not enough. We need Missouri River water to be able to go to eastern North Dakota. We need the other several benefits that are incorporated in that, as well, in order to breathe new life and opportunity into our state's economy. I'm anxious to continue to work with members of this body and others on a bipartisan solution to this issue. We will not, a small state like ours, achieve success if we fight each other. Wasted energy fighting each other on the national needs that represent our state's future opportunities, is not going to be time well spent. We must spend it, it seems to me, fighting for the same goals.

Now, let me as I conclude, just tell you about one piece of legislation I passed last year, just to tell you there's bipartisanship in the U.S. Senate as well. Last year I opened my income tax refund, pitiful little thing as it was, and saw they'd put a little card in it that told how to buy a commemorative Olympic coin. Well, I didn't want to buy a commemorative Olympic coin so I threw the card away. But 70 million people that received income tax refunds got a card like that. I thought to myself, gee, if you can put a card in with an income tax refund, we can do something that probably saves some lives. So, I wrote a piece of legislation that says there are 50,000 people waiting for hearts, livers, kidneys, and other organs who are on the waiting list at this time in our country. Eight of them will die today, every day. Three thousand people a year die because organs don't become available. So I introduced a piece of legislation that says let's put a little card in with all the 70 million income tax refunds this year, not about commemorative Olympic coins, but how to become an organ donor should tragedy strike you or your family. And two weeks ago when the some 70 million income tax refunds started to go out the donor card was included. When I introduced this legislation at a press conference I had, Sen. Thurmond who was 93 years old signed an organ donor card. That's an optimist. But you know what he said? You know what, old Strom said? He said, you know the Carolina accent, "I don't know whether I got anything anybody wants, but after I'm gone they're welcome to it." And I was thinking, you know, you can imagine the doctor going into the room and saying to the patient, this is wonderful news, I know you've been waiting for a heart for some long while, a heart has just come available, it's a 1903 model.

At any rate, we do work in the Senate and the Congress on a range of issues, some of which are partisan from time to time by necessity, some of which are bipartisan. But always it seems to me you and I share the same goals and that is to make decisions that will benefit the people of North Dakota. Every mother hopes that her child might grow up to be president as long as they don't have to get active in politics. But of course, that's not the way it works. Politics is the political system in which we make public decisions and I'm enormously proud of it. I'm proud of every Republican and every Democrat and every Independent in between that says count me in, I'm going to stand up, I'm going to be part of the public debate about our future. Congratulations to all of you for the work you do and as you push to conclusion in this legislative session, I wish you well. Thank you very much.

#### SECOND READING OF HOUSE BILL

**HB 1310:** A BILL for an Act to amend and reenact subdivision a of subsection 2 of section 39-01-01 of the North Dakota Century Code, relating to authorized emergency vehicles.

#### 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, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gertholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Guleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Kretschmar; Kroeplin; Kunkel; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Jensen; Koppelman; Lloyd

Engrossed HB 1310 passed and the title was agreed to.

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#### MOTION

**REP. RENNERFELDT MOVED** that the House reconsider its action whereby HB 1076 failed to pass for want of a Constitutional majority.

#### REQUEST

**REP. RENNERFELDT REQUESTED** a recorded roll call vote on the motion to reconsider the action whereby HB 1076 failed to pass for want of a Constitutional majority, which request was granted.

#### ROLL CALL

The question being on the motion to reconsider the action whereby HB 1076 failed to pass for want of a Constitutional majority, the roll was called and there were 61 YEAS, 35 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Byerly; Carlisle; Christenson; Clark; Coats; Delmore; Drovdal; Fairfield; Froseth; Galvin; Glassheim; Gorder; Grande; Grumbo; Guleson; Gunter; Hawken; Huether; Jensen; Johnsen, C.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Kretschmar; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nichols; Niemeier; Nottestad; Oban; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Warner; Wentz; Wilkie; Speaker Timm

**NAYS:** Axtman; Belter; Berg; Bernstein; Boehm; Brandenburg; Brown; Brusegaard; Callahan; Carlson; Christopherson; Dalrymple; DeKrey; Delzer; Devlin; Dorso; Freier; Gertholz; Grosz; Hanson; Hausauer; Henegar; Jacobs; Johnson, D.; Kilzer; Kliniske; Kroeplin; Kunkel; Nelson; Nicholas; Olson; Svedjan; Wald; Wardner; Weisz

**ABSENT AND NOT VOTING:** Koppelman

So the motion to reconsider the action whereby HB 1076 failed to pass for want of a Constitutional majority prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1076:** A BILL for an Act to provide for a portion of a paved four-lane highway for United States highway 2.

#### 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 58 YEAS, 38 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Brandenburg; Byerly; Carlisle; Christenson; Clark; Coats; Delmore; Drovdal; Froseth; Galvin; Glassheim; Gorder; Grande; Grumbo; Guleson; Gunter; Hawken; Jensen; Johnsen, C.; Kelsh, S.; Kempenich; Kerzman; Klein; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nichols; Niemeier; Nottestad; Oban; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Warner; Wentz; Wilkie; Speaker Timm

**NAYS:** Axtman; Belter; Berg; Bernstein; Boehm; Brown; Brusegaard; Callahan; Carlson; Christopherson; Dalrymple; DeKrey; Delzer; Devlin; Dorso; Fairfield; Freier; Gertholz;



Grosz; Hanson; Hausauer; Henegar; Huether; Jacobs; Johnson, D.; Keiser; Kelsch, R.; Kilzer; Kliniske; Kretschmar; Kroeplin; Kunkel; Nicholas; Olson; Soukup; Wald; Wardner; Weisz

**ABSENT AND NOT VOTING:** Koppelman

Engrossed HB 1076 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1340:** A BILL for an Act to amend and reenact paragraph 5 of subdivision d of subsection 1 of section 57-38-01.2 and subsection 5 of section 57-38-30.3 of the North Dakota Century Code, relating to income tax deductions or credits for adoption expenses; to provide for a transfer; 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 58 YEAS, 38 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Belter; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Christenson; Clark; Dalrymple; DeKrey; Delzer; Dorso; Freier; Galvin; Gerntholz; Gorder; Grosz; Gunter; Hausauer; Hawken; Henegar; Huether; Jensen; Johnsen, C.; Johnson, D.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kretschmar; Kroeplin; Kunkel; Lloyd; Martinson; Nelson; Nicholas; Nichols; Nottestad; Olson; Renner; Rennerfeldt; Sabby; Schmidt; Skarphol; Soukup; Stenehjerm; Sveen; Thompson; Thoreson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie

**NAYS:** Aarsvold; Axtman; Berg; Boucher; Brandenburg; Brusegaard; Callahan; Christopherson; Coats; Delmore; Devlin; Drovdal; Fairfield; Froseth; Glassheim; Grande; Grumbo; Gulleson; Hanson; Jacobs; Keiser; Kelsch, R.; Kliniske; Mahoney; Maragos; Mickelson; Monson; Murphy; Niemeier; Oban; Poolman; Price; Rose; Sandvig; Svedjan; Thorpe; Tollefson; Speaker Timm

**ABSENT AND NOT VOTING:** Koppelman

Engrossed HB 1340 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1382:** A BILL for an Act to create and enact a new section to chapter 26.1-40 of the North Dakota Century Code, relating to coverage for loss of value to insured motor vehicles and motor vehicle body damage; to amend and reenact sections 39-05-17.2 and 39-05-20.2 of the North Dakota Century Code, relating to motor vehicle body damage disclosure and salvage certificate of title; 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 37 YEAS, 58 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Berg; Clark; Delmore; Delzer; Dorso; Drovdal; Froseth; Glassheim; Grande; Grosz; Gunter; Hausauer; Jacobs; Jensen; Johnsen, C.; Keiser; Kempenich; Kilzer; Klein; Kliniske; Kunkel; Maragos; Martinson; Murphy; Nicholas; Nichols; Nottestad; Poolman; Price; Sabby; Skarphol; Svedjan; Thoreson; Warner; Wentz; Wilkie

**NAYS:** Aarsvold; Belter; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Christenson; Christopherson; Coats; Dalrymple; DeKrey; Devlin; Fairfield; Freier; Galvin; Gerntholz; Gorder; Grumbo; Gulleson; Hanson; Hawken; Henegar; Huether; Johnson, D.; Kelsch, R.; Kelsh, S.; Kerzman; Kretschmar; Kroeplin; Lloyd; Mahoney; Mickelson; Monson; Nelson; Niemeier; Oban; Olson; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Soukup; Stenehjerm; Sveen; Thompson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Weisz; Speaker Timm

**ABSENT AND NOT VOTING:** Carlson; Koppelman

Engrossed HB 1382 was declared lost.

