

JOURNAL OF THE HOUSE

Fifty-first Legislative Assembly

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Bismarck, February 7, 1989

The House convened at 12:30 p.m., with Speaker Kretschmar presiding.

The prayer was offered by Bishop Barry Lee, Church of God of Prophecy, Bismarck.

The roll was called and all Representatives were present, except Representatives Gerhardt, Gerl, and Payne.

A quorum was declared by the Speaker.

CORRECTION and REVISION of the JOURNAL (Rep. V. Olson, Chairman)
MR. SPEAKER: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Twenty-fourth Day and finds it to be correct.

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

HOUSE ENGROSSING REPORT

The following bills were engrossed: HB 1015, HB 1034, HB 1184, HB 1192, HB 1198, HB 1199, HB 1261, HB 1318, HB 1339, HB 1354, HB 1391, HB 1485, HB 1489, HB 1601, HB 1626.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that the committee reports for HB 1083, HB 1130, HB 1131, HB 1140, HB 1196, HB 1280, HB 1299, HB 1429, HB 1432, HB 1435, HB 1444, HB 1502, HB 1511, HB 1519, HB 1524, HB 1533, HB 1575, and HB 1610 recommending amendments on the Sixth order of business on the legislative calendar of the Twenty-fifth Day be adopted, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. HAUGLAND MOVED that the amendments to HB 1083 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 532 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1083 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. NICHOLAS MOVED that the amendments to HB 1130 as recommended by the Committee on Agriculture as printed on page 532 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1130 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. TIMM MOVED that the amendments to HB 1131 as recommended by the Committee on Transportation as printed on pages 532-533 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1131 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. A. OLSON MOVED that the amendments to HB 1140 as recommended by the Committee on Natural Resources as printed on page 533 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1140 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. PETERSON MOVED that the amendments to HB 1196 as recommended by the Committee on Appropriations as printed on page 534 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1196 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. A. OLSON MOVED that the amendments to HB 1280 as recommended by the Committee on Natural Resources as printed on page 534 of the House Journal be adopted, and when so adopted, recommends the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

HB 1280 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. A. OLSON MOVED that the amendments to HB 1299 as recommended by the Committee on Natural Resources as printed on page 534 of the House Journal be adopted, and when so adopted, recommends the same DO PASS and be rereferred to the Committee on Appropriations.

HB 1299 was rereferred to the Committee on Appropriations.

REP. A. OLSON MOVED that the amendments to HB 1429 as recommended by the Committee on Natural Resources as printed on pages 534-535 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1429 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. LINDGREN MOVED that the amendments to HB 1432 as recommended by the Committee on Political Subdivisions as printed on page 535 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS.

HB 1432 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. HAUGLAND MOVED that the amendments to HB 1435 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 535 of the House Journal be adopted, and when so adopted, recommends the same DO PASS and be rereferred to the Committee on Appropriations.

HB 1435 was rereferred to the Committee on Appropriations.

REP. NICHOLAS MOVED that the amendments to HB 1444 as recommended by the Committee on Agriculture as printed on pages 535-536 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1444 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. NICHOLAS MOVED that the amendments to HB 1502 as recommended by the Committee on Agriculture as printed on page 536 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1502 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. HAUGLAND MOVED that the amendments to HB 1511 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 536 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS.

HB 1511 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. NICHOLAS MOVED that the amendments to HB 1519 as recommended by the Committee on Agriculture as printed on page 536 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1519 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. HAUGLAND MOVED that the amendments to HB 1524 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 537 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1524 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. LINDGREN MOVED that the amendments to HB 1533 as recommended by the Committee on Political Subdivisions as printed on pages 537-542 of the House Journal be adopted, and when so adopted, recommends the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

HB 1533 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. TIMM MOVED that the amendments to HB 1575 as recommended by the Committee on Transportation as printed on page 542 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1575 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. NICHOLAS MOVED that the amendments to HB 1610 as recommended by the Committee on Agriculture as printed on page 542 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1610 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. A. OLSON MOVED that the amendments to HB 1188 as recommended by the Committee on Natural Resources as printed on page 533 of the House Journal be

adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1188 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

REP. A. HAUSAUER MOVED that HB 1588 be returned to the House floor from the Committee on Finance and Taxation, which motion prevailed.

REQUEST

REP. A. HAUSAUER REQUESTED the unanimous consent of the House to withdraw HB 1588. There being no objection, it was so ordered by the Speaker.

MOTION

REP. MARTINSON MOVED that HB 1286 be returned to the House floor from the Committee on State and Federal Government, which motion prevailed.

REQUEST

REP. P. DEMERS REQUESTED the unanimous consent of the House to withdraw HB 1286. There being no objection, it was so ordered by the Speaker.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that HB 1188, as amended, which was placed on the Eleventh order by the adoption of the amendments, be voted on for final passage at this time, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1188: A BILL for an Act to create and enact a new section to chapter 61-02 of the North Dakota Century Code, relating to the condemnation power of the state water commission for the southwest pipeline project; and to amend and reenact subsection 2 of section 61-16.1-09 of the North Dakota Century Code, relating to the powers of water resource boards.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 77 YEAS, 29 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; DeMers, J.; Dorso; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Goetz; Gorman; Graba; Halmrast; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hokana; Howard; Huether; Jensen; Kelly; Kingsbury; Kloubec; Kolbo; Kouba; Lang; Larson, R.; Lindgren; Martin; Martinson; Mertens; Myrdal; Nicholas; Nowatzki; Oban; Olson, A.; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schneider; Shide; Skjerven; Smette; Sorensen; Soukup; Starke; Stenehjem; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Wentz; Whalen; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aarsvold; Anderson, B.; Brokaw; Carlson; DeMers, P.; Enget; Gilmore; Gunsch; Hanson, L.; Hoffner; Kaldor; Knell; Larson, D.; Laughlin; Marks; Melby; Murphy; Nelson; Ness; Olsen, D.; Olson, V.; O'Shea; Schmidt; Shaft; Shockman; Solberg; Stofferahn; Watne; Wilkie

ABSENT AND NOT VOTING: None

HB 1188 passed and the title was agreed to.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
 MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1017, HB 1282, HB 1336, HB 1356, HB 1369, HB 1379, HB 1393, HB 1467, HB 1484, HB 1491, HB 1493, HB 1522, HB 1531, HCR 3004, HCR 3006, HCR 3007, HCR 3021, HCR 3041.

