

JOURNAL OF THE HOUSE

Fifty-first Legislative Assembly

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Bismarck, February 17, 1989

The House convened at 9:30 a.m., with Speaker Kretschmar presiding.

The prayer was offered by Rev. Richard Smith, Trinity Lutheran Church, Westhope.

The roll was called and all Representatives were present, except Representative Martin.

A quorum was declared by the Speaker.

REQUEST

REP. R. ANDERSON REQUESTED that the record show that Rep. Martin was absent because he was testifying in the Committee on Agriculture in the Senate, which request was granted.

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 Thirty-second Day and finds it to be correct.

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

DOCTOR OF THE DAY SCHEDULE

February 20:	David H. Betat, MD	- FP Resident	Minot
February 21:	David H. Betat, MD	- FP Resident	Minot
February 22:	Warren C. Keene, MD	- Family Practice	Minot
February 23:	Howard J. Eliason, DO	- Family Practice	Beulah

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that the committee reports on HB 1005, HB 1119, HB 1128, HB 1164, HB 1191, HB 1270, HB 1320, HB 1363, HB 1364, HB 1370, HB 1422, HB 1479, HB 1530, HB 1543, HB 1580, HB 1603, HB 1607, HB 1624, HB 1642, HB 1660, and HCR 3003 recommending amendments on the Sixth order of business on the legislative calendar of the Thirty-third Day be adopted, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1005 as recommended by the Committee on Appropriations as printed on pages 840-841 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1005 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. WHALEN MOVED that the amendments to HB 1119 as recommended by the Committee on Industry, Business and Labor as printed on page 845 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1119 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. WHALEN MOVED that the amendments to HB 1128 as recommended by the Committee on Industry, Business and Labor as printed on pages 845-846 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1128 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. A. HAUSAUER MOVED that the amendments to HB 1164 as recommended by the Committee on Finance and Taxation as printed on pages 846-847 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1164 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. WHALEN MOVED that the amendments to HB 1191 as recommended by the Committee on Industry, Business and Labor as printed on pages 847-848 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1191 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. WENTZ MOVED that the amendments to HB 1270 as recommended by the Committee on Judiciary as printed on pages 849-850 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1270 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. WENTZ MOVED that the amendments to HB 1320 as recommended by the Committee on Judiciary as printed on page 850 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1320 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. WHALEN MOVED that the amendments to HB 1363 as recommended by the Committee on Industry, Business and Labor as printed on pages 850-851 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1363 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. WHALEN MOVED that the amendments to HB 1364 as recommended by the Committee on Industry, Business and Labor as printed on page 851 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1364 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. WHALEN MOVED that the amendments to HB 1370 as recommended by the Committee on Industry, Business and Labor as printed on page 851 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1370 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. TIMM MOVED that the amendments to HB 1422 as recommended by the Committee on Transportation as printed on page 852 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1422 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. A. HAUSAUER MOVED that the amendments to HB 1479 as recommended by the Committee on Finance and Taxation as printed on page 853 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1479 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. A. HAUSAUER MOVED that the amendments to HB 1530 as recommended by the Committee on Finance and Taxation as printed on pages 853-854 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1530 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. WENTZ MOVED that the amendments to HB 1543 as recommended by the Committee on Judiciary as printed on page 854 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1543 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. WENTZ MOVED that the amendments to HB 1580 as recommended by the Committee on Judiciary as printed on page 854 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1580 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. WHALEN MOVED that the amendments to HB 1603 as recommended by the Committee on Industry, Business and Labor as printed on page 855 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1603 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. WENTZ MOVED that the amendments to HB 1607 as recommended by the Committee on Judiciary as printed on page 855 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1607 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

REP. R. ANDERSON MOVED that HB 1617, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. WHALEN MOVED that the amendments to HB 1624 as recommended by the Committee on Industry, Business and Labor as printed on page 857 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS.

HB 1624 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. WENTZ MOVED that the amendments to HB 1642 as recommended by the Committee on Judiciary as printed on pages 857-858 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1642 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. MARTINSON MOVED that the amendments to HB 1660 as recommended by the Committee on State and Federal Government as printed on pages 858-859 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1660 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. HAUGLAND MOVED that the amendments to HCR 3003 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 859-860 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HCR 3003 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. A. HAUSAUER MOVED that the amendments to HB 1030 as recommended by the Committee on Finance and Taxation as printed on pages 841-845 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that HB 1030 be deemed properly engrossed and be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1030: A BILL for an Act to amend and reenact subsections 7, 8, and 9 of section 57-39.2-01, subdivision c of subsection 1 of section 57-39.2-02.1, and subsections 6, 7, and 8 of section 57-40.2-01 of the North Dakota Century Code, relating to the imposition of a sales and use tax on the gross receipts from furnishing bingo cards.

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.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martinson; Mertens; Murphy; Myrdal; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem;

Stofferahn; Thompson, K.; Thompson, V.; Tokach; Tollefson; Tomac;
Trautman; Ulmer; Urlacher; Wald; Watne; Whalen; Wilkie; Williams, W.;
Speaker Kretschmar

NAYS: Gerhardt; Gunsch; Howard; Melby; Nelson; Payne; Schmidt; Timm;
Vander Vorst; Wentz

ABSENT AND NOT VOTING: Martin; Williams, A.

HB 1030 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. A. HAUSAUER MOVED that the amendments to HB 1267 as recommended by a majority of the Committee on Finance and Taxation as printed on pages 848-849 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

MOTION

REP. DORSO MOVED the previous question, which motion prevailed.

RULING BY THE SPEAKER

SPEAKER KRETSCHMAR RULED that in accordance with House Rule 602, if the Majority Report proposed amendments are adopted, the proposed amendments of the Minority Report are automatically defeated.

REQUEST

REP. STOFFERAHN REQUESTED a Ruling by the Speaker as to whether a request for a recorded roll call vote was in order since the key was open and was closed without any direction from the Speaker.

RULING BY THE SPEAKER

SPEAKER KRETSCHMAR RULED that since 23 members had not voted and the key had been inadvertently closed, a request for a recorded roll call vote was in order.