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**MOTION**

**REP. MAHONEY MOVED** that the House reconsider its action whereby HB 1289 passed.

**REQUEST**

**REP. NICHOLAS REQUESTED** a recorded roll call vote on the motion to reconsider the action whereby HB 1289 passed, which request was granted.

**ROLL CALL**

The question being on the motion to reconsider the action whereby HB 1289 passed, the roll was called and there were 63 YEAS, 33 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Berg; Boucher; Brandenburg; Brusegaard; Callahan; Carlisle; Christenson; Christopherson; Coats; DeKrey; Delmore; Drovdal; Fairfield; Froseth; Galvin; Gerntholz; Grumbo; Hanson; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Kretschmar; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nicholas; Niemeier; Nottestad; Oban; Poolman; Price; Renner; Rose; Sandvig; Schmidt; Stenehjem; Svedjan; Sveen; Thorpe; Torgerson; Wald; Weisz; Wentz; Speaker Timm

**NAYS:** Belter; Bernstein; Boehm; Brown; Byerly; Carlson; Clark; Dalrymple; Delzer; Devlin; Dorso; Freier; Glassheim; Gorder; Grande; Grosz; Gulleon; Gunter; Hausauer; Kroepflin; Nelson; Nichols; Olson; Rennerfeldt; Sabby; Skarphol; Soukup; Thompson; Thoreson; Tollefson; Wardner; Warner; Wilkie

**ABSENT AND NOT VOTING:** Koppelman

So the motion to reconsider the action whereby HB 1289 passed prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1289:** A BILL for an Act to amend and reenact subsections 2 and 8 of section 57-02-08 of the North Dakota Century Code, relating to property tax exemptions for property of the state and institutions of public charity; 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 38 YEAS, 58 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Belter; Boehm; Brandenburg; Brown; Brusegaard; Byerly; Carlson; Dalrymple; DeKrey; Delzer; Dorso; Drovdal; Freier; Glassheim; Gorder; Grande; Grosz; Gulleon; Gunter; Hausauer; Huether; Kempenich; Lloyd; Nichols; Oban; Olson; Renner; Rose; Skarphol; Soukup; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wardner; Warner; Wilkie

**NAYS:** Aarsvold; Axtman; Berg; Bernstein; Boucher; Callahan; Carlisle; Christenson; Christopherson; Clark; Coats; Delmore; Devlin; Fairfield; Froseth; Galvin; Gerntholz; Grumbo; Hanson; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kilzer; Klein; Kliniske; Kretschmar; Kroepflin; Kunkel; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Niemeier; Nottestad; Poolman; Price; Rennerfeldt; Sabby; Sandvig; Schmidt; Stenehjem; Svedjan; Sveen; Wald; Weisz; Wentz; Speaker Timm

**ABSENT AND NOT VOTING:** Koppelman

Engrossed HB 1289 was declared lost.

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**MOTION**

**REP. FREIER MOVED** that the House be on the Fifth order of business and at the conclusion of that order the House stand in recess until 4:30 p.m., which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1067: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1067 was placed on the Sixth order on the calendar.

Page 1, line 12, remove "to provide for a continuing appropriation;"

Page 2, line 4, overstrike "49-21-06,"

Page 4, line 27, after "service" insert ", when offered as a separate and distinct service."

Page 10, line 24, after "to" insert "retail" and remove "who are not"

Page 10, line 25, remove "telecommunications carriers"

Page 12, line 18, replace "The" with "Except for mediation or arbitration conducted under section 49-21-09, in which case the parties must share equally all necessary expenses, the"

Page 12, line 19, replace "bears" with "normally must bear" and replace "it would be manifestly unfair" with "the commission determines otherwise"

Page 17, line 12, remove "A retail price change for single"

Page 17, remove lines 13 through 16

Page 17, line 17, remove "effective date of the price change."

Page 17, after line 18, insert:

4. Upon request, a local exchange carrier that is not a nonprofit, a cooperative, or a mutual telecommunications carrier or has fewer than eight thousand local exchange subscribers shall provide to the commission the cost methodology and studies that the carrier uses to support its prices for residential and business essential telecommunications services for commission review. The method and studies must demonstrate the full cost of providing those services, including cost of capital and reasonable profit. If requested, the methodology and studies must be protected as trade secret by the commission. Before October 1, 1997, the commission shall report the results of its review and any recommendations to the regulatory reform review commission.
5. A price for residential or business essential telecommunications service may not exceed the full cost of providing the service, including cost of capital and reasonable profit.
6. A price increase for residential and business essential telecommunications service as determined by the public service commission to be allowable under subsection 4 must be divided into increments that do not exceed one-fourth of the total allowable increase. There may be no more than one increment per calendar year. The first increment may not be assessed before January 1, 1998.

Page 17, line 29, remove the overstrike over "~~There is a rebuttable presumption that prices for~~"

Page 17, line 30, remove the overstrike over "~~essential telecommunications services in effect on~~", after "1989" insert "August 1, 1997", remove the overstrike over "~~, are~~", and remove the overstrike over "~~reasonable.~~"

Page 18, line 4, remove "This section does not"

Page 18, remove line 5

Page 18, line 6, remove "complaint that the price is unreasonably high."

Page 18, line 8, after "service" insert "provided by the carrier"

Page 18, line 28, remove "a reasonable profit, including" and replace the second underscored comma with "and"

Page 18, line 29, remove ", and economic profit"

Page 18, remove lines 30 and 31

Page 19, remove lines 1 through 16

Page 20, line 6, after the period insert "A subscriber to retail telephone exchange service may complain to the commission or the commission on its own motion may complain and begin investigation whether a retail price or practice is unreasonably discriminatory. A telecommunications carrier that sells or purchases interconnection, services, or network elements to or from another telecommunications carrier under section 49-21-08.2, 49-21-09, or 49-21-09.2 may complain to the commission or the commission on its own motion may complain and begin investigation whether an interconnection, services, or network elements price or practice is unreasonably discriminatory."

Page 20, line 29, after "any" insert "essential"

Page 20, line 30, after "all" insert "essential"

Page 21, line 5, replace the second "telecommunications" with "telephone exchange"

Page 21, line 6, after the first "service" insert "or exchange access" and replace "offer essential" with "meet the requirements of section 214(e)(1) of the Act and of section 49-21-23 for designation as an eligible telecommunications carrier for that area before being permitted to provide the service. This subsection does not apply to:

- a. A service area served by a rural telephone company that has obtained an exemption, suspension, or modification under section 49-21-09.1 which effectively prevents a competitor from meeting the requirements of section 214(e)(1) of the Act; and
- b. A provider of commercial mobile services."

Page 21, remove lines 7 through 9

Page 25, line 11, after "statement" insert "describing the requested interconnection, services, or network elements, and describing the telecommunications services" and remove "essential services and the"

Page 25, remove lines 12 and 13

Page 25, line 14, remove the first "company" and after the underscored period insert "If the requesting party does not submit a notice of its request to the commission within seven days of submitting the request to the rural telephone company, the request is not bona fide."

Page 25, line 19, replace "essential" with "the telecommunications" and after "services" insert "described in its verified statement"

Page 25, remove lines 20 and 21

Page 25, line 22, remove "the rural telephone company"

Page 25, line 24, after the underscored period insert "If the requesting party intends to provide telephone exchange service or exchange access in a service area served by a rural telephone company, the requesting party must meet the requirements of section 214(e)(1) of the Act and of section 49-21-23 for designation as an eligible telecommunications carrier for that area before being permitted to provide service. This requirement does not apply to:

- a. A service area served by a rural telephone company that has obtained an exemption, suspension, or modification under section 49-21-09.1 that effectively prevents a competitor from meeting the requirements of section 214(e)(1) of the Act and of section 49-21-23; and
- b. A provider of commercial mobile services."