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SCR 4027 has had the same under consideration and recommends that the SENATE ACCEDE to the House amendments as found on page 325 of the House Journal and that Engrossed SCR 4027 be further amended as follows:

Page 4, line 13, after the comma insert "Assistant Appropriations" and replace "58.00" with "62.00"

Re-number accordingly

For the Senate: Sens. Satrom, W. Meyer, Naaden
 For the House: Reps. Martinson, Melby, Ulmer

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

MOTION

REP. MARTINSON MOVED that the rules be suspended and that Engrossed SCR 4027, which is on the Seventh order of business on the calendar, be placed on the Fourteenth order of business for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

Engrossed SCR 4027: A concurrent resolution providing and designating Senate and House employees and fixing their compensation.

ROLL CALL

The question being on the adoption of the amended resolution, which has been read, the roll was called and there were 104 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Brokaw; Murphy

Engrossed SCR 4027 was declared adopted on a roll call vote.

SECOND READING OF HOUSE BILLS

HB 1417: A BILL for an Act to amend and reenact subsections 4 and 7 of section 6-06-02, sections 6-06-06.1, 6-06-37, 6-06-40, subsection 3 of section 21-04-01, section 21-04-09, and subsection 22 of section 26.1-05-19 of the North Dakota Century Code, relating to insurance of shares and accounts of credit unions.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 57 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Brokaw; Carlson; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gilmore; Graba; Halmrast; Hanson, L.; Hausauer, A.; Hoffner; Hokana; Huether; Kaldor; Kelly; Kolbo; Laughlin; Marks; Martinson; Mertens; Nelson; Ness; Nowatzki; Oban; O'Shea; Ring; Scherber; Schneider; Shockman; Skjerven; Solberg; Starke; Stofferahn; Thompson, V.; Tomac; Ulmer; Watne; Wilkie; Williams, A.; Williams, W.

NAYS: Aas; Anderson, R.; Belter; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; Dorso; Gerntholz; Goetz; Gorman; Gunsch; Hanson, O.; Haugen; Haugland; Hausauer, R.; Howard; Jensen; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martin; Melby; Murphy; Myrdal; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Payne; Rydell; Schatz; Schindler; Schmidt; Shaft; Shide; Smette; Sorensen; Soukup; Stenehjem; Thompson, K.; Timm; Tokach; Tollefson; Trautman; Urlacher; Vander Vorst; Wald; Wentz; Whalen; Speaker Kretschmar

ABSENT AND NOT VOTING: Peterson

HB 1417 lost.

HB 1434: A BILL for an Act to create and enact a new section to chapter 15-47 of the North Dakota Century Code, relating to the use of corporal punishment by school district employees; and to amend and reenact subsection 1 of section 12.1-05-05 of the North Dakota Century Code, relating to the use of force by persons responsible for minors.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 78 YEAS, 27 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Frey; Gerhardt; Gerl; Gilmore; Goetz; Gorman; Graba; Halmrast; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Martin; Martinson; Mertens; Myrdal; Nelson; Ness;

Nicholas; Nowatzki; Oban; Olson, A.; O'Shea; Payne; Peterson; Ring; Rydell; Scherber; Schindler; Schmidt; Schneider; Shaft; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tollefson; Trautman; Ulmer; Urlacher; Watne; Wentz; Wilkie; Williams, A.; Speaker Kretschmar

NAYS: Anderson, R.; Belter; Brokaw; Dorso; Enget; Flaagan; Gates; Gerntholz; Gunsch; Hanson, L.; Hanson, O.; Haugen; Kingsbury; Knell; Marks; Melby; Murphy; Olsen, D.; Olson, V.; Schatz; Shide; Shockman; Tokach; Tomac; Vander Vorst; Whalen; Williams, W.

ABSENT AND NOT VOTING: Wald

HB 1434 passed and the title was agreed to.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The President has signed and your signature is respectfully requested: SB 2064.

SIGNING of BILLS and RESOLUTIONS (Roy Gilbreath, Chief Clerk)
THE CHIEF CLERK ANNOUNCED that the Speaker signed the following enrolled bill: SB 2064.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The Speaker has signed: SB 2064.

SECOND READING OF HOUSE BILLS

HB 1483: A BILL for an Act to create and enact a new section to chapter 57-20 of the North Dakota Century Code, relating to the collection of delinquent taxes; and to amend and reenact sections 57-20-09 and 57-28-04 of the North Dakota Century Code, relating to the inapplicability of tax payment discounts and service of notice of the expiration of the period of redemption.

ROLL CALL

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

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Haugland

HB 1483 passed and the title was agreed to.

HB 1487: A BILL for an Act to create and enact three new sections to chapter 15-38 of the North Dakota Century Code, relating to sex education instruction in public schools.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 60 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Belter; Berg, G.; Brokaw; Dorso; Gerhardt; Gerntholz; Goetz; Gorman; Gunsch; Hanson, O.; Haugen; Howard; Kingsbury; Knell; Kouba; Lang; Larson, D.; Marks; Martin; Melby; Murphy; Myrdal; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; Payne; Schatz; Schindler; Shaft; Shide; Shockman; Skjerven; Smette; Soukup; Thompson, K.; Timm; Tokach; Tomac; Urlacher; Vander Vorst; Wald; Whalen; Williams, A.