REQUEST

REP. K. THOMPSON REQUESTED a recorded roll call vote on the motion to adopt the proposed majority report amendments to HB 1267, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed majority report amendments to HB 1267, the roll was called and there were 54 YEAS, 49 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, R.; Belter; Berg, R.; Bernstein; Clayburgh; Dalrymple;
Dorso; Enget; Gerhardt; Gilmore; Goetz; Gorman; Gunsch; Hanson, O.;
Haugen; Hausauer, R.; Jensen; Kingsbury; Knell; Kolbo; Kouba; Lang;
Larson, D.; Larson, R.; Lindgren; Martin; Martinson; Myrdal; Nelson;
Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; Rydell; Schatz;
Schindler; Schmidt; Shaft; Shide; Smette; Soukup; Stenehjem;
Thompson, K.; Timm; Tollefson; Urlacher; Vander Vorst; Wald; Wentz;
Whalen; Wilkie; Speaker Kretschmar

NAYS: Aarsvold; Anderson, B.; Berg, G.; Brokaw; Carlson; Christman;
DeMers, J.; DeMers, P.; Flaagan; Frey; Gates; Gerl; Gerntholz; Graba;

Halmrast; Hanson, L.; Haugland; Hoffner; Hokana; Howard; Huether; Kaldor; Kelly; Kloubec; Laughlin; Melby; Mertens; Murphy; Ness; Oban; O'Shea; Payne; Ring; Scherber; Schneider; Shockman; Skjerven; Solberg; Sorensen; Starke; Stofferahn; Thompson, V.; Tokach; Tomac; Trautman; Ulmer; Watne; Williams, A.; Williams, W.

ABSENT AND NOT VOTING: Hausauer, A.; Marks; Peterson

The motion to adopt the proposed majority report amendments to HB 1267 passed.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that HB 1267 be deemed properly engrossed and be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1267: A BILL for an Act to amend and reenact subsection 12 of section 57-39.2-04 of the North Dakota Century Code, relating to a sales tax exemption for purchases made by residents of certain adjoining states and residents of Canada.

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

NAYS: Brokaw; Murphy; Schindler; Starke; Thompson, V.; Williams, W.

ABSENT AND NOT VOTING: Hausauer, A.; Peterson

HB 1267 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. MARTINSON MOVED that the amendments to SB 2394 as recommended by the Committee on State and Federal Government as printed on page 861 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2394 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTIONS

REP. KLOUBEC MOVED that the rules be suspended and that HB 1005, HB 1119, HB 1128, HB 1164, HB 1191, HB 1270, HB 1320, HB 1363, HB 1364, HB 1370, HB 1422, HB 1479, HB 1530, HB 1543, HB 1580, HB 1603, HB 1607, HB 1624, HB 1642, HB 1660, and HCR 3003 be deemed properly engrossed and be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

REP. R. ANDERSON MOVED that HB 1641 be placed at the head of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1641: A BILL for an Act to create and enact a new subsection to section 53-06.1-01, a new subsection to section 53-06.1-07, and two new sections to chapter 53-06.1 of the North Dakota Century Code, relating to electronic video gaming devices and commingling of pull tab and jar games of chance; to amend and reenact sections 53-06.1-07, 53-06.1-07.1, 53-06.1-14, 53-06.1-16.1, and 53-06.1-17 of the North Dakota Century Code, relating to pull tabs, jars, punchboards, and electronic video gaming devices; to provide a penalty; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 70 YEAS, 32 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, R.; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Flaagan; Frey; Gates; Gerhardt; Gerl; Gertholz; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kloubec; Kouba; Larson, R.; Laughlin; Lindgren; Martin; Martinson; Murphy; Nelson; Ness; Nicholas; Nowatzki; Oban; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schmidt; Schneider; Shaft; Shockman; Solberg; Soukup; Starke; Stenehjem; Thompson, V.; Timm; Tokach; Tomac; Ulmer; Urlacher; Wald; Watne; Whalen; Williams, W.; Speaker Kretschmar

NAYS: Aas; Anderson, B.; Belter; Brokaw; Enget; Gilmore; Gunsch; Hanson, O.; Haugland; Howard; Kingsbury; Knell; Kolbo; Larson, D.; Marks; Melby; Myrdal; Olsen, D.; Olson, A.; Schindler; Shide; Skjerven; Smette; Sorensen; Stofferahn; Thompson, K.; Tollefson; Trautman; Vander Vorst; Wentz; Wilkie; Williams, A.

ABSENT AND NOT VOTING: Haugen; Lang; Mertens; Peterson

HB 1641 passed and the title was agreed to.

HB 1038: A BILL for an Act to amend and reenact sections 25-02-03 and 25-03.1-04 of the North Dakota Century Code, relating to the purpose of the state hospital and admissions to public treatment facilities.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 95 YEAS, 7 NAYS, 4 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; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Kolbo; Kouba; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shockman; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Gunsch; Kingsbury; Knell; Melby; Olson, A.; Shide; Skjerven

ABSENT AND NOT VOTING: Lang; Mertens; Peterson; Timm

HB 1038 passed and the title was agreed to.

HB 1155: A BILL for an Act to create and enact seven new sections to chapter 26.1-40 of the North Dakota Century Code, relating to uninsured and underinsured motorist coverage on motor vehicle liability insurance policies; and to repeal sections 26.1-40-13, 26.1-40-14, and 26.1-40-15 of the North Dakota Century Code, relating to uninsured and underinsured motorist coverage.

ROLL CALL

The question being on the final passage of the amended bill, which has been read; the roll was called and there were 97 YEAS, 4 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; 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; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, V.; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aarsvold; DeMers, P.; Shockman; Wilkie

ABSENT AND NOT VOTING: Lang; Mertens; Peterson; Thompson, K.; Timm

HB 1155 passed and the title was agreed to.

HB 1167: A BILL for an Act to create and enact a new subsection to section 50-06.2-02 and a new section to chapter 50-06.2 of the North Dakota Century Code, relating to the definition of qualified service provider and the freedom of choice of qualified service provider; and to amend and reenact subsection 4 of section 50-06.2-02, section 50-06.2-03, and subsection 3 of section 50-06.2-04 of the North Dakota Century Code, relating to the definition of family home care, payment for human services, and the availability of human services.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 100 YEAS, 0 NAYS, 6 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.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; 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: Anderson, R.; Gunsch; Lang; Mertens; Peterson; Timm

HB 1167 passed and the title was agreed to.

HB 1205: A BILL for an Act to amend and reenact sections 25-01-01.1, 50-26-01, 50-26-03, 50-26-04, and 50-27-03 of the North Dakota Century Code, relating to the placement of the state council on developmental disabilities and the governor's council on human resources within the office of the governor; and to provide a statement of legislative intent.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 96 YEAS, 5 NAYS, 5 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; 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; Melby; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Shaft; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, V.; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.;
Speaker Kretschmar

NAYS: Schneider; Shide; Thompson, K.; Vander Vorst; Whalen

ABSENT AND NOT VOTING: Gunsch; Hanson, O.; Mertens; Peterson; Timm

HB 1205 passed and the title was agreed to.