Page 27, line 6, remove "Costs incurred in compliance with a remedial action order may"

Page 27, line 7, remove "be reflected in the prices of services affected by the order."

Page 27, line 8, after "action" insert "order"

Page 27, line 9, replace "and" with an underscored comma

Page 27, line 10, after the underscored comma insert "and not due to any negligence or misconduct on the part of the carrier,"

Page 30, line 23, remove "- Continuing"

Page 30, line 24, remove "appropriation"

Page 31, line 10, after "the" insert "state treasurer for deposit in the"

Page 31, line 11, after "disbursed" insert "pursuant to an appropriation made by the legislative assembly to the commission for disbursement"

Page 31, line 14, remove "All moneys deposited in the"

Page 31, remove lines 15 through 18

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1164: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1164 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "43-11-03, 43-11-04,"

Page 1, line 2, remove "43-11-06," and remove "43-11-20.3,"

Page 1, line 3, remove "43-11-24, 43-11-25," and remove "43-11-28, 43-11-31,"

Page 1, line 6, after the first comma insert "43-11-20.3,"

Page 1, line 7, after the second comma insert "cancellation of contract for instruction,"

Page 3, line 20, remove the underscored comma

Page 3, line 21, remove "osteopatician,"

Page 4, remove lines 8 through 31

Page 5, remove lines 1 through 4

Page 5, line 16, overstrike "and must be separate from all other businesses and establishments"

Page 5, line 17, remove "except as provided by rules of the board"

Page 5, remove the overstrike over lines 25 through 27

Page 6, line 2, remove the overstrike over "~~as set forth in section 43-11-28~~" and remove "through administrative rule"

Page 6, line 4, remove the overstrike over "~~as set forth in section 43-11-28~~" and remove "through administrative rule"

Page 7, remove lines 8 through 13

Page 7, line 22, remove the overstrike over "and kit rental fee" and remove the overstrike over "pursuant to"

Page 7, line 23, remove the overstrike over "~~section 43-11-28~~"

Page 7, line 26, remove the overstrike over "~~section 43-11-28~~" and remove "the board"

Page 8, remove lines 6 through 29

Page 9, line 5, remove the overstrike over "~~as set forth in section~~"

Page 9, line 6, remove the overstrike over "~~43-11-28~~"

Page 9, line 16, remove the overstrike over "~~set forth in section 43-11-28~~"

Page 10, line 15, remove the overstrike over "~~provided in section 43-11-28~~" and remove "prescribed by rule"

Page 11, remove lines 1 through 31

Page 12, remove lines 1 through 31

Page 13, remove lines 1 through 3

Page 13, line 23, overstrike "the sheriff and"

Page 14, line 6, after "43-11-07" insert ", 43-11-20.3,"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1182: Natural Resources Committee (Rep. Olson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). HB 1182 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "prohibit" with "create and enact a new section to chapter 36-01 of the North Dakota Century Code, relating to"

Page 1, line 5, after the period insert "A new section to chapter 36-01 of the North Dakota Century Code is created and enacted as follows:" and remove "**primates,**"

Page 1, line 6, after the second underscored dash insert "**Rules -**" and remove "primate,"

Page 1, line 9, remove "primate,"

Page 1, line 10, after the underscored period insert "The state veterinarian shall confiscate and dispose of any animal kept in violation of this section. The board shall adopt rules governing the keeping of primates in captivity and to implement this section."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1257: Judiciary Committee (Rep. Kretschmar, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1257 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 23-27 of the North Dakota Century Code, relating to supervision of emergency medical services personnel; and to"

Page 1, line 2, remove "licensing and quality review of"

Page 1, line 7, remove "**licensing,**"

Page 1, line 8, remove "licensing,"

Page 1, line 9, remove the overstrike over "~~prehospital~~"

Page 1, after line 15, insert:

**"SECTION 2.** A new section to chapter 23-27 of the North Dakota Century Code is created and enacted as follows:

**Supervision of certified emergency service personnel.** Certified emergency service personnel, including emergency medical technicians and paramedics, who are employed by a hospital and who are working in a nonemergency setting are under the supervision of the hospital's patient services management."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1334: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1334 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to create and enact a new subsection to section 43-13-13.3 of the North Dakota Century Code, relating to consultations with a licensed ophthalmologist; and"

Page 1, line 14, remove the overstrike over "~~Laser therapy and the use of~~"

Page 1, remove the overstrike over line 15

Page 1, line 16, remove the overstrike over "~~bodies may be removed and primary care~~" and remove "Ocular-related diagnostic treatment, or"

Page 1, line 17, remove "noninvasive surgical" and remove "taught by optometric colleges accredited by the"

Page 1, line 18, remove "council on optometric education" and remove "as determined by the board,"

Page 1, line 19, remove "based on emerging technology, education, and credentials"

Page 2, line 2, after "includes" insert "nonscheduled" and after "agents" insert ", except for acetaminophen with thirty milligrams of codeine,"

Page 2, line 15, remove the overstrike over "~~and~~" and remove ", oral anti-glaucoma agents, oral anti-inflammatory agents,"

Page 2, line 16, remove "agents for emergency procedures, and other pharmaceutical agents"

Page 2, after line 23, insert:

**"SECTION 2.** A new subsection to section 43-13-13.3 of the North Dakota Century Code is created and enacted as follows:

After initiating treatment for primary open-angle glaucoma, the therapeutically certified optometrist shall consult with a licensed ophthalmologist within seventy-two hours. A treatment plan for each individual patient must be cooperatively identified in accordance with the currently accepted standard of care. In treating and managing glaucoma, if no progress is achieved in realizing the selected range of pressure considered unlikely to cause further optic nerve damage or resulting in further visual field loss, a referral must be made to a licensed ophthalmologist without delay."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1351: Judiciary Committee (Rep. Kretschmar, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1351 was placed on the Sixth order on the calendar.

Page 1, line 5, after the second comma insert "or a health care facility,"

Page 1, line 6, after "privilege" insert "existing under rule 503 of the North Dakota Rules of Evidence,"

Page 1, line 7, replace "a" with "any other"

Page 1, line 9, replace "permits" with "must permit" and replace "parties" with "defendants"

Page 1, line 11, after the period insert "Any information or opinions obtained from a physician during an informal discussion are inadmissible in any legal proceeding."

Page 1, line 14, replace "mails" with "serves" and replace the first "to" with "on"

Page 1, line 16, after "permitting" insert "access to the written medical record," and after "discussion" insert ", and testimony at a deposition or trial,"

Page 1, line 17, remove "A health care provider may refuse to consent to the"

Page 1, remove lines 18 through 20

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1394: Natural Resources Committee (Rep. Olson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING). HB 1394 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "and a new"

Page 1, line 2, remove "subsection to section 20.1-03-12"

Page 1, line 3, remove "and nonresident upland game license fees", after the semicolon insert "and", and replace "section" with "sections"

Page 1, line 4, replace "subsection 37 of section 20.1-03-12" with "20.1-03-07.2"

Page 1, line 5, replace "upland" with "waterfowl and small" and remove "nonresident waterfowl hunting license fees;"

Page 1, remove line 6

Page 1, line 15, remove "and upland game", remove the overstrike over "~~license~~", and remove "licenses"

Page 1, line 16, remove the overstrike over "~~Except as provided in section 20.1-03-07.2, a~~" and remove "A"

Page 1, line 17, remove the first "or upland game" and remove the second "or upland game"

Page 1, line 21, replace "upland" with "small"

Page 1, line 22, remove "during the first forty-five days"

Page 1, line 23, remove "of the upland game hunting season"

Page 2, line 5, replace "one" with "two", replace "upland" with "small", and replace "license" with "licenses"

Page 2, replace lines 7 through 14 with:

**"SECTION 3. AMENDMENT.** Section 20.1-03-07.2 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**20.1-03-07.2. Nonresident youth hunting licenses.** A nonresident youth who is less than sixteen years of age may purchase a resident small game hunting license and may hunt ~~small upland~~ game and waterfowl except swans and wild turkeys; provided, that the nonresident youth's state, or province or territory of Canada, of residence provides a reciprocal licensing agreement for North Dakota residents who are less than sixteen years of age. To be eligible to purchase a license under this section, a nonresident youth may not have arrived at the age of sixteen before September first of the year for which the license is issued and must possess a certificate of completion for a certified hunter education course. The nonresident youth may only hunt under the supervision of an adult family member or legal guardian who is licensed to hunt ~~small game or~~ waterfowl and upland game in this state and is subject to the same regulations as that youth's adult family member or legal guardian. This section does not apply to the hunting of big game or to a license issued by lottery."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1396: Natural Resources Committee (Rep. Olson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**



(9 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). HB 1396 was placed on the Sixth order on the calendar.