NAYS: Aarsvold; Aas; Anderson, B.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gates; Gerl; Gilmore; Graba; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kloubec; Kolbo; Larson, R.; Laughlin; Lindgren; Martinson; Mertens; Nelson; Ness; Oban; O'Shea; Peterson; Ring; Rydell; Scherber; Schmidt; Schneider; Solberg; Sorensen; Starke; Stenehjem; Stofferahn; Thompson, V.; Tollefson; Trautman; Ulmer; Watne; Wentz; Wilkie; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: None

HB 1487 lost.

HB 1521: A BILL for an Act to create and enact a new subsection to section 57-15-06.7 of the North Dakota Century Code, relating to the limitation on county levies for certain comprehensive human services programs; and to amend and reenact section 50-06.2-05 of the North Dakota Century Code, relating to the authority of the board of county commissioners to levy a tax for comprehensive human services programs.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 90 YEAS, 15 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kelly; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.;

Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Schatz; Scherber; Schneider; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aarsvold; Anderson, R.; Dorso; Gunsch; Hanson, O.; Hausauer, A.; Kaldor; Kingsbury; Larson, D.; Melby; Murphy; Schindler; Schmidt; Shaft; Vander Vorst

ABSENT AND NOT VOTING: Rydell

HB 1521 passed and the title was agreed to.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2172, SB 2223, SB 2284, SB 2297, SB 2322, SB 2341, SB 2367, SB 2411, SB 2412, SB 2420, SB 2440, SB 2450, SB 2461, SB 2477, SB 2486, SB 2491, SB 2494, SB 2515, SCR 4001, SCR 4002, SCR 4016.

SECOND READING OF HOUSE BILLS

HB 1600: A BILL for an Act to create and enact a new section to chapter 15-47 of the North Dakota Century Code, relating to the publication of student test scores in the school district newspaper.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 17 YEAS, 87 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Berg, R.; Bernstein; Dalrymple; Dorso; Gorman; Haugen; Kingsbury; Kloubec; Lang; Melby; Olson, A.; Payne; Schindler; Shaft; Skjerven; Soukup; Thompson, K.

NAYS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Brokaw; Carlson; Christman; Clayburgh; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Knell; Kolbo; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, V.; O'Shea; Peterson; Ring; Rydell; Schatz; Scherber; Schmidt; Schneider; Shide; Shockman; Smette; Solberg; Sorensen; Starke; Stenehjem; Stofferahn; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: Kouba; Whalen

HB 1600 lost.

HB 1631: A BILL for an Act to create and enact a new subsection to section 39-10-46 of the North Dakota Century Code, relating to signs on schoolbuses that stop at railroad crossings.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 96 YEAS, 7 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjelm; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tollefson; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Hanson, O.; Melby; Mertens; Murphy; Tokach; Tomac; Urlacher

ABSENT AND NOT VOTING: Carlson; Shaft; Whalen

HB 1631 passed and the title was agreed to.

HB 1015: A BILL for an Act to make an appropriation for defraying expenses of various commissions, departments, and divisions of the state of North Dakota; and to amend and reenact section 54-14-03.2 of the North Dakota Century Code, relating to claims against the state.

REQUEST

REP. MARTINSON REQUESTED a Ruling by the Speaker with reference to House Rule 401(4) which states that no bill shall embrace more than one subject, which shall be expressed in its title.

RULING BY THE SPEAKER

SPEAKER KRETSCHMAR stated that there is a constitutional prohibition against having more than one subject in a bill. It would seem that the appropriations for claims against the state are connected to claims that are made against the state, therefore, the Speaker ruled that HB 1015, as it is before us right now, can be voted upon.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 76 YEAS, 30 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Anderson, R.; Berg, G.; Brokaw; Christman; Dalrymple; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gates; Gerl; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Kolbo; Kouba; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Mertens; Nelson; Nowatzki; Oban; Olson, V.; Payne; Peterson; Rydell; Schatz; Scherber; Schmidt; Shaft; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup;

Starke; Stenehjelm; Stofferahn; Thompson, K.; Thompson, V.; Tokach; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Speaker Kretschmar

NAYS: Aas; Belter; Berg, R.; Bernstein; Carlson; Clayburgh; Dorso; Gerhardt; Gilmore; Gorman; Hanson, O.; Knell; Lang; Larson, D.; Melby; Murphy; Myrdal; Ness; Nicholas; Olsen, D.; Olson, A.; O'Shea; Ring; Schindler; Schneider; Shide; Timm; Tollefson; Whalen; Williams, W.

ABSENT AND NOT VOTING: None

HB 1015 passed and the title was agreed to.

MOTIONS

REP. R. ANDERSON MOVED that HB 1184 and HB 1261 be laid over one legislative day, which motion prevailed.

REP. R. ANDERSON MOVED that the House waive the reading of the title to HB 1192, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1192: A BILL for an Act to create and enact a new subsection to section 10-04-03 of the North Dakota Century Code, relating to fees for written opinions of the commissioner; and to amend and reenact subsection 2 of section 10-04-03, subsections 1 and 2 of section 10-04-05, and subsections 7 and 11 of section 10-04-06 of the North Dakota Century Code, relating to the authority of the securities commissioner, an exemption for governmental securities, registration exemptions for banks, an exemption for corporate and partnership reorganization, an exemption for existing securityholders of the issuer, and an exemption for employee stock purchase plans.

ROLL CALL

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

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjelm; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Schatz

HB 1192 passed and the title was agreed to.