MOTION

REP. R. ANDERSON MOVED that HB 1405 be placed at the head of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1405: A BILL for an Act to create and enact four new sections to chapter 54-44.3 of the North Dakota Century Code, relating to state personnel policies and appeals of employee complaints; and to amend and reenact section 54-44.3-12.2 of the North Dakota Century Code, relating to appeals of complaints by classified state employees.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 50 YEAS, 52 NAYS, 4 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Berg, G.; Graba; Peterson; Timm

HB 1405 lost.

MOTION

REP. KLOUBEC MOVED that HB 1372 be placed at the head of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1372: A BILL for an Act to create and enact a new section to chapter 43-18 of the North Dakota Century Code, relating to advertising by plumbers; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 95 YEAS, 5 NAYS, 6 ABSENT AND NOT VOTING.

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

NAYS: Gunsch; Kingsbury; Kouba; Murphy; Olson, V.

ABSENT AND NOT VOTING: Berg, G.; Gates; Graba; Nicholas; Peterson; Timm

HB 1372 passed and the title was agreed to.

MOTION

REP. KLOUBEC MOVED that HB 1375, HB 1448, and HB 1461 be placed at the head of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1375: A BILL for an Act to create and enact a new section to chapter 43-09 of the North Dakota Century Code, relating to advertising by electricians; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 97 YEAS, 4 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; 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; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjelm; Stofferahn; Thompson, K.; Thompson, V.; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Gunsch; Kingsbury; Kouba; Murphy

ABSENT AND NOT VOTING: Berg, G.; Gates; Graba; Peterson; Timm

HB 1375 passed and the title was agreed to.

HB 1448: A BILL for an Act to amend and reenact subsection 1 of section 26.1-03-17 of the North Dakota Century Code, relating to the payment of insurance company premium taxes.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 99 YEAS, 0 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Aarnsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gerhardt; Gerntholz; Gilmore; Gorman; 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; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjelm; Stofferahn; Thompson, K.; Thompson, V.; 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: Berg, G.; Gates; Gerl; Goetz; Graba; Peterson; Timm

HB 1448 passed and the title was agreed to.

HB 1461: 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 deductibles for automobile insurance policies.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 33 YEAS, 68 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Brokaw; Carlson; DeMers, J.; DeMers, P.; Enget; Frey; Gerl; Hanson, L.; Haugland; Hoffner; Hokana; Kaldor; Kelly; Kolbo; Laughlin; Marks; Mertens; Nelson; Ness; Oban; O'Shea; Ring; Scherber; Schneider; Shockman; Starke; Stofferahn; Thompson, V.; Watne; Wentz; Williams, A.; Williams, W.

NAYS: Aas; Anderson, B.; Anderson, R.; Belter; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; Dorso; Gerhardt; Gerntholz; Gilmore; Gorman; Graba; Gunsch; Halmrast; Hanson, O.; Haugen; Hausauer, A.; Hausauer, R.; Howard; Huether; Jensen; Kingsbury; Kloubec; Kneil; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martin; Martinson; Melby; Murphy; Myrdal; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Rydell; Schatz; Schindler; Schmidt; Shaft; Shide; Skjerven; Smette; Solberg; Sorensen; Soukup; Stenehjem; Thompson, K.; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Whalen; Wilkie; Speaker Kretschmar

ABSENT AND NOT VOTING: Berg, G.; Flaagan; Gates; Goetz; Timm

HB 1461 lost.

MOTION

REP. KLOUBEC MOVED that the House stand in recess until 12:30 p.m., which motion prevailed.

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

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 1172, HB 1178, HB 1211, HB 1259, HB 1287, HB 1321, HB 1331, HB 1353, HB 1365, HB 1366, HB 1408, HB 1420, HB 1440, HB 1442, HB 1456, HB 1468, HB 1475, HB 1476, HB 1496, HB 1510, HB 1549, HB 1556, HB 1561, HB 1577, HB 1585, HB 1595, HB 1596, HB 1598, HB 1602, HB 1622, HCR 3031, HCR 3034, HCR 3036, HCR 3037, HCR 3042, HCR 3044, HCR 3045, HCR 3049, HCR 3050, HCR 3052, HCR 3053.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has passed unchanged: SCR 4006.

SECOND READING OF HOUSE BILL

HB 1298: A BILL for an Act to amend and reenact subsections 3 and 4 of section 19-02.1-14.1 of the North Dakota Century Code, relating to selecting and dispensing generic drugs.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 102 YEAS, 1 NAY, 3 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; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Olsen, D.

ABSENT AND NOT VOTING: Lang; Peterson; Timm

HB 1298 passed and the title was agreed to.

MOTIONS

REP. G. BERG MOVED that the House reconsider its action whereby HB 1249 failed to pass for want of a Constitutional majority, which motion prevailed on a verification vote.

REP. R. ANDERSON MOVED that HB 1249 and HB 1500 be laid over one legislative day, which motion prevailed.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2085, SB 2098, SB 2248, SB 2360, SB 2361, SB 2408, SB 2417, SB 2506, SB 2507.

SECOND READING OF HOUSE BILLS

HB 1497: A BILL for an Act to amend and reenact section 50-24.4-19 of the North Dakota Century Code, relating to conditions for medical assistance payments to nursing homes; and to provide a contingent effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 19 YEAS, 84 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Berg, R.; Gilmore; Gorman; Gunsch; Huether; Knell; Murphy; Myrdal; Ness; Olsen, D.; Olson, A.; O'Shea; Payne; Shide; Smette; Soukup; Thompson, K.; Whalen; Williams, A.

NAYS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gertholz; Goetz; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Kolbo; Kouba; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Nelson; Nicholas; Nowatzki; Oban; Olson, V.; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shockman; Skjerven; Solberg; Sorensen; Starke; Stenehjem; Stofferahn; Thompson, V.; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: Lang; Peterson; Timm

HB 1497 lost.

HB 1540: A BILL for an Act to create and enact a new section to chapter 26.1-39 of the North Dakota Century Code, relating to the use of property and casualty insurance binders.