Page 1, line 6, replace "One" with "Fifteen" and replace "with bow" with "made available to nonresidents in the immediately preceding year for the regular gun season"

Page 1, remove line 7

Page 1, line 8, remove "described in the governor's proclamation", replace "for" with "to", and after "nonresidents" insert "to hunt mule deer with bow and arrow"

Page 1, line 9, after "hunt" insert "mule deer"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1401: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1401 was placed on the Sixth order on the calendar.

Page 1, line 8, remove ", or its satellite operation is incorporated," and overstrike "in North Dakota" and insert immediately thereafter "or its satellite operation is incorporated"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1475: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1475 was placed on the Sixth order on the calendar.

Page 11, line 29, remove the overstrike over "~~director~~", remove "president", after the second "the" insert "tourism", remove the overstrike over "~~department~~", remove "Bank", and overstrike the second "of"

Page 11, line 30, remove "North Dakota"

Page 25, line 21, remove the overstrike over "~~director~~", remove "president", after the second "the" insert "tourism", remove the overstrike over "~~department~~", remove "Bank", and overstrike the second "of"

Page 25, line 22, remove "North Dakota"

Page 26, line 6, remove the overstrike over "~~director~~", remove "president", and after the second "the" insert "tourism"

Page 26, line 7, remove the overstrike over "~~department~~", remove "Bank", overstrike "of", and remove "North Dakota"

Page 28, line 19, remove "and the fifty-fifth legislative assembly"

Page 28, after line 20, insert:

**"SECTION 45. APPROPRIATION.** The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any funds in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the Bank of North Dakota for the purpose of defraying expenses for economic development activities, for the biennium beginning July 1, 1997, and ending June 30, 1999, as follows:

Salaries and wages	\$ 360,000
Operating expenses	240,000
Grants	1,313,141
General allocation grants	725,690
Technology transfer, incorporated	1,410,380
North Dakota development fund	<u>1,909,875</u>
Total general fund appropriation	\$5,959,086"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HCR 3035: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3035 was placed on the Sixth order on the calendar.

Page 1, line 16, after "certified" insert "and currently serving" and after "as" insert "certified"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1163: Appropriations Committee (Rep. Dalrymple, Chairman)** recommends **DO PASS** (20 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1163 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1237: Appropriations Committee (Rep. Dalrymple, Chairman)** recommends **DO PASS** (18 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1237 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2031, as engrossed: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2031 was placed on the Fourteenth order on the calendar.

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

**HOUSE ENGROSSING REPORT**

The following bills were engrossed: HB 1053, HB 1078, HB 1151, HB 1153, HB 1187, HB 1191, HB 1215, HB 1216, HB 1255, HB 1293, HB 1299, HB 1333, HB 1337, HB 1368, HB 1371, HB 1385, HB 1388, HB 1399, HB 1403, HB 1413, HB 1416, HB 1417, HB 1445, HB 1456, HB 1461, and HB 1462.

**MOTION**

**REP. MAHONEY MOVED** that the House reconsider its action whereby HB 1198 failed to pass for want of a Constitutional majority.

**REQUEST**

**REP. CARLSON REQUESTED** a verification vote on the motion of Rep. Mahoney that the House reconsider its action whereby HB 1198 failed to pass for want of a Constitutional majority, which request was granted.

The question was on the motion of Rep. Mahoney whereby the House reconsider its action whereby HB 1198 failed to pass for want of a Constitutional majority, which motion failed on a verification vote.

**SECOND READING OF HOUSE BILL**

**HB 1387:** A BILL for an Act relating to partitions between rooms in commercial buildings.

**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, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gullerson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsch, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Kretschmar; Kroepflin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Nelson; Nichols; Nottestad; Oban; Olson; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**NAYS:** Murphy; Niemeier; Poolman

**ABSENT AND NOT VOTING:** Fairfield; Koppelman; Nicholas

Engrossed HB 1387 passed and the title was agreed to.

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#### MOTION

**REP. FREIER MOVED** that HB 1424 be placed at the foot of the calendar, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1448:** A BILL for an Act to amend and reenact sections 52-04-05 and 52-06-05 of the North Dakota Century Code, relating to the determination of rates and unemployment compensation maximum potential benefits.

#### ROLL CALL

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

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Kretschmar; Kroepflin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Koppelman

Engrossed HB 1448 passed and the title was agreed to.

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#### THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Bruce Anderson.

#### SECOND READING OF HOUSE BILL

**HB 1471:** A BILL for an Act to create and enact a new section to chapter 57-38 and a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to an individual or trust income tax credit for expenses of caring for certain family members; 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 93 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Kliniske; Kretschmar; Kroepflin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**NAYS:** Byerly; Kilzer

**ABSENT AND NOT VOTING:** Koppelman; Wald

Engrossed HB 1471 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1476:** A BILL for an Act relating to the Myrdal fund for technology in curriculum and staff development; and to provide an expiration date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 83 YEAS, 13 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boucher; Brandenburg; Brusegaard; Byerly; Callahan; Carlisle; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Grande; Grumbo; Gulleeson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Kliniske; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Rennerfeldt; Rose; Sabby; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thoreson; Thorpe; Tollefson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**NAYS:** Boehm; Brown; Carlson; Delzer; Gorder; Grosz; Kilzer; Murphy; Nichols; Renner; Sandvig; Thompson; Torgerson

**ABSENT AND NOT VOTING:** Koppelman

Engrossed HB 1476 passed and the title was agreed to.

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**MOTION**

**REP. FREIER MOVED** that HB 1468 be placed at the foot of the calendar, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1479:** A BILL for an Act to provide an appropriation from the coal development trust fund for road improvements.

**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 40 YEAS, 55 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boehm; Boucher; Brandenburg; Callahan; Christenson; Coats; DeKrey; Delmore; Fairfield; Froseth; Galvin; Glassheim; Grosz; Grumbo; Gulleeson; Gunter; Hanson; Hawken; Henegar; Huether; Kelsh, S.; Kerzman; Kretschmar; Mahoney; Maragos; Mickelson; Murphy; Nichols; Niemeier; Nottestad; Oban; Renner; Rose; Sandvig; Schmidt; Stenehjem; Thorpe; Warner; Wilkie

**NAYS:** Axtman; Belter; Berg; Bernstein; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christopherson; Clark; Dalrymple; Delzer; Devlin; Dorso; Drovdal; Freier; Gerntholz; Gorder; Grande; Hausauer; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kilzer; Klein; Kliniske; Kroeplin; Kunkel; Lloyd; Martinson; Monson; Nelson; Nicholas; Olson; Poolman; Price; Rennerfeldt; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Weisz; Wentz; Speaker Timm

**ABSENT AND NOT VOTING:** Koppelman; Sabby

HB 1479 was declared lost.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3010:** A concurrent resolution requesting that the Congress of the United States propose for ratification by the states an amendment to the Constitution of the United States to provide for abolition of the electoral college system and adoption of direct popular vote for election of the President and Vice President.

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

HCR 3010 was declared lost on a verification vote.

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#### MOTION

**REP. MURPHY MOVED** that the House reconsider its action whereby HB 1267 failed to pass for want of a Constitutional majority.

#### REQUEST

**REP. AARSVOLD REQUESTED** a recorded roll call vote on the motion to reconsider the action whereby HB 1267 failed to pass for want of a Constitutional majority, which request was granted.