HB 1198: A BILL for an Act to amend and reenact sections 25-06-03 and 25-07-02 of the North Dakota Century Code, relating to the consolidation of the offices of superintendent of the school for the deaf and the school for the blind.

ROLL CALL

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

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Frey; Huether; Kolbo; Martinson; Olsen, D.; Ulmer

ABSENT AND NOT VOTING: Gerl; Schatz

HB 1198 passed and the title was agreed to.

HB 1199: A BILL for an Act to amend and reenact sections 54-45-01, 54-45-02, 54-45-03, 54-45-04, 65-06.1-01, and 65-06.1-02 of the North Dakota Century Code, relating to the transfer of the civil air patrol to the adjutant general; and to repeal section 65-06.1-04 of the North Dakota Century Code, relating to excess workers' compensation claims by civil air patrol members.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 101 YEAS, 1 NAY, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell;

Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Frey

ABSENT AND NOT VOTING: Anderson, R.; Brokaw; Hausauer, R.; Starke

HB 1199 passed and the title was agreed to.

HB 1318: A BILL for an Act to amend and reenact section 57-36-10 of the North Dakota Century Code, relating to the discount allowed to licensed distributors on purchases of tobacco products tax stamps.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 36 YEAS, 70 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Brokaw; Carlson; DeMers, J.; DeMers, P.; Enget; Gerl; Gilmore; Graba; Halmrast; Hanson, L.; Hoffner; Hokana; Huether; Kaldor; Kelly; Kolbo; Marks; Ness; Oban; O'Shea; Ring; Scherber; Schneider; Shockman; Solberg; Sorensen; Stofferahn; Tokach; Tomac; Ulmer; Watne; Wilkie; Williams, A.; Williams, W.

NAYS: Aas; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; Dorso; Flaagan; Frey; Gates; Gerhardt; Gertholz; Goetz; Gorman; Gunsch; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Howard; Jensen; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Rydell; Schatz; Schindler; Schmidt; Shaft; Shide; Skjerven; Smette; Soukup; Starke; Stenehjem; Thompson, K.; Thompson, V.; Timm; Tollefson; Trautman; Urlacher; Vander Vorst; Wald; Wentz; Whalen; Speaker Kretschmar

ABSENT AND NOT VOTING: None

HB 1318 lost.

HB 1339: A BILL for an Act to create and enact a new section to chapter 38-08 of the North Dakota Century Code, relating to the certification of welders by the oil and gas division of the industrial commission; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 93 YEAS, 8 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.;

DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjelm; Stofferahn; Thompson, K.; Thompson, V.; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, W.

NAYS: Anderson, R.; Gunsch; Kingsbury; Kouba; Murphy; Schmidt; Timm; Speaker Kretschmar

ABSENT AND NOT VOTING: Hausauer, R.; Mertens; Urlacher; Whalen; Williams, A.

HB 1339 passed and the title was agreed to.

HB 1354: A BILL for an Act to create and enact a new section to chapter 44-08 of the North Dakota Century Code, relating to payment of claims for mileage and travel expense and for allowance for meals and lodging by state employees.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 94 YEAS, 10 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Belter; Berg, G.; Berg, R.; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjelm; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Anderson, R.; Bernstein; Gunsch; Hanson, O.; Kingsbury; Melby; Murphy; Olson, A.; Schmidt; Whalen

ABSENT AND NOT VOTING: Mertens; Wald

HB 1354 passed and the title was agreed to.

HB 1391: A BILL for an Act to create and enact a new section to chapter 26.1-36 and a new section to chapter 54-52.1 of the North Dakota Century Code, relating to health insurance coverage for mammogram examinations.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 103 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Kingsbury; Larson, D.

ABSENT AND NOT VOTING: Flaagan

HB 1391 passed and the title was agreed to.

MOTIONS

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

REP. R. ANDERSON MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House be on the Ninth order of business, and at the conclusion of the Ninth order, the House be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the House stand adjourned until 12:30 p.m., Wednesday, February 8, 1989, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred HB 1031 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1031 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred HB 1032 has had the same under consideration and recommends by a vote of 15 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact four new subdivisions to subsection 6 of section 28-32-01 and a new section to chapter 28-32 of the North Dakota Century Code, relating to what is excluded from a rule and not subject to the requirements of the Administrative Agencies Practice Act and to

regulatory analysis of proposed rules; and to amend and reenact sections 28-32-02, 28-32-03, and 28-32-22 of the North Dakota Century Code, relating to administrative agency rulemaking procedures.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Four new subdivisions to subsection 6 of section 28-32-01 of the 1987 Supplement to the North Dakota Century Code are hereby created and enacted to read as follows:

Interpretive statements, general statements of policy, or statements of agency organization, procedure, or practice.

Guidelines, manuals, brochures, pamphlets, and similar statements of policy intended to advise or guide the agency or the public concerning activities of the agency which are otherwise prescribed by rule or statute.

Statements of policy intended to implement federal statutes, rules, or requirements with which compliance by the agency is necessary to secure appropriated revenues, or to avoid the loss of otherwise available federal revenues.

A contract.

SECTION 2. AMENDMENT. Section 28-32-02 of the 1987 Supplement to the North Dakota Century code is hereby amended and reenacted to read as follows:

28-32-02. Rulemaking power of agency - Adoption deadlines - ~~Notice~~ Hearing notice - Emergencies - Attorney general's opinion.