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, 28 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; Frey; Gates; Gerl; Gilmore; Gorman; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hoffner; Hokana; Howard; Huether; Kelly; Kloubec; Kolbo; Lang; Larson, R.; Lindgren; Marks; Melby; Mertens; Murphy; Nelson; Ness; Nicholas; Nowatzki; Oban; Olson, A.; O'Shea; Peterson; Ring; Schatz; Scherber; Schindler; Schneider; Shaft; Shockman; Skjerven; Smette; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Watne; Wentz; Whalen; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Gerhardt; Gerntholz; Goetz; Gunsch; Haugen; Hausauer, A.; Jensen; Kaldor; Kingsbury; Knell; Kouba; Larson, D.; Laughlin; Martin; Martinson; Myrdal; Olsen, D.; Olson, V.; Payne; Rydell; Schmidt; Shide; Solberg; Sorensen; Tokach; Urlacher; Wald; Wilkie

ABSENT AND NOT VOTING: Hausauer, R.; Timm

HB 1540 passed and the title was agreed to.

CONFLICT OF INTEREST

REP. MARTINSON and REP. V. THOMPSON each stated that he had a conflict of interest on HB 1560.

MOTION

REP. KLOUBEC MOVED that Rep. Martinson and Rep. V. Thompson and any other Representatives who may have a conflict of interest be allowed to vote, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1560: A BILL for an Act to create and enact a new section to chapter 53-06.1 of the North Dakota Century Code, relating to electronic video devices; and to amend and reenact sections 53-06.1-03.2 and 53-06.1-03.3 of the North Dakota Century Code, relating to limits on rent for sites to conduct games of chance of twenty-one, pulltabs, or jars.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 59 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Berg, G.; Berg, R.; Brokaw; Christman; Clayburgh; Dalrymple; Dorso; Enget; Gates; Gilmore; Graba; Gunsch; Hanson, O.; Haugen; Hoffner; Huether; Jensen; Kelly; Kloube; Kouba; Lindgren; Marks; Martin; Martinson; Mertens; Murphy; Myrdal; Nicholas; Nowatzki; Olson, A.; Peterson; Schatz; Shockman; Skjerven; Solberg; Starke; Stenehjem; Thompson, V.; Urlacher; Whalen; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aarsvold; Aas; Anderson, B.; Belter; Bernstein; Carlson; DeMers, J.; DeMers, P.; Flaagan; Frey; Gerhardt; Gerl; Gerntholz; Goetz; Gorman; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hokana; Howard; Kaldor; Kingsbury; Knell; Kolbo; Lang; Larson, D.; Larson, R.; Laughlin; Melby; Nelson; Ness; Oban; Olsen, D.; Olson, V.; O'Shea; Payne; Ring; Rydell; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Smette; Sorensen; Soukup; Stofferahn; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Wilkie

ABSENT AND NOT VOTING: Hausauer, R.; Thompson, K.; Timm

HB 1560 lost.

HB 1562: A BILL for an Act to amend and reenact section 5-02-05.1 of the North Dakota Century Code, relating to Sunday event alcoholic beverage permits.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 55 YEAS, 48 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Berg, G.; Berg, R.; Bernstein; Carlson; Clayburgh; Dalrymple; DeMers, J.; Dorso; Flaagan; Frey; Gates; Gerhardt; Gerl; Gilmore; Gorman; Halmrast; Hanson, L.; Haugland; Hokana; Jensen; Kelly; Kloube; Kolbo; Kouba; Larson, R.; Laughlin; Lindgren; Martinson; Mertens; Murphy; Ness; Nicholas; Nowatzki; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Schneider; Skjerven; Solberg; Sorensen; Soukup; Starke; Stenehjem; Thompson, V.; Tollefson; Ulmer; Urlacher; Wentz; Williams, W.; Speaker Kretschmar

NAYS: Aarsvold; Aas; Anderson, R.; Belter; Brokaw; Christman; DeMers, P.; Enget; Gerntholz; Goetz; Graba; Gunsch; Hanson, O.; Haugen; Hausauer, A.; Hoffner; Howard; Huether; Kaldor; Kingsbury; Knell; Lang; Larson, D.; Marks; Martin; Melby; Myrdal; Nelson; Oban; Olsen, D.; Olson, A.; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Smette; Stofferahn; Thompson, K.; Tokach; Tomac; Trautman; Vander Vorst; Wald; Watne; Wilkie; Williams, A.

ABSENT AND NOT VOTING: Hausauer, R.; Timm; Whalen

HB 1562 passed and the title was agreed to.

HB 1574: A BILL for an Act to amend and reenact sections 54-03-02, 54-03-02.1, and 54-44.1-04 of the North Dakota Century Code, relating to regular sessions of the legislative assembly in even-numbered years; and to provide for transition.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 30 YEAS, 74 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, R.; Brokaw; Carlson; DeMers, J.; DeMers, P.; Enget; Frey; Gerhardt; Gerl; Gorman; Graba; Hanson, L.; Hoffner; Hokana; Huether; Kaldor; Kelly; Kolbo; Laughlin; Marks; Nelson; Ring; Shockman; Starke; Stofferahn; Thompson, V.; Ulmer; Williams, A.

NAYS: Aas; Anderson, R.; Belter; Berg, G.; Bernstein; Christman; Clayburgh; Dalrymple; Dorso; Flaagan; Gates; Gerntholz; Gilmore; Goetz; Gunsch; Halmrast; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Howard; Jensen; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Skjervem; Smette; Solberg; Sorensen; Soukup; Stenehjelm; Thompson, K.; Tokach; Tollefson; Tomac; Trautman; Urlacher; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: Timm; Whalen

HB 1574 lost.

MOTION

REP. MARTINSON MOVED that HB 1586 be rereferred to the Committee on State and Federal Government, which motion prevailed. Pursuant to Rep. Martinson's motion, HB 1586 was rereferred.

SECOND READING OF HOUSE BILLS

HB 1597: A BILL for an Act to create and enact a new section to chapter 20.1-01 of the North Dakota Century Code, relating to the sale of game and fish; and to provide a penalty.

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, 9 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby;

Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, V.; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Anderson, R.; Belter; Gunsch; Kingsbury; Knell; Murphy; Olsen, D.; Schmidt; Thompson, K.

ABSENT AND NOT VOTING: Gerl; Timm; Whalen

HB 1597 passed and the title was agreed to.

HB 1635: A BILL for an Act to create and enact a new subsection to section 57-38-34 of the North Dakota Century Code, relating to taxpayer identification of school districts on income tax returns; to amend and reenact subsection 3 of section 15-40.1-06, sections 15-40.1-07, 15-40.1-08, and subsection 1 of section 15-40.2-03 of the North Dakota Century Code, relating to the foundation program for schools and equalization of local effort based on income; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 41 YEAS, 62 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg, G.; Brokaw; Dalrymple; DeMers, P.; Flaagan; Gerhardt; Gerl; Gerntholz; Hanson, L.; Hanson, O.; Hokana; Huether; Kaldor; Kingsbury; Kolbo; Laughlin; Marks; Martin; Mertens; Murphy; Nelson; Ness; Nowatzki; O'Shea; Schatz; Schneider; Shockman; Solberg; Starke; Stofferahn; Thompson, K.; Thompson, V.; Tomac; Ulmer; Urlacher; Whalen; Wilkie; Williams, A.; Williams, W.