#### ROLL CALL

The question being on the motion to reconsider the action whereby HB 1267 failed to pass for want of a Constitutional majority, the roll was called and there were 63 YEAS, 31 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Boehm; Brandenburg; Callahan; Carlisle; Christenson; Clark; Coats; Dalrymple; Delmore; Devlin; Fairfield; Froseth; Glassheim; Gorder; Grumbo; Gulleston; Gunter; Hanson; Hawken; Huether; Jacobs; Jensen; Johnsen, C.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Kretschmar; Kroeplin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Murphy; Nicholas; Nichols; Niemeier; Nottestad; Oban; Poolman; Price; Renner; Rose; Schmidt; Skarphol; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Torgerson; Wardner; Warner; Wentz; Wilkie

**NAYS:** Axtman; Berg; Bernstein; Brown; Brusegaard; Byerly; Carlson; Christopherson; DeKrey; Delzer; Dorso; Drovdal; Freier; Galvin; Gerntholz; Grande; Grosz; Henegar; Johnson, D.; Kunkel; Monson; Nelson; Olson; Rennerfeldt; Sabby; Sandvig; Soukup; Tollefson; Wald; Weisz; Speaker Timm

**ABSENT AND NOT VOTING:** Boucher; Hausauer; Koppelman

So the motion to reconsider the action whereby HB 1267 failed to pass for want of a Constitutional majority prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1267:** A BILL for an Act to amend and reenact section 39-06-13 of the North Dakota Century Code, relating to motor vehicle operator's license examinations.

#### 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 63 YEAS, 33 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Boucher; Brandenburg; Callahan; Carlisle; Christenson; Clark; Coats; Dalrymple; Delmore; Devlin; Fairfield; Froseth; Galvin; Glassheim; Gorder; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Kretschmar; Kroeplin; Lloyd; Mahoney; Maragos; Mickelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Poolman; Price; Rennerfeldt; Rose; Schmidt; Skarphol; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Torgerson; Wardner; Warner; Wentz; Wilkie

**NAYS:** Axtman; Berg; Bernstein; Boehm; Brown; Brusegaard; Byerly; Carlson; Christopherson; DeKrey; Delzer; Dorso; Drovdal; Freier; Gerntholz; Grande; Grosz; Johnsen, C.; Johnson, D.; Kunkel; Martinson; Monson; Murphy; Nelson; Olson; Renner; Sabby; Sandvig; Soukup; Tollefson; Wald; Weisz; Speaker Timm

**ABSENT AND NOT VOTING:** Koppelman

Engrossed HB 1267 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1138:** A BILL for an Act to create and enact a new paragraph to subdivision b of subsection 4 of section 54-52-17 of the North Dakota Century Code, relating to

postretirement adjustments for supreme and district court judges under the public employees retirement system.

#### 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 87 YEAS, 8 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boucher; Brandenburg; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Devlin; Drovdal; Fairfield; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Kretschmar; Kroeplin; Kunkel; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**NAYS:** Boehm; Brown; Delzer; Dorso; Freier; Grosz; Lloyd; Skarphol

**ABSENT AND NOT VOTING:** Brusegaard; Koppelman

HB 1138 passed and the title was agreed to.

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#### MOTION

**REP. DORSO MOVED** that HB 1137, HB 1139, HB 1140, and HB 1141 be moved to the top of the calendar, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1137:** A BILL for an Act to amend and reenact subdivision a of subsection 3 and subdivisions a and e of subsection 4 of section 54-52-17, sections 54-52-17.5, and 54-52-17.10 of the North Dakota Century Code, relating to normal retirement date, computation of benefits, disability retirement benefits, postretirement adjustments, and prior service retiree adjustments under the public employees retirement system.

#### 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 81 YEAS, 15 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boucher; Brandenburg; Brusegaard; Byerly; Callahan; Carlisle; Christenson; Christopherson; Clark; Coats; Dalrymple; Delmore; Devlin; Drovdal; Fairfield; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Kretschmar; Kroeplin; Kunkel; Mahoney; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Wentz; Wilkie

**NAYS:** Boehm; Brown; Carlson; DeKrey; Delzer; Dorso; Freier; Grosz; Jacobs; Lloyd; Murphy; Renner; Skarphol; Weisz; Speaker Timm

**ABSENT AND NOT VOTING:** Koppelman

HB 1137 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1139:** A BILL for an Act to amend and reenact subdivision a of subsection 4 of section 39-03.1-11 of the North Dakota Century Code, relating to computation of retirement benefits for the highway patrolmen's retirement system.

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

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boucher; Brandenburg; Brusegaard; Byerly; Callahan; Carlisle; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Devlin; Dorso; Drovdal; Fairfield; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grumbo; Gullerson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Kretschmar; Kroeplin; Kunkel; Mahoney; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Soukup; Stenehjerm; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**NAYS:** Boehm; Brown; Carlson; Delzer; Freier; Grosz; Jacobs; Lloyd; Murphy; Renner; Skarphol

**ABSENT AND NOT VOTING:** Koppelman

HB 1139 passed and the title was agreed to.

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**MOTION**

**REP. FREIER MOVED** that the House waive the reading of the title to HB 1140, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1140:** A BILL for an Act to amend and reenact subsection 3 of section 39-03.1-10.1, section 39-03.1-30, subsection 5 of section 54-52-17.4, sections 54-52-17.8, 54-52-26, 54-52-27, and 54-52.2-03 of the North Dakota Century Code, relating to purchase of service credit for veterans and purchase of sick leave under the highway patrolmen's retirement system, purchase of service credit, benefit limitations, confidentiality of records, conversion of sick leave under the public employees retirement system, and administration of the deferred compensation program; and to provide for retroactive application.

**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, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gullerson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjerm; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Koppelman; Maragos

HB 1140 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1141:** A BILL for an Act to create and enact a new subsection to section 54-52.1-03.3 of the North Dakota Century Code, relating to benefit options under the retiree health benefits plan.

**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, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gullerson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Koppelman

HB 1141 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1188:** A BILL for an Act to amend and reenact subsection 10 of section 57-02-08 of the North Dakota Century Code, relating to the property tax exemption for agricultural fair associations; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grosz; Grumbo; Gullerson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Speaker Timm

**NAYS:** Grande; Keiser; Wilkie

**ABSENT AND NOT VOTING:** Koppelman; Wentz

HB 1188 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1241:** A BILL for an Act to create and enact a new section to chapter 25-03.1 of the North Dakota Century Code, relating to the administration of medication to persons requiring treatment; to amend and reenact subsection 11 of section 25-03.1-02 of the North Dakota Century Code, relating to the definition of a person requiring treatment; and to repeal sections 25-03.1-16 and 25-03.1-18.1 of the North Dakota Century Code, relating to the use of prescribed medication.

**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 6 YEAS, 90 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Delmore; Gullerson; Kretschmar; Maragos; Sveen

**NAYS:** Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats;



Dalrymple; DeKrey; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Kroepflin; Kunkel; Lloyd; Mahoney; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Koppelman

HB 1241 was declared lost.

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### SECOND READING OF HOUSE BILL

**HB 1317:** A BILL for an Act to amend and reenact subsection 1 of section 14-09-09.7 of the North Dakota Century Code, relating to requirements of the child support guidelines.

### 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 33 YEAS, 62 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Boehm; Brandenburg; Brown; Carlson; DeKrey; Delmore; Delzer; Devlin; Drovdal; Froseth; Galvin; Gerntholz; Grosz; Grumbo; Gullerson; Gunter; Huether; Kelsh, S.; Kempenich; Kretschmar; Kroepflin; Lloyd; Mickelson; Monson; Murphy; Olson; Renner; Sabby; Sandvig; Weisz; Wilkie

**NAYS:** Axtman; Berg; Bernstein; Boucher; Brusegaard; Byerly; Callahan; Carlisle; Christenson; Christopherson; Clark; Coats; Dalrymple; Dorso; Fairfield; Freier; Glassheim; Gorder; Grande; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kerzman; Kilzer; Klein; Kliniske; Kunkel; Mahoney; Maragos; Martinson; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Poolman; Price; Rennerfeldt; Rose; Schmidt; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Wentz; Speaker Timm

**ABSENT AND NOT VOTING:** Koppelman; Skarphol

HB 1317 was declared lost.