1. Every administrative agency is authorized to adopt, and from time to time to amend or repeal, reasonable rules in conformity with the provisions of any statute administered or enforced by the agency, ~~and to prescribe methods and procedure required in connection therewith.~~
2. Any rule change, including a creation, amendment, or repeal, made to implement a statutory change must be adopted and filed with the office of the legislative council within nine months of the effective date of the statutory change. If an agency needs additional time for the rule change, a request for additional time must be made to the legislative council. The legislative council may extend the time within which the agency must adopt the rule change if the request by the agency is supported by evidence that the agency needs more time through no deliberate fault of its own. ~~Prior to the adoption, amendment or repeal of any rule, the~~
3. The agency shall adopt a procedure whereby all interested persons are afforded reasonable opportunity to submit data, views, or arguments, orally or in writing, concerning the proposed rule, including data respecting the impact of the proposed rule. In case of substantive rules, opportunity for the agency shall conduct an oral hearing must be granted if requested. The agency shall consider fully all written and oral submissions respecting ~~the~~ a proposed rule prior to the

adoption, amendment, or repeal of any rule not of an emergency nature. The agency shall make a written record of its consideration of all written and oral submissions contained in the rulemaking record respecting a proposed rule.

4. The agency's notice of the proposed adoption, amendment, or repeal of a rule must include a short explanation of the purpose of the proposed rule, identify at least one location where interested persons may review the text of the proposed rule, provide the address to which written data, views, or arguments concerning the proposed rule may be sent and, in the case of a substantive rule, the time and place set for each oral hearing. The notice must be filed with the office of the legislative council and published at least twice in each daily newspaper of general circulation published in this state. The notice must be mailed to each person who has made a timely request to the agency for a mailed copy of the notice. The agency may mail or otherwise provide a copy of the notice to any person who is likely to be an interested person. The agency may charge for the actual cost of providing copies of the proposed rule. At least thirty days must elapse between the later of the date of the first publication of the notice or the date of filing with the office of the legislative council and the end of the period in which written or oral data, views, or arguments concerning the proposed rules will be received.
5. The legislative council shall establish a procedure whereby any person may request and receive mailed copies of all filings made by agencies pursuant to subsection 4. The legislative council may charge for the actual cost of providing copies of the filings.
6. If the agency finds that emergency rulemaking is necessary because of imminent peril to the public health, safety, or welfare, or because a delay in rulemaking is likely to cause a loss of revenues appropriated to support a duty imposed by law upon the agency, the agency may declare the proposed rule to be an interim final rule effective on a date no earlier than the date of filing with the legislative council of the notice required by subsection 4. A final rule adopted after consideration of all written and oral submissions respecting the interim final rule, which is substantially similar to the interim final rule, is effective as of the declared effective date of the interim final rule. The agency's finding, and a brief statement of the reasons therefor, must be filed with the office of the legislative council, along with any final rule adopted. The agency shall take appropriate measures to make interim final rules known to every person who may be affected by them. An interim final rule is ineffective one hundred eighty days after its declared effective date unless first adopted as a final rule.
7. Every rule proposed by any administrative agency must be submitted to the attorney general for an opinion as to its legality before final adoption, and the attorney general shall promptly furnish each such opinion. The attorney

general may not approve any rule as to legality when the rule merely repeats or paraphrases the text of the statute purported to be implemented by the rule. The attorney general may not approve any rule as to legality where the rule exceeds the statutory authority of the agency or is written in a manner that is not concise or easily understandable. The attorney general may suggest any revision or rewording of a rule to meet objections as to legality.

SECTION 3. A new section to chapter 28-32 of the North Dakota Century Code is hereby created and enacted to read as follows:

Regulatory analysis.

1. An agency shall issue a regulatory analysis of a proposed rule if, within twenty days after the published notice of proposed rule adoption, a written request for the analysis is filed by the governor or an agency. The agency proposing the rule shall issue a regulatory analysis if the proposed rule is expected to have an impact on the regulated community in excess of fifty thousand dollars.
2. The regulatory analysis must contain:
 - a. A description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule;
 - b. A description of the probable impact, including economic impact, of the proposed rule;
 - c. The probable costs to the agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues; and
 - d. A description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why the methods were rejected in favor of the proposed rule.
3. Each regulatory analysis must include quantification of the data to the extent practicable.
4. The agency shall make the regulatory analysis available to any interested person who requests an opportunity to review the regulatory analysis. The agency may charge for the actual cost of providing copies of the regulatory analysis.
5. If required under subsection 1, the preparation and issuance of a regulatory analysis is a mandatory duty of the agency proposing a rule. A writ of mandamus may issue under the terms and conditions provided for in chapter 32-34 upon the application of a party beneficially interested and aggrieved by an agency's failure to prepare and issue a required regulatory analysis. Errors in a regulatory analysis, including erroneous determinations concerning the impact of

the proposed rule on the regulated community, are not a ground upon which the invalidity of a rule may be asserted or declared.

SECTION 4. AMENDMENT. Section 28-32-03 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

28-32-03. Filing of rules - Force and effect of rules - Form and style of rules - Rules invalid unless in compliance with chapter.

1. A copy of each rule adopted by an administrative agency, and the attorney general's opinion thereon, ~~shall~~ must be filed by the adopting agency with the office of the legislative council for publication in the North Dakota Administrative Code. ~~Except as provided in section 28-32-03.1, rules not published in the administrative code shall be invalid.~~
2. ~~Rules~~ Nonemergency rules approved by the attorney general as to legality, adopted by an administrative agency, and filed with the office of the legislative council ~~shall~~ become effective the first day of the month after the month of publication as provided for in section 28-32-03.1, except that:
 - a- ~~if~~ if a later date is required by statute or specified in the rule, the later date ~~shall be~~ is the effective date.
 - b- ~~Subject to applicable constitutional or statutory provisions, an emergency rule shall become effective immediately upon approval by the attorney general, or at a stated date prior to the first day of the month after the month of publication in the code or code supplement, if the agency finds that this effective date is necessary because of imminent peril to the public health, safety, or welfare. The agency's finding and a brief statement of reasons therefore shall be filed with the rule. The agency shall take appropriate measures to make emergency rules known to every person who may be affected by them.~~
3. Upon becoming effective, rules ~~shall~~ have the force and effect of law until amended or repealed by the agency ~~or~~, declared invalid by a final court decision, or determined repealed by the office of the legislative council because the authority for adoption of the rules is repealed or transferred to another agency.
4. The office of the legislative council may prescribe a format, style, and arrangement for rules which are to be published in the code, and may refuse to accept the filing of any rule that is not in substantial compliance therewith. In arranging rules for publication, the office of the legislative council may make such corrections in spelling, grammatical construction, format, and punctuation of the rules as deemed proper. The office of the legislative council shall keep and maintain a permanent code of all rules filed, including superseded and repealed rules, which ~~shall~~ must be open to public inspection during office hours.