NAYS: Aas; Anderson, R.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; DeMers, J.; Dorso; Enget; Frey; Gates; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Howard; Jensen; Kelly; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martinson; Melby; Myrdal; Nicholas; Oban; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Ring; Scherber; Schindler; Schmidt; Shaft; Shide; Skjerven; Smette; Sorensen; Soukup; Stenehjem; Tokach; Tollefson; Trautman; Vander Vorst; Wald; Watne; Wentz; Speaker Kretschmar

ABSENT AND NOT VOTING: Anderson, B.; Rydell; Timm

HB 1635 lost.

HB 1652: A BILL for an Act to create and enact a new section to chapter 26.1-33 of the North Dakota Century Code, relating to the right to return a life insurance policy and receive a refund; and to amend and reenact subdivision a of subsection 1 of section 26.1-45-09 of the

North Dakota Century Code, relating to the right to return a long-term care insurance policy and receive a refund.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 99 YEAS, 1 NAY, 6 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; 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; Schatz; Scherber; Schindler; Schmidt; Schneider; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, V.; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Murphy

ABSENT AND NOT VOTING: Gorman; Rydell; Shaft; Thompson, K.; Timm; Wald

HB 1652 passed and the title was agreed to.

HB 1283: A BILL for an Act to amend and reenact subsection 33 of section 57-39.2-04, section 57-39.2-04.1, subsection 18 of section 57-40.2-04, and section 57-40.2-04.1 of the North Dakota Century Code, relating to removal of sales and use tax exemption for purchases of coffee, tea, cocoa, and certain bottled water.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 90 YEAS, 9 NAYS, 7 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; Kelly; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Laughlin; Lindgren; Marks; Martin; Martinson; Myrdal; Ness; Nicholas; Nowatzki; Oban; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Scherber; Schneider; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stofferahn; Thompson, K.; Thompson, V.; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Kingsbury; Larson, R.; Melby; Murphy; Nelson; Olsen, D.; Schatz; Schindler; Schmidt

ABSENT AND NOT VOTING: Kaldor; Mertens; Peterson; Rydell; Shaft; Stenehjelm; Timm

HB 1283 passed and the title was agreed to.

HB 1290: A BILL for an Act to create and enact a new section to chapter 53-06.1 of the North Dakota Century Code, relating to limited approval to conduct games of chance by organizations that have not been in existence in this state for two years.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 89 YEAS, 11 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Flaagan; Frey; Gates; Gerhardt; Gerl; 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, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Ness; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Scherber; Schindler; Schmidt; Schneider; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stofferahn; Thompson, K.; Thompson, V.; Tollefson; Trautman; Urlacher; Vander Vorst; Wald; Watne; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aas; Brokaw; Enget; Gerntholz; Larson, D.; Nelson; Schatz; Tokach; Tomac; Ulmer; Wentz

ABSENT AND NOT VOTING: Hanson, O.; Oban; Rydell; Shaft; Stenehjelm; Timm

HB 1290 passed and the title was agreed to.

HB 1319: A BILL for an Act to provide an effective date for laws enacted by the legislative assembly which fiscally affect political subdivisions.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 46 YEAS, 55 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Berg, R.; Brokaw; Carlson; Dalrymple; DeMers, P.; Enget; Flaagan; Frey; Gerhardt; Gerl; Gorman; Graba; Hanson, L.; Haugen; Hausauer, R.; Hoffner; Hokana; Kaldor; Kingsbury; Kolbo; Laughlin; Marks; Melby; Mertens; Myrdal; Nelson; Ness; Nowatzki; Oban; Olson, A.; O'Shea; Shockman; Skjerven; Starke; Stofferahn; Thompson, V.; Tollefson; Trautman; Vander Vorst; Watne; Whalen; Wilkie; Williams, W.

NAYS: Aas; Anderson, R.; Belter; Bernstein; Christman; Clayburgh; DeMers, J.; Dorso; Gates; Gerntholz; Gilmore; Goetz; Gunsch; Halmrast; Haugland; Hausauer, A.; Howard; Huether; Jensen; Kelly; Kloubec; Knell; Lang; Larson, D.; Larson, R.; Lindgren; Martin; Martinson; Murphy;

Nicholas; Olsen, D.; Olson, V.; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Smette; Solberg; Sorensen; Soukup; Tokach; Tomac; Ulmer; Urlacher; Wald; Wentz; Williams, A.; Speaker Kretschmar

ABSENT AND NOT VOTING: Hanson, O.; Kouba; Stenehjem; Thompson, K.; Timm

HB 1319 lost.

HB 1333: A BILL for an Act to amend and reenact section 20.1-02-18.1 of the North Dakota Century Code, relating to approval by the board of county commissioners prior to acquisition of property by the department of the interior for waterfowl or wildlife purposes; and to provide a penalty.

MOTION

REP. FREY MOVED the previous question, which motion prevailed.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 56 YEAS, 49 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Anderson, R.; Berg, G.; Brokaw; Christman; DeMers, P.; Enget; Flaagan; Gerhardt; Gerl; Gerntholz; Gunsch; Hanson, O.; Haugen; Hausauer, R.; Hokana; Howard; Huether; Jensen; Kaldor; Kingsbury; Knell; Kolbo; Kouba; Lang; Laughlin; Melby; Mertens; Murphy; Myrdal; Nelson; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; Peterson; Schatz; Schindler; Schmidt; Shockman; Skjerven; Solberg; Starke; Stofferahn; Thompson, K.; Thompson, V.; Tokach; Tomac; Vander Vorst; Wald; Watne; Whalen; Wilkie; Williams, A.

NAYS: Aas; Belter; Berg, R.; Bernstein; Carlson; Clayburgh; Dalrymple; DeMers, J.; Dorso; Frey; Gates; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hoffner; Kelly; Kloubec; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Ness; Oban; O'Shea; Payne; Ring; Rydell; Scherber; Schneider; Shaft; Shide; Smette; Sorensen; Soukup; Stenehjem; Tollefson; Trautman; Ulmer; Urlacher; Wentz; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: Timm

HB 1333 passed and the title was agreed to.