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### SECOND READING OF HOUSE BILL

**HB 1347:** A BILL for an Act to amend and reenact sections 27-23-02 and 27-23-03 of the North Dakota Century Code, relating to the judicial conduct commission.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 7 YEAS, 87 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Boehm; Brown; Byerly; Murphy; Renner; Wald; Wardner

**NAYS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boucher; Brandenburg; Brusegaard; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gullerson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Kretschmar; Kroepflin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Kelsh, S.; Koppelman; Nelson

HB 1347 was declared lost.

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**SECOND READING OF HOUSE BILL**

**HB 1348:** A BILL for an Act to create and enact four new sections to chapter 27-14 of the North Dakota Century Code, relating to the creation, powers, and duties of a lawyer conduct commission; to amend and reenact sections 27-14-03, 27-14-04, and 27-14-05 of the North Dakota Century Code, relating to the duties of the state bar board; and to repeal section 27-14-06 of the North Dakota Century Code, relating to prosecution by the state bar board.

**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, 79 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Boehm; Brown; Byerly; Carlson; Dalrymple; Delzer; Drovdal; Galvin; Klein; Murphy; Rennerfeldt; Skarphol; Soukup; Thorpe; Wald; Wardner; Speaker Timm

**NAYS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boucher; Brandenburg; Brusegaard; Callahan; Carlisle; Christenson; Christopherson; Clark; Coats; DeKrey; Delmore; Devlin; Dorso; Fairfield; Freier; Froseth; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Guleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Kliniske; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rose; Sabby; Sandvig; Schmidt; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Warner; Weisz; Wentz; Wilkie

**ABSENT AND NOT VOTING:** Koppelman

HB 1348 was declared lost.

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**SECOND READING OF HOUSE BILL**

**HB 1372:** A BILL for an Act to create and enact a new section to chapter 27-14 and a new section to chapter 27-23 of the North Dakota Century Code, relating to the confidentiality of records of disciplinary investigations of lawyers and judges.

**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 12 YEAS, 81 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Boehm; Brown; Carlson; DeKrey; Delzer; Devlin; Froseth; Grosz; Maragos; Skarphol; Thorpe; Weisz

**NAYS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boucher; Brandenburg; Brusegaard; Byerly; Callahan; Carlisle; Christenson; Christopherson; Clark; Coats; Dalrymple; Delmore; Dorso; Drovdal; Fairfield; Freier; Galvin; Glassheim; Gorder; Grumbo; Guleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Martinson; Mickelson; Monson; Murphy; Nelson; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Warner; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Gerntholz; Grande; Koppelman; Nicholas

HB 1372 was declared lost.

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**SECOND READING OF HOUSE BILL**

**HB 1409:** A BILL for an Act providing an appropriation for training elderly visually impaired persons.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 30 YEAS, 66 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Brandenburg; Callahan; Christenson; Coats; Delmore; Fairfield; Glassheim; Grumbo; Gulleson; Hanson; Huether; Kelsh, S.; Kerzman; Kliniske; Kretschmar; Kroepflin; Mahoney; Murphy; Nichols; Niemeier; Oban; Rose; Sandvig; Schmidt; Thoreson; Thorpe; Warner; Wilkie

**NAYS:** Axtman; Belter; Berg; Bernstein; Boehm; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Grande; Grosz; Gunter; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kilzer; Klein; Kunkel; Lloyd; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Nottestad; Olson; Poolman; Price; Renner; Rennerfeldt; Sabby; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Tollefson; Torgerson; Wald; Wardner; Weisz; Wentz; Speaker Timm

**ABSENT AND NOT VOTING:** Koppelman

HB 1409 was declared lost.

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**SECOND READING OF HOUSE BILL**

**HB 1422:** A BILL for an Act relating to 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 33 YEAS, 63 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Brandenburg; Carlisle; Christenson; Coats; Delmore; Fairfield; Glassheim; Gorder; Grumbo; Gulleson; Gunter; Hausauer; Jensen; Johnson, D.; Keiser; Kelsh, S.; Kerzman; Kretschmar; Kunkel; Mahoney; Maragos; Martinson; Nelson; Nicholas; Nottestad; Oban; Schmidt; Soukup; Stenehjem; Thorpe; Wentz

**NAYS:** Axtman; Belter; Berg; Bernstein; Boehm; Brown; Brusegaard; Byerly; Callahan; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Grande; Grosz; Hanson; Hawken; Henegar; Huether; Jacobs; Johnsen, C.; Kelsch, R.; Kempenich; Kilzer; Klein; Kliniske; Kroepflin; Lloyd; Mickelson; Monson; Murphy; Nichols; Niemeier; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Skarphol; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Koppelman

HB 1422 was declared lost.

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**SECOND READING OF HOUSE BILL**

**HB 1480:** A BILL for an Act to establish an infrastructure audit task force.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 2 YEAS, 92 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Brown; Tollefson

**NAYS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Kretschmar; Kroepflin; Kunkel; Lloyd; Mahoney; Martinson; Mickelson; Monson; Murphy;

Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Torgerson; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Koppelman; Maragos; Wald

HB 1480 was declared lost.

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### SECOND READING OF HOUSE BILL

**HB 1481:** A BILL for an Act to amend and reenact sections 40-47-01.1 and 40-48-18 of the North Dakota Century Code, relating to zoning and planning by contiguous cities.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 95 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**NAYS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Koppelman; Skarphol

HB 1481 was declared lost.

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### MOTION

**REP. DORSO MOVED** that the rules be suspended and that HB 1053, HB 1078, HB 1151, HB 1153, HB 1187, HB 1191, HB 1215, HB 1216, and HB 1255 be placed on the calendar, as amended, which motion prevailed.

### SECOND READING OF HOUSE BILL

**HB 1053:** A BILL for an Act to appropriate funds for the education of gifted and talented students.

### 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 50 YEAS, 44 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Brandenburg; Brown; Callahan; Carlisle; Coats; DeKrey; Devlin; Drovdal; Fairfield; Freier; Galvin; Grosz; Grumbo; Gulleon; Gunter; Hanson; Henegar; Huether; Jensen; Johnsen, C.; Kempenich; Kerzman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Monson; Murphy; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Rose; Schmidt; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Wardner; Warner; Weisz; Wilkie

**NAYS:** Axtman; Belter; Berg; Bernstein; Boehm; Brusegaard; Byerly; Carlson; Christenson; Christopherson; Clark; Dalrymple; Delmore; Dorso; Froseth; Gerntholz; Glassheim; Grande; Hausauer; Hawken; Jacobs; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kilzer; Klein; Kliniske; Mickelson; Nelson; Poolman; Price; Renner; Rennerfeldt; Sabby; Sandvig; Skarphol; Soukup; Stenehjem; Svedjan; Torgerson; Wald; Wentz; Speaker Timm

**ABSENT AND NOT VOTING:** Delzer; Gorder; Koppelman

Engrossed HB 1053 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1078:** A BILL for an Act to amend and reenact section 20.1-03-07.1 of the North Dakota Century Code, relating to waterfowl hunting by nonresidents; and to provide an expiration date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 58 YEAS, 36 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Bernstein; Boehm; Boucher; Brandenburg; Byerly; Christenson; Christopherson; Clark; Coats; Dalrymple; Delmore; Devlin; Dorso; Glassheim; Grumbo; Gulleson; Gunter; Hausauer; Hawken; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kilzer; Kroepelin; Kunkel; Lloyd; Maragos; Monson; Murphy; Nelson; Nicholas; Nichols; Nottestad; Olson; Poolman; Price; Renner; Rennerfeldt; Schmidt; Stenehjem; Sveen; Thompson; Thoreson; Thorpe; Torgerson; Wald; Wardner; Warner; Weisz; Wilkie; Speaker Timm

**NAYS:** Belter; Berg; Brown; Brusegaard; Callahan; Carlisle; Carlson; DeKrey; Delzer; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Grande; Grosz; Hanson; Henegar; Kelsh, S.; Kerzman; Klein; Kliniske; Kretschmar; Mahoney; Martinson; Mickelson; Oban; Rose; Sabby; Sandvig; Skarphol; Soukup; Svedjan; Tollefson; Wentz

**ABSENT AND NOT VOTING:** Gorder; Koppelman; Niemeier

Engrossed HB 1078 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1151:** A BILL for an Act to create and enact a new section to chapter 61-01 of the North Dakota Century Code, relating to drains.