5. A rule is invalid unless adopted in substantial compliance with section 28-32-02. However, inadvertent failure to supply any person with a notice required by section 28-32-02 does not invalidate a rule. An action to contest the validity of a rule on the grounds of noncompliance with section 28-32-02 must be commenced within two years of the effective date of the rule.

SECTION 5. AMENDMENT. Section 28-32-22 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

28-32-22. Effective date. The procedure specified in this chapter shall apply to all claims and proceedings filed in or commenced by an administrative agency subsequent to ~~July 7, 1947~~ the effective date of this Act."

Renumber accordingly

HB 1032 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred HB 1056 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1056 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred HB 1074 has had the same under consideration and recommends by a vote of 9 YEAS, 8 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 2, remove "a new subsection to section"

Page 1, line 3, remove "52-06-01,"

Page 1, line 4, replace "literacy" with "reading"

Page 1, line 5, remove "subsection 6 of" and replace "52-06-02" with "52-06-01"

Page 1, line 6, replace "disqualifications" with "eligibility"

Page 2, line 16, replace "literacy" with "reading"

Page 2, line 18, replace "literacy" with "reading"

Page 2, line 19, replace "literacy" with "reading"

Page 2, line 22, replace "section 3 of this Act" with "subsection 5 of section 52-06-01"

Page 2, line 23, replace "A new subsection to section" with "AMENDMENT. Section"

Page 2, line 24, replace "created" with "amended" and replace "enacted" with "reenacted"

Page 2, replace lines 26 through 28 with:

"52-06-01. Conditions required to be eligible for benefits. An unemployed individual ~~shall be~~ is eligible to receive benefits with respect to any week only if the bureau finds that:

1. ~~He~~ The individual has made a claim for benefits with respect to ~~such~~ that week in accordance with such regulations as the bureau may prescribe; and
2. ~~He~~ The individual has registered for work at, and thereafter continued to report at, an employment office in accordance with such regulations as the bureau may prescribe, except that the bureau may, by regulation, waive or alter either or both of the requirements of this subsection as to individuals attached to regular jobs and as to such other types of cases or situations with respect to which it finds that compliance with such requirements would be oppressive, or would be inconsistent with the purposes of the North Dakota Unemployment Compensation Law; provided, that no such regulation shall conflict with section 52-06-03; and
3. ~~He~~ The individual is able to work and is available for suitable work and actively seeking work; provided; and
 - a. That notwithstanding any other provisions in this section, no otherwise eligible individual ~~shall may~~ be denied benefits for any week because ~~he the individual~~ is in training with the approval of the bureau or enrolled in an adult basic and secondary education program under subsection 5 by reason of the application of provisions of this subsection relating to availability for work and to active search for work, or the provisions of subsection 3 of section 52-06-02 relating to disqualification for benefits for failure to apply for, or a refusal to accept, suitable work; and
 - b. ~~and c. Repealed by S.L. 1973, ch. 391, § 24.~~
 - d. That no claimant ~~shall may~~ be considered ineligible in any week of unemployment for failure to comply with the provisions of this subsection, if such failure is due to an illness or disability not covered by ~~workmen's~~ workers' compensation insurance and which occurred after ~~he the individual~~ has registered for work and no work has been offered the claimant which is suitable; and
4. ~~He~~ The individual has been unemployed for a waiting period of one week. No week ~~shall may~~ be counted as a week of unemployment for the purposes of this subsection:
 - a. Unless it occurs within the benefit year which includes the week with respect to which ~~he the individual~~ claims payment of benefits;
 - b. If benefits have been paid with respect thereto; or

c. Unless the individual was eligible for benefits, with respect thereto as provided in this section and section 52-06-02.

5. The individual has completed a reading examination administered by the bureau. No individual may be required to pass the reading examination more than once. An individual who fails to pass the reading examination shall enroll in an adult basic and secondary education program in accordance with rules adopted by the bureau."

Page 3, remove lines 1 through 10

Page 3, line 14, replace "fifty" with "twenty"

Renumber accordingly

HB 1074 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred HB 1123 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 3, after "26.1-45-07" insert ", and subsection 2 of section 26.1-45-09"

Page 1, line 5, remove "and"

Page 1, line 6, after "policies" insert ", and outlines of coverage"

Page 2, line 17, replace "and upon a further showing" with an underscored period

Page 2, remove lines 18 and 19

Page 2, line 24, after "certificate" insert "other than a policy or certificate issued to a group as defined in subdivision a of subsection 3 of section 26.1-45-01"

Page 3, line 9, after "policy" insert "other than a policy or certificate issued to a group as defined in subdivision a of subsection 3 of section 26.1-45-01"

Page 4, line 17, replace "A" with "Effective one year after the effective date of this Act, a"

Page 4, after line 20, insert:

"SECTION 5. AMENDMENT. Subsection 2 of section 26.1-45-09 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. An outline of coverage must be delivered to an applicant for an individual long-term care insurance policy at the time of application for an individual policy. In the case of direct

response solicitations, the insurer shall deliver the outline of coverage upon the applicant's request, or at the time the policy is delivered whichever comes first. The outline of coverage must include:

- a. A description of the principal benefits and coverage provided in the policy.
 - b. A statement of the principal exclusions, reductions, and limitations contained in the policy.
 - c. A statement of the renewal provisions, including any reservation in the policy of a right to change premiums.
 - d. A statement that the outline of coverage is a summary of the policy issued or applied for, and that the policy should be consulted to determine governing contractual provisions.
- a. An outline of coverage must be delivered to a prospective applicant for long-term care insurance at the time of initial solicitation through means that prominently direct the attention of the recipient to the document and its purpose.
- (1) The commissioner shall prescribe a standard format including style, arrangement, overall appearance, and the content of an outline of coverage.
 - (2) In the case of agent solicitations, an agent must deliver the outline of coverage prior to the presentation of an application or enrollment form.
 - (3) In the case of direct response solicitations, the outline of coverage must be presented in conjunction with any application or enrollment form.
- b. The outline of coverage must include:
- (1) A description of the principal benefits and coverage provided in the policy.
 - (2) A statement of the principal exclusions, reductions, and limitations contained in the policy.
 - (3) A statement of the terms under which the policy or certificate, or both, may be continued in force or discontinued, including any reservation in the policy of a right to change premium. Continuation or conversion provisions of group coverage must be specifically described.
 - (4) A statement that the outline of coverage is a summary only, not a contract of insurance, and that the policy or group master policy contains the governing contractual provisions.

(5) A description of the terms under which the policy or certificate may be returned and premium refunded.

(6) A brief description of the relationship of cost of care and benefits."

Renumber accordingly

HB 1123 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred HB 1124 has had the same under consideration and recommends by a vote of 17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 2, replace "two" with "a" and replace "sections" with "section"

Page 1, line 3, remove ", filing"

Page 1, remove line 4

Page 1, line 5, remove "state,"

Page 3, line 14, replace "Two" with "A" and replace "sections" with "section"

Page 3, line 15, replace "are" with "is"

Page 3, remove lines 16 through 21

Renumber accordingly

HB 1124 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred HB 1275 has had the same under consideration and recommends by a vote of 17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 2, after "to" insert "unfair"

Page 1, line 3, replace "coverage for confinement to a nursing home" with "claim settlement practices"

Page 1, line 8, after "policy" insert "issued under chapter 26.1-45 or as defined in section 26.1-36-31"

Page 1, line 11, after "confinement" insert "pursuant to the terms of the policy"

Renumber accordingly

HB 1275 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred HB 1276 has had the same under consideration and recommends by a

vote of 12 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 22, replace "thirty-three and" with "twenty-five"

Page 2, line 1, remove "one-third"

Page 2, line 3, after "ballot" insert ", except in any political subdivision with a population of not more than one hundred, the petition must be signed by at least six electors"

Page 2, line 6, after "filed" insert "unless that official is the person subject to recall, in which case the petition must be filed with the secretary of state"

Page 2, line 9, replace "The" with "Except as otherwise provided in this section, the" and after "election" insert "to be held within thirty days"

Page 2, line 10, after the period insert "No special election may be called if the date would be within ninety days of the next scheduled election."

Page 2, line 14, after the period insert "If the official resigns, the appropriate political subdivision governing body may call a special election or appoint a person to complete the unexpired term of the office."

Renumber accordingly

HB 1276 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred HB 1311 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1311 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred HB 1312 has had the same under consideration and recommends by a vote of 17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1312 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred HB 1342 has had the same under consideration and recommends by a vote of 10 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1342 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred HB 1358 has had the same under consideration

and recommends by a vote of 17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1358 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred HB 1399 has had the same under consideration and recommends by a vote of 13 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1399 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred HB 1405 has had the same under consideration and recommends by a vote of 9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1405 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred HB 1416 has had the same under consideration and recommends by a vote of 12 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1416 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred HB 1430 has had the same under consideration and recommends by a vote of 13 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1430 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was referred HB 1442 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

HB 1442 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred HB 1471 has had the same under consideration and recommends by a vote of 17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 14, replace "a year, correspondence to the owner which" with "every seven years certified mail, requesting a return receipt, to the owner and the receipt has been returned and signed by the addressee, or unless"

Page 1, remove line 15

Page 1, line 16, remove "carrier service, as delivered, or unless"

Renumber accordingly

HB 1471 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred HB 1492 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1492 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Natural Resources (Rep. A. Olson, Chairman) to which was referred HB 1505 has had the same under consideration and recommends by a vote of 10 YEAS, 2 NAYS, 5 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 12, after "mail" insert "with return receipt"

Page 2, line 5, after "mail" insert "with return receipt"

Page 2, line 17, after "mail" insert "with return receipt"

Page 3, line 1, after "mail" insert "with return receipt"

Renumber accordingly

HB 1505 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred HB 1516 has had the same under consideration and recommends by a vote of 7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1516 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred HB 1520 has had the same under consideration and recommends by a vote of 9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1520 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Natural Resources (Rep. A. Olson, Chairman) to which was referred HB 1532 has had the same under consideration and recommends by a vote of 10 YEAS, 2 NAYS, 5 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 15, replace "two weeks before" with "at"

Page 1, line 16, replace "three" with "two"

Renumber accordingly

HB 1532 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred HB 1537 has had the same under consideration and recommends by a vote of 9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1537 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was referred HB 1542 has had the same under consideration and recommends by a vote of 15 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1542 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred HB 1545 has had the same under consideration and recommends by a vote of 17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1545 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was referred HB 1573 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

HB 1573 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred HB 1623 has had the same under consideration and recommends by a vote of 17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1623 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was referred HB 1628 has had the same under consideration and recommends by a vote of 17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1628 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was referred HB 1629 has had the same under consideration and recommends by a vote of 17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1629 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred HB 1632 has had the same under consideration and recommends by a vote of 10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1632 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was referred HCR 3047 has had the same under consideration and recommends by a vote of 12 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

HCR 3047 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred HCR 3050 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

HCR 3050 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Reps. R. Berg, Gorman introduced:

HCR 3052: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of periodically and systematically reviewing all statutorily created boards, commissions, committees, and councils to determine the necessity of those bodies.