HB 1362: A BILL for an Act to amend and reenact section 43-26-11 of the North Dakota Century Code, relating to grounds for refusal, suspension, or revocation of certification as a physical therapist.

MOTION

REP. FREY MOVED the previous question, which motion prevailed.

ROLL CALL

The question being on the final passage of the 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.; 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; 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.; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Berg, R.; Olsen, D.

ABSENT AND NOT VOTING: Timm

HB 1362 passed and the title was agreed to.

MOTION

REP. R. ANDERSON MOVED that the House waive the reading of the title to HB 1376, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1376: A BILL for an Act to create and enact a new section to chapter 15-27.1 of the North Dakota Century Code, relating to the reorganization, annexation, or dissolution of high school districts with fewer than thirty-five students; and to amend and reenact section 15-27.4-01 and subsection 1 of section 15-40.1-07 of the North Dakota Century Code, relating to the dissolution of high school districts with fewer than thirty-five students and attachment of territory of those school districts to other school districts and to foundation aid payments.

MOTION

REP. SCHMIDT MOVED the previous question, which motion prevailed.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 22 YEAS, 81 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: DeMers, J.; Dorso; Gates; Gorman; Haugen; Jensen; Kloubec; Larson, R.; Lindgren; Myrdal; Oban; Payne; Ring; Rydell; Scherber; Sorensen; Soukup; Tokach; Tollefson; Tomac; Ulmer; Wilkie

NAYS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, P.; Enget; Flaagan; Frey; Gerhardt; Gerntholz; Gilmore; Goetz; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Kaldor; Kelly; Kingsbury; Knell; Kolbo; Kouba; Lang; Larson, D.; Laughlin; Marks; Martin; Martinson; Melby; Mertens; Murphy; Nelson; Ness; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Schatz;

Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Starke; Stenehjelm; Stofferahn; Thompson, K.; Thompson, V.; Trautman; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: Gerl; Peterson; Timm

HB 1376 lost.

HB 1380: A BILL for an Act to amend and reenact subsection 11 of section 26.1-04-03 of the North Dakota Century Code, relating to unfair insurance practices and refusing to insure property risks solely because of previously made claims.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 51 YEAS, 51 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Berg, G.; Brokaw; Carlson; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gerhardt; Gerl; Gerntholz; Graba; Halmrast; Haugland; Hoffner; Hokana; Howard; Huether; Kaldor; Kelly; Kingsbury; Kolbo; Laughlin; Marks; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nowatzki; Oban; Olson, V.; O'Shea; Peterson; Ring; Scherber; Schindler; Schneider; Shockman; Skjerven; Solberg; Starke; Stofferahn; Thompson, V.; Ulmer; Watne; Wilkie; Williams, A.; Williams, W.

NAYS: Aas; Anderson, B.; Anderson, R.; Belter; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; Dorso; Goetz; Gorman; Gunsch; Hanson, L.; Hanson, O.; Hausauer, A.; Hausauer, R.; Jensen; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martin; Martinson; Nicholas; Olsen, D.; Olson, A.; Payne; Rydell; Schatz; Schmidt; Shaft; Shide; Smette; Sorensen; Soukup; Stenehjelm; Thompson, K.; Tokach; Tollefson; Tomac; Trautman; Urlacher; Vander Vorst; Wald; Wentz; Whalen; Speaker Kretschmar

ABSENT AND NOT VOTING: Gates; Gilmore; Haugen; Timm

HB 1380 lost.

HB 1388: A BILL for an Act to amend and reenact sections 61-04.1-08, 61-04.1-12, 61-04.1-33, 61-04.1-34, 61-04.1-35, and 61-04.1-38 of the North Dakota Century Code, relating to the powers and duties of the state atmospheric resource board, license and permit exemptions, bid requirements, performance and bid bond requirements, and the receipt and expenditure of funds by the board; to repeal sections 61-04.1-01, 61-04.1-02, 61-04.1-09, 61-04.1-10, 61-04.1-20, 61-04.1-21, 61-04.1-22, and 61-04.1-39 of the North Dakota Century Code, relating to state sovereignty over moisture, policy and purpose, research and development programs, creation of operating districts and district operations advisory committees, suspension of operations, and county appropriations.

MOTION

REP. A. HAUSAUER MOVED the previous question, which motion prevailed.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 21 YEAS, 83 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Brokaw; DeMers, P.; Gerl; Gilmore; Graba; Hanson, L.; Kaldor; Kolbo; Marks; Mertens; Murphy; Nelson; Ring; Scherber; Shockman; Skjerven; Vander Vorst; Wilkie; Williams, A.; Williams, W.

NAYS: Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; Dorso; Enget; Frey; Gates; Gerhardt; Gerntholz; Goetz; Gorman; Gunsch; Halmrast; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kelly; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Martin; Martinson; Melby; Myrdal; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Rydell; Schatz; Schindler; Schmidt; Schneider; Shaft; Shide; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Wald; Watne; Wentz; Whalen; Speaker Kretschmar

ABSENT AND NOT VOTING: Flaagan; Timm

HB 1388 lost.

HB 1398: A BILL for an Act to amend and reenact section 24-08-02.1 of the North Dakota Century Code, relating to county payment and installation of culverts on township roads.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 24 YEAS, 80 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Belter; Berg, G.; Brokaw; Carlson; Dalrymple; Gerl; Hoffner; Hokana; Huether; Marks; Melby; Murphy; Myrdal; Nelson; Nicholas; Nowatzki; Oban; Olson, A.; Schindler; Shockman; Solberg; Stofferahn; Watne; Williams, W.

NAYS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Berg, R.; Bernstein; Christman; Clayburgh; DeMers, J.; DeMers, P.; Dorso; Enget; Frey; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Howard; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Martin; Martinson; Mertens; Ness; Olsen, D.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schmidt; Schneider; Shaft; Shide; Skjerven; Smette; Sorensen; Soukup; Starke; Stenehjem; Thompson, K.; Thompson, V.; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Wentz; Whalen; Wilkie; Williams, A.; Speaker Kretschmar

ABSENT AND NOT VOTING: Flaagan; Timm

HB 1398 lost.