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

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Grande; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Kretschmar; Kroepelin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nicholas; Nichols; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Weisz; Wentz; Wilkie; Speaker Timm

**NAYS:** Carlson; Nelson; Niemeier; Warner

**ABSENT AND NOT VOTING:** Dorso; Gorder; Koppelman; Rose

Engrossed HB 1151 passed and the title was agreed to.

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**MOTION**

**REP. FREIER MOVED** that the House waive the reading of the title to HB 1153, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1153:** A BILL for an Act to create and enact three new sections to chapter 32-12.2 of the North Dakota Century Code, relating to confidentiality of risk management liability reserve and fund records, meetings and records of agency loss control committees, and contracts between the state and political subdivisions; to amend and reenact sections 32-12.2-01, 32-12.2-02, 32-12.2-03, 32-12.2-04, 32-12.2-07, 32-12.2-08, and

32-12.2-09 of the North Dakota Century Code, relating to definitions, damage limitations, exclusions from liability, employee defense, settlement of claims, payment of claims, and the relationship to insurance coverage of the risk management fund; and to repeal sections 26.1-21-10.1 and 26.1-21-10.2 of the North Dakota Century Code, relating to defense of state employees in tort liability cases and expenses paid from the state bonding fund.

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

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gertholz; Glassheim; Grande; Grosz; Grumbo; Gulleeson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Speaker Timm

**NAYS:** Kretschmar; Wilkie

**ABSENT AND NOT VOTING:** Gorder; Koppelman; Rose

Engrossed HB 1153 passed and the title was agreed to.

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#### MOTION

**REP. FREIER MOVED** that the House reconsider its action whereby HB 1053 passed, which motion prevailed.

#### REQUEST

**REP. GULLESON REQUESTED** a recorded roll call vote on the motion to reconsider the action whereby HB 1053 passed, which request was granted.

#### ROLL CALL

The question being on the motion to reconsider the action whereby HB 1053 passed, the roll was called and there were 54 YEAS, 40 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Belter; Berg; Boehm; Brown; Brusegaard; Byerly; Carlson; Christenson; Christopherson; Clark; Dalrymple; Delmore; Delzer; Dorso; Freier; Froseth; Gertholz; Glassheim; Grande; Gunter; Hausauer; Hawken; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kilzer; Klein; Kliniske; Kretschmar; Kunkel; Maragos; Martinson; Mickelson; Nelson; Nicholas; Poolman; Price; Renner; Rennerfeldt; Sabby; Skarphol; Soukup; Stenehjem; Thoreson; Tollefson; Torgerson; Wald; Wardner; Wentz; Speaker Timm

**NAYS:** Aarsvold; Bernstein; Boucher; Brandenburg; Callahan; Carlisle; Coats; DeKrey; Devlin; Drovdal; Fairfield; Galvin; Grosz; Grumbo; Gulleeson; Hanson; Henegar; Huether; Jacobs; Kempenich; Kerzman; Kroeplin; Lloyd; Mahoney; Monson; Murphy; Nichols; Niemeier; Nottestad; Oban; Olson; Sandvig; Schmidt; Svedjan; Sveen; Thompson; Thorpe; Warner; Weisz; Wilkie

**ABSENT AND NOT VOTING:** Gorder; Koppelman; Rose

So the motion to reconsider the action whereby HB 1053 passed, prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1053:** A BILL for an Act to appropriate funds for the education of gifted and talented students.

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

**YEAS:** Aarsvold; Boucher; Brandenburg; Coats; DeKrey; Delzer; Devlin; Drovdal; Fairfield; Galvin; Grosz; Grumbo; Gulleson; Hanson; Kerzman; Kretschmar; Kroepflin; Lloyd; Mahoney; Maragos; Monson; Murphy; Nichols; Niemeier; Nottestad; Oban; Olson; Schmidt; Thompson; Thoreson; Thorpe; Warner; Weisz; Wilkie

**NAYS:** Axtman; Belter; Berg; Bernstein; Boehm; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Dalrymple; Delmore; Dorso; Freier; Froseth; Gerntholz; Glassheim; Grande; Gunter; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kilzer; Klein; Kliniske; Kunkel; Martinson; Mickelson; Nelson; Nicholas; Poolman; Price; Renner; Rennerfeldt; Sabby; Sandvig; Skarphol; Soukup; Stenehjerm; Svedjan; Sveen; Tollefson; Torgerson; Wald; Wardner; Wentz; Speaker Timm

**ABSENT AND NOT VOTING:** Gorder; Koppelman; Rose

Engrossed HB 1053 was declared lost.

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

**HCR 3011:** A concurrent resolution requesting that a balanced budget amendment to the United States Constitution be submitted to the states for ratification.

**HCR 3015:** A concurrent resolution urging Congress to provide funds to replace the Four Bears Bridge.

**HCR 3026:** A concurrent resolution supporting the de Mores Abattoir Project, the Center for the American West, located in Chimney Park in Medora, North Dakota.

**HCR 3028:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a state department of commerce.

**HCR 3029:** A concurrent resolution acknowledging the service and sacrifice of the brave Americans, including North Dakotans, who contributed to the historic victory of freedom and democracy over tyranny and oppression.

**HCR 3033:** A concurrent resolution directing the Legislative Council to study the effects of managed health care on the future viability of the health care delivery system in rural North Dakota.

**HCR 3034:** A concurrent resolution directing the Legislative Council to study the impact of divorce on children and issues of equity and fairness as they relate to custody determinations, visitation orders, and child support obligations.

**HCR 3037:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of providing property tax relief through alternative state and local revenue sources.

**HCR 3038:** A concurrent resolution directing the Legislative Council to study assessment and taxation of mobile homes, park model trailers, recreational vehicles, and similar housing alternatives.

**HCR 3039:** A concurrent resolution directing the Legislative Council to study the relationship between state general fund revenue gains from economic growth and losses from providing income tax incentives for investment in value-added agricultural processing.

### ROLL CALL

The question being on the final adoption of the resolutions, which have been read, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Grande; Gunter; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Kretschmar; Kroepflin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Poolman;

Price; Renner; Rennerfeldt; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Gorder; Koppelman; Olson; Rose

HCR 3011, HCR 3015, HCR 3026, HCR 3028, HCR 3029, HCR 3033, HCR 3034, HCR 3037, HCR 3038, and HCR 3039 were declared adopted on a recorded roll call vote.

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**MOTION**

**REP. DORSO MOVED** that with reference to HB 1168, HB 1226, and HB 1259, that House Rule 507 be suspended for one legislative day, which motion prevailed.

**MOTION**

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

**MOTION**

**REP. FREIER MOVED** that the House be on the Fifth order of business and at the conclusion of that order, the House stand adjourned until 8:00 a.m., Wednesday, February 19, 1997, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1116: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1116 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact five new sections to chapter 65-06.2 of the North Dakota Century Code, relating to workers' compensation coverage for inmates engaged in work programs through roughrider industries; to amend and reenact sections 65-05-07.2 and 65-06.2-01 of the North Dakota Century Code, relating to the requirement that employers pay a portion of the medical benefits of workers' compensation claims and to the definition of an inmate; and to provide an expiration date.