Was read the first time and referred to the Committee on State and Federal Government.

Rep. Nicholas introduced:

HCR 3053: A concurrent resolution directing the Legislative Council to study the problems associated with the grading and purchasing of barley for malting purposes.

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

FIRST READING OF SENATE BILLS

SB 2041: A BILL for an Act for the exemption of certain economic development records from disclosure.

Was read the first time and referred to the Committee on State and Federal Government.

SB 2054: A BILL for an Act to create and enact a new section to chapter 23-07 of the North Dakota Century Code, relating to adoption by school districts of a policy governing the disposition of students, employees, and independent contractors with significant contagious diseases; and to amend and reenact section 23-07-16 of the North Dakota Century Code, relating to school attendance by a child with a significant contagious or infectious disease.

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

SB 2063: A BILL for an Act to amend and reenact sections 49-09-10.2 and 49-09-11.7 of the North Dakota Century Code, relating to acquisition of railroad rights of way; and to repeal section 49-09-10.1 of the North

Dakota Century Code, relating to identification of certain railroad rights of way by the public service commission.

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

SB 2187: A BILL for an Act to amend and reenact sections 49-11-24 and 49-11-28 of the North Dakota Century Code, relating to fencing on railroad right of way and maintenance of cattle guards and gates.

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

SB 2198: A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to the Medicare Catastrophic Coverage Act of 1988; to amend and reenact section 50-24.1-02.2 of the North Dakota Century Code, relating to the resources of a separated spouse; and to provide an effective date.

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

SB 2243: A BILL for an Act to create and enact six new sections to chapter 24-02 of the North Dakota Century Code, relating to a department of transportation, its director, its assumption of functions and structure, and administrative rules and references; to amend and reenact section 2-05-03, subsections 7 and 11 of section 24-01-01.1, sections 24-02-13, 24-03-03, 24-16-02, 24-17-02, subsections 8, 12, and 13 of section 39-01-01, subsection 1 of section 39-16-01, subsection 7 of section 39-24-01, subsection 2 of section 49-17.1-01, section 49-18-41.1, subsection 1 of section 54-06-04, subsection 1 of section 54-27-19, and subsection 6 of section 57-40.3-01 of the North Dakota Century Code, relating to reporting by the director of aeronautics to the director of the department of transportation, substituting the department of transportation or its director for the state highway department or department of motor vehicles in definitions under titles 24 and 39, highway contracts, junkyard and billboard regulation, financial responsibility, snowmobile regulation, railroad service contracts, interstate motor carrier registration stamps, reports to the governor, tax revenue distribution and motor vehicle excise tax; to repeal sections 24-02-01, 24-02-02, 24-02-03, 24-02-04, 24-02-05, 24-02-06, and 24-02-38, subsection 14 of section 39-01-01, and sections 39-02-01, 39-02-02, and 39-02-04, relating to the state highway department, highway commissioner and commissioner's duties, highway chief engineer, additional highway appropriations, the motor vehicle registrar, and the registrar's salary, powers, and duties; to provide an appropriation; and to provide an effective date.

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

SB 2277: A BILL for an Act to amend and reenact subsection 7 of section 15-39.1-24 of the North Dakota Century Code, relating to purchase of service credit under the teachers' fund for retirement.

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

SB 2278: A BILL for an Act to amend and reenact section 15-39.1-15 of the North Dakota Century Code, relating to withdrawal from the teachers' fund for retirement and return to teaching by a previously withdrawn teacher.

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

SB 2282: A BILL for an Act to create and enact two new subsections to section 26.1-05-19 of the North Dakota Century Code, relating to hydrocarbon production and royalty loans and collateral loans.

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

SB 2294: A BILL for an Act to amend and reenact subsection 1 of section 53-06.1-03 of the North Dakota Century Code, relating to local authorization for city or county festivals or celebrations to conduct raffles under the games of chance laws; and to declare an emergency.

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

SB 2311: A BILL for an Act to amend and reenact subsection 2 of section 15-28-03 of the North Dakota Century Code, relating to combined city and school district elections.

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

SB 2378: A BILL for an Act to amend and reenact subsection 1 of section 39-09-03 of the North Dakota Century Code, relating to alteration of speed limits by local authorities; and to declare an emergency.

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

SB 2396: A BILL for an Act to amend and reenact section 11-15-01.1 of the North Dakota Century Code, relating to sheriff qualifications.

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

SB 2435: A BILL for an Act to amend and reenact section 39-24-03 of the North Dakota Century Code, relating to the registration fee for snowmobiles.

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

SB 2458: A BILL for an Act to amend and reenact sections 57-39.2-02.1, 57-39.2-03.2, 57-39.2-08.2, 57-40.2-02.1, 57-40.2-03.2, 57-40.3-02, and 57-40.5-02 of the North Dakota Century Code, relating to sales, use, motor vehicle excise, and aircraft excise tax rates; and to provide an effective date.

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

The House stood adjourned pursuant to Representative R. Anderson's motion.

ROY GILBREATH, Chief Clerk