REPORT OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Education (Rep. Gates, Chairman) to which was referred HB 1637 has had the same under consideration and recommends by a vote of 14 YEAS, 1 NAY, 1 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 amend and reenact subsections 2 and 3 of section 15-40.1-06, sections 15-40.1-07, 15-40.1-08, 15-40.1-16, and subsection 1 of section 15-40.2-03 of the North Dakota Century Code, relating to the foundation aid weighting factors and the per-pupil payment, the school district equalization factor, and transportation aid to schools; and to provide for transition.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsections 2 and 3 of section 15-40.1-06 of the 1987 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

2. a. The educational support per pupil during the first year of the ~~1987-89~~ 1989-91 biennium shall be one thousand ~~four~~ five hundred ~~ninety-six~~ dollars and for the second year of the biennium the educational support per pupil shall be one thousand ~~four~~ six hundred ~~twelve eighty~~ dollars and shall be the basis for calculating grants-in-aid on a per-pupil basis as provided in sections 15-40.1-07 and 15-40.1-08.
- b. School districts operating high schools not meeting the minimum curriculum as provided in section 15-41-24 or the teacher qualifications in section 15-41-25 shall be supported in the amount of two hundred twenty dollars, which shall be the basis for calculating grants-in-aid on a per-pupil basis as provided in section 15-40.1-07.
3. In determining the amount of payment due school districts for per-pupil aid under this section, the product of ~~twenty~~ twenty-five mills times the latest available net assessed and equalized valuation of property of the school district ~~shall~~ must be subtracted from the amount of such aid.

SECTION 2. AMENDMENT. Section 15-40.1-07 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.1-07. High school per-pupil payments - Amount - Proportionate payments. There must be paid each year from state funds to all school districts ~~of the county~~ operating high schools and to school districts contracting to educate high school pupils in a federal school, subject to adjustment as provided in section 15-40.1-09, payments as follows:

1. For high schools having under seventy-five pupils in average daily membership, the amount of money resulting from multiplying the factor ~~1.70~~ 1.57 times the educational

support per pupil as provided in section 15-40.1-06 for each high school pupil registered in the schools each year.

2. For high schools having seventy-five or more, but less than one hundred fifty pupils in average daily membership, the amount of money resulting from multiplying the factor ~~4-40~~ 1.30 times the educational support per pupil as provided in section 15-40.1-06 for each high school pupil registered in the schools each year.
3. For high schools having one hundred fifty or more, but less than five hundred fifty pupils in average daily membership, the amount of money resulting from multiplying the factor ~~1-32~~ 1.24 times the educational support per pupil as provided in section 15-40.1-06 for each high school pupil registered in the schools each year.
4. For high schools having a total high school enrollment of five hundred fifty or more pupils in average daily membership, the amount of money resulting from multiplying the factor ~~1-20~~ 1.14 times the educational support per pupil as provided in section 15-40.1-06 for each high school pupil registered in the schools each year.

Every high school district ~~shall~~ must receive at least as much in total payments as it would have received if it had the highest number of pupils in the next lower category. However, no payment ~~shall~~ may be made for those pupils for whom federal agencies provide education. Such payments ~~shall~~ may not be made unless four or more units of standard high school work approved by the superintendent of public instruction are offered during the current year, only certificated teachers have been employed, and the other standards prescribed by this chapter have been met. Payments ~~shall~~ must be made to the high school district in which the student is enrolled for graduation and units of approved vocational education in accordance with the provisions of chapter 15-20.1, and other courses approved by the superintendent of public instruction, earned in another high school district shall be included to meet the minimum four required units. In the case of students enrolled in nonpublic schools for graduation or students enrolled in less than four units of standard high school work who are in their fourth year of high school coursework and who are enrolled in approved alternative high school curriculum programs, proportionate payments ~~shall~~ must be made to the public school district in which such student is enrolled for specific courses. School districts offering high school summer school programs ~~shall~~ be are eligible for proportionate payments provided each course offered in such programs satisfies requirements for graduation, comprises at least as many clock hours as courses offered during the regular school term, and complies with rules adopted by the superintendent of public instruction. The superintendent may adopt rules regarding eligibility for school districts to receive proportionate payments for such summer education programs.

Districts that did not maintain high schools during the year of 1964-1965 ~~shall~~ are not be eligible for payments unless they have a minimum enrollment of twenty-five pupils if four years of high school work are offered, a minimum enrollment of twenty pupils if three years of high school work are offered, a minimum enrollment of fifteen pupils

if two years of high school work are offered, and a minimum enrollment of ten pupils if one year of high school work is offered. Payments pursuant to this chapter to school districts in bordering states ~~shall~~ must be made after subtracting the amount realized from ~~a twenty-mill~~ the mill levy in subsection 3 of section 15-40.1-06 in the sending school district divided by the total number of resident pupils enrolled in the school district plus the number of resident pupils from the district attending school in another state.

SECTION 3. AMENDMENT. Section 15-40.1-08 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.1-08. Elementary per-pupil payments - Amount. There must be paid from state funds to school districts ~~of the county~~ operating elementary schools and to school districts contracting to educate elementary pupils in a federal school, employing teachers holding valid certificates or permits in accordance with section 15-47-46 and chapter 15-36, payments based on the number of registered students at the beginning of each school year, adjusted as provided in section 15-40.1-09, as follows:

1. For one-room rural schools there must be paid that amount of money resulting from multiplying the factor ~~1.30~~ 1.28 times the educational support per pupil as provided in section 15-40.1-06 for each of the first sixteen pupils in grades one through eight in average daily membership, and for each additional pupil in grades one through eight in average daily membership there shall be paid .9 times the educational support per pupil as provided in section 15-40.1-06, except that no payment may be made for more than twenty pupils in average daily membership.
2. For elementary schools having under one hundred pupils in average daily membership there must be paid that amount of money resulting from multiplying the factor ~~1.0~~ 1.09 times the educational support per pupil as provided in section 15-40.1-06 for each of the first twenty pupils in grades one through six in average daily membership in each classroom or for each teacher and for each additional pupil in grades one through six in average daily membership in each classroom or for each teacher there shall be paid .9 times the educational support per pupil as provided in section 15-40.1-06, except that no payment may be made for more than twenty-five pupils in average daily membership in each classroom or for each teacher.
3. For elementary schools having one hundred or more pupils in average daily membership, and provided the districts in which such schools are located have an average daily membership of less than one thousand elementary pupils, there must be paid that amount of money resulting from multiplying the factor ~~1.0~~ .905 times the educational support per pupil as provided in section 15-40.1-06 for each of the first thirty pupils in grades one through six in average daily membership in each classroom or for each teacher, except that no payment may be made for more than thirty pupils in average daily membership in each classroom or for each teacher.