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

**SECTION 1. AMENDMENT.** Section 65-05-07.2 of the North Dakota Century Code is amended and reenacted as follows:

**65-05-07.2. Payment to bureau for certain claims.** The employer shall reimburse the bureau for all medical expenses related to a compensable injury to an employee if the expenses are not more than two hundred fifty dollars and shall reimburse the bureau for the first two hundred fifty dollars of medical expenses when the expenses are more than two hundred fifty dollars. If an employee's compensable injury is determined through a civil action to have been sustained through the fault or negligence of a third person, or if a settlement has been entered between the employee and a third person through which the third person agrees to compensate the employee for the injury, the bureau, upon receipt of its subrogation interest, shall credit the account of the employer to the extent of the payment made by the employer to the bureau under this section. Upon the bureau's determination that the claim is compensable, the bureau shall pay the medical expenses associated with the claim and notify the employer of payments to be made by the employer under this section. If the employer does not pay the bureau within ninety days of notice by the bureau, the bureau may impose a penalty on that employer. The penalty may not exceed one hundred twenty-five percent of the payment owed by the employer. The bureau shall collect the penalty in a civil action against the employer and deposit the money in the fund. An employer may not directly or indirectly charge an injured employee for any payment the employer makes on a claim. When the cost of an injured employee's medical treatment exceeds two hundred fifty dollars, the bureau shall pay all further medical expenses pursuant to this title. This section is effective for all compensable injuries that occur after July 31, 1995. Compensable injuries paid under sections 3, 4, 5, 6, and 7 of this Act are not subject to this section.

**SECTION 2. AMENDMENT.** Section 65-06.2-01 of the North Dakota Century Code is amended and reenacted as follows:



**65-06.2-01. Inmate defined.** For the purposes of ~~this chapter~~ sections 65-06.2-02 and 65-06.2-03, an inmate is a person who is confined against the inmate's will in a city or county penal institution or is a person who, as a criminal defendant before a court, is ordered or elects to perform public service for a city or county in conjunction with or in lieu of a jail sentence. The term inmate does not include an individual injured while incarcerated in the North Dakota state penitentiary or any of its affiliated facilities or an individual injured in a fight, riot, recreational activity, or other incident not directly related to the inmate's work assignment.

**SECTION 3.** A new section to chapter 65-06.2 of the North Dakota Century Code is created and enacted as follows:

**Workers' compensation coverage for inmates engaged in work programs through roughrider industries.** The director of the department of corrections and rehabilitation may elect to provide and request from the bureau a program of modified workers' compensation coverage established under this chapter and according to administrative rules and fee schedules of this chapter. Roughrider industries shall qualify for the bureau's risk management program before the bureau may provide the modified workers' compensation coverage. The modified workers' compensation coverage would be for inmates incarcerated at the penitentiary and engaged in work in a prison industries work program through roughrider industries, whether the program is operated by roughrider industries or by contract with another entity or private employer. An inmate who sustains a compensable injury arising out of and in the course of work in a prison industries work program through roughrider industries may only receive workers' compensation benefits under the modified workers' compensation coverage established for that purpose.

**SECTION 4.** A new section to chapter 65-06.2 of the North Dakota Century Code is created and enacted as follows:

**Modified coverage of inmates engaged in work programs through roughrider industries - Conditions.** Except as otherwise provided in this chapter, all claims for workers' compensation benefits under this section and sections 3, 5, and 7 of this Act are subject to title 65. A claim under this section and sections 3, 5, and 7 of this Act must be filed according to section 65-05-01. While an inmate is incarcerated at the penitentiary, the penitentiary shall pay the reasonable medical expenses of that inmate at penitentiary medical payment levels, if that inmate incurs a compensable injury while working in a prison industries work program through roughrider industries. If an inmate sustains a compensable injury while working in a prison industries work program through roughrider industries, disability, vocational rehabilitation, and permanent partial impairment benefits may not accrue or be paid while the inmate is incarcerated and may only accrue and be paid after the inmate is discharged from the penitentiary. An injury resulting from a fight, riot, recreational activity, or other activity or incident other than the inmate's actual performance of work duties in a prison industries work program through roughrider industries is not compensable under this title.

**SECTION 5.** A new section to chapter 65-06.2 of the North Dakota Century Code is created and enacted as follows:

**Rulemaking - Excess or reinsurance coverage.** The bureau, in cooperation with the department of corrections and rehabilitation and the risk management division of the office of management and budget, shall adopt administrative rules and fee schedules for a program of modified workers' compensation coverage established and provided under this section and sections 3, 4, and 7 of this Act. The administrative rules and fee schedules must provide for the classification of inmates engaged in work in a prison industries work program through roughrider industries, the computation of premium, the payment of claims charges against the classification, the payment of medical bills, excess coverage or reinsurance, and the reimbursement by roughrider industries to the bureau for all claim benefit costs charged against that classification, as well as any allocated loss adjustment expense and all administrative expenses, including the expense of issuing the coverage, for the life of the claim in excess of premiums and medical expenses paid by roughrider industries. Roughrider industries shall secure excess coverage or shall reinsure all excess risks through the risk management division to cover the costs in excess of premiums and medical expenses paid. The risk management division shall assess a premium against roughrider industries for the cost of excess or reinsurance coverage and roughrider industries shall pay that premium.

**SECTION 6.** A new section to chapter 65-06.2 of the North Dakota Century Code is created and enacted as follows:

**State reimbursement for liability in excess of collected premiums.** Whenever total costs and expenses charged to the classification of the modified workers' compensation program established under this chapter exceeds the amount of premiums paid into the fund and any policy limits of the reinsurance or excess coverage purchased under section 5 of this Act, those excess costs and expenses are a general obligation of the state and the state shall reimburse the bureau for credit to the workers' compensation fund through legislative appropriation. Roughrider industries shall secure a means of reinsuring excess costs and expenses to minimize exposure of loss to the state general fund.

**SECTION 7.** A new section to chapter 65-06.2 of the North Dakota Century Code is created and enacted as follows:

**No liability for damages - Inmates are not employees.** The state and its employees, and the department of corrections and rehabilitation and its divisions, departments, and employees may not be held liable for damages at common law or by statute if an inmate covered under a program of modified workers' compensation coverage under this chapter sustains a compensable injury while working in a prison industries work program through roughrider industries. An inmate covered under a program of modified workers' compensation coverage under this chapter is not an employee of the state or the department of corrections and rehabilitation and its divisions and departments except for the purpose of modified workers' compensation coverage under this chapter.

**SECTION 8. EXPIRATION DATE.** This Act is effective through June 30, 1999, and after that date is ineffective."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1167: 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). HB 1167 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to create and enact a new subsection to section 12.1-28-01 of the North Dakota Century Code, relating to private premises;"

Page 1, line 5, remove "and"

Page 1, after line 13, insert:

**"SECTION 2.** A new subsection to section 12.1-28-01 of the 1995 Supplement to the North Dakota Century Code is created and enacted as follows:

"Private premises" means premises not owned or operated by a governmental entity."

Page 9, after line 30, insert:

"6. Notwithstanding section 53-06.1-07.2 governing poker and section 53-06.1-10 governing twenty-one, the commission may conduct a controlled test and research on variations of these games for making a recommendation to the legislative assembly. The commission shall adopt any rules necessary to effectively regulate the variations of these games and may not test any video or electronic variations of the games."

Page 14, line 10, after "permit" insert "or an employee of a temporary employment agency who provides services to a licensed organization for not more than three months in a twelve-month period"

Page 16, line 18, overstrike "If bingo is the primary game at a site, a" and insert immediately thereafter "A"

Page 16, line 20, remove "a", overstrike "quarter", and after "site" insert "a period prescribed by gaming rule"

Page 17, line 25, overstrike "price" and insert immediately thereafter "amount", overstrike "paddlewheel ticket", and after "~~exceed~~" insert "wager"

Page 17, line 27, overstrike "wagered paddlewheel ticket" and insert immediately thereafter "wager", overstrike "cash", and overstrike "price of the"

Page 17, line 28, overstrike "paddlewheel ticket" and insert immediately thereafter "wager", after "~~No~~" insert "A paddlewheel ticket must be used to register a player's wager when a prize is not a variable multiple of the wager.", and overstrike "paddlewheel tickets" and insert immediately thereafter "wagers"

Page 17, line 30, overstrike "current" and overstrike "price" and insert immediately thereafter "value"

Page 17, line 31, overstrike "paddlewheel ticket" and insert immediately thereafter "wager"

Page 19, line 13, remove "or a"

Page 19, line 14, remove "live animal"

Page 19, line 23, replace "gambling" with "gaming"

Page 27, line 14, after "gaming" insert "and"

Renumber accordingly

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

**ROY GILBREATH, Chief Clerk**