4. For elementary schools in school districts having an average daily membership of one thousand or more elementary pupils, there must be paid that amount of money resulting from multiplying the factor .95 times the educational support per pupil as provided in section 15-40.1-06 for each of the first thirty pupils in grades one through six in average daily membership in each classroom or for each teacher, except that no payment may be made for more than thirty pupils in average daily membership in each classroom or for each teacher.
5. For each of the above classes of elementary schools, except for one-room rural schools, there must be paid that amount of money resulting from multiplying the factor ~~1.01~~ 1.01 times the educational support per pupil as provided in section 15-40.1-06 for each of the first thirty pupils in grades seven and eight in average daily membership in each classroom or for each teacher, except that no payment may be made for more than thirty pupils in average daily membership in each classroom or for each teacher.
6. For elementary schools having pupils under the compulsory age for school attendance, but not less than three years of age, in a special education program approved by the director of special education, there must be paid that amount of money resulting from multiplying the factor ~~1.01~~ 1.01 times the educational support per pupil as provided in section 15-40.1-06 for each special education pupil under the compulsory age for school attendance in average daily membership in each classroom or for each teacher.
7. For elementary schools providing kindergartens which are established according to provisions of section 15-45-01, and for out-of-state kindergarten programs, approved by the state superintendent and utilized by North Dakota school districts bordering other states, there must be paid that amount of money resulting from multiplying the factor .50 times the educational support ~~per pupil payment for that elementary school as determined under this section per pupil as provided in section 15-40.1-06~~ per-pupil payment for that elementary school as determined under this section per pupil as provided in section 15-40.1-06 for each of the first twenty-five pupils in average daily membership in each classroom or for each teacher, except that no payment may be made for more than twenty-five pupils in average daily membership in each classroom or for each teacher. The full per-pupil payment shall be made only to those kindergarten programs providing the equivalent of ninety full days of classroom instruction during any twelve-month period. Programs providing shorter periods of instruction during the same time period shall receive a proportionately smaller per-pupil payment.

Every school district ~~shall~~ must receive at least as much in total payments for elementary pupils as it would have received if it had the highest number of pupils in the next lower category. Payments pursuant to this chapter to school districts in bordering states ~~shall~~ must be made after subtracting the amount realized from ~~a twenty mill~~ the mill levy in subsection 3 of section 15-40.1-06 in the sending school district divided by the total number of resident pupils enrolled in the school district plus the number of resident pupils from the district attending school in another state.

SECTION 4. AMENDMENT. Section 15-40.1-16 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.1-16. Aid for transportation. There shall be paid from state funds to each school district providing schoolbus transportation in contract schoolbuses or in district-owned and operated schoolbuses, and to school districts with students riding commercial buses to and from school within the incorporated limits of a city, the following amounts:

1. For schoolbuses and school vehicles transporting pupils who live outside the incorporated limits of the city in which the school the pupil is enrolled is located, a sum equal to ~~thirty five~~ ~~thirty-four~~ and one-half cents during each year of the ~~1987-89~~ 1989-91 biennium for vehicles having a capacity of nine or fewer pupils and ~~seventy two~~ ~~seventy~~ cents per mile [1.61 kilometers] for each year of the ~~1987-89~~ 1989-91 biennium for schoolbuses having a capacity of ten or more pupils. In addition, those school districts qualifying for payments for buses having a capacity of ten or more pupils shall be entitled to an amount equal to nineteen cents per day for each public school pupil living outside the city limits who is transported in such buses.
2. For pupils who ride schoolbuses or commercial buses to or from school and who live within the incorporated limits of the city in which the school the pupil is enrolled is located, a sum equal to nine and one-half cents per pupil per one-way trip. However, no payment shall be made under this subsection for a student who rode on a vehicle for which payments are claimed under subsection 1.

Notwithstanding subsections 1 and 2, no school district may be paid an annual amount exceeding one hundred percent of the school district's actual expenditures for transportation the preceding school year. "Actual expenditures" includes salaries for bus drivers; expenses for maintenance, repairs, tires, gas, oil, and insurance; and the five-year average annual cost for equipment. The mileage payments provided for in this section shall be made to each school district for transporting pupils to and from school. Such payments shall be made only to school districts operating schoolbuses in accordance with the laws of this state relating to standards for schoolbuses, and to the qualifications of schoolbus drivers. Certification as to the compliance with the laws of this state in regard to schoolbuses and their drivers shall be made in such manner and in such detail as the superintendent of public instruction may require at the time an application is made for payments provided under this section. The superintendent of public instruction shall do an onsite audit of the books and records, regarding transportation cost, pupils transported and miles traveled, of at least ten school districts each fiscal year to verify compliance with section 15-40.1-16.

SECTION 5. AMENDMENT. Subsection 1 of section 15-40.2-03 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. Such payments as are received for ~~him~~ that pupil from state payments received by the admitting district, less the average amount per North Dakota resident pupil enrolled in the school district realized from ~~a twenty mill~~ the school district levy in subsection 3 of section 15-40.1-06; and

SECTION 6. TRANSITION. Every school district must receive at least as much in total payments for each year of the 1989-91 biennium as it would have received if the amount subtracted under subsection 3 of section 15-40.1-06 was the product twenty mills times the latest available net assessed and equalized valuation of property of the school district and the factors used under sections 15-40.1-07 and 15-40.1-08 were the factors in effect during the 1988-89 school year."

Renumber accordingly

HB 1637 was placed on the Sixth order of business on the calendar.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that HB 1637, which is on the Sixth order, be considered immediately, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. GATES MOVED that the amendments to HB 1637 as recommended by the Committee on Education be adopted, and when so adopted, recommends the same DO PASS and be rereferred to the Committee on Appropriations, which motion prevailed.

HB 1637 was rereferred to the Committee on Appropriations.

REPORT OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Education (Rep. Gates, Chairman) to which was referred HB 1507 has had the same under consideration and recommends by a vote of 13 YEAS, 3 NAYS, 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 unified school district demonstration projects; to provide an appropriation; to provide legislative intent regarding the funding of a portion of the cost of education in the unified school district demonstration project areas; to provide for a distribution; to provide an expiration date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Unified school district demonstration projects established. The transition officer, under the direction of the board of directors of the North Dakota school boards association, shall establish the boundaries of two unified school district demonstration projects by July 15, 1989. One of the demonstration projects must consist of school districts, the majority of whose property is located west of United States highway 83 and one of the demonstration projects must consist of school districts, the majority of whose property is located east of United States highway 83. School districts desiring to participate in a demonstration project must submit an application to the transition officer by July 1, 1989. The transition officer shall establish the boundaries of each unified school district demonstration

project to ensure that no fewer than 900 and no more than 2,400 students in grades kindergarten through twelve reside within the demonstration project area. Each unified school district demonstration project must consist of at least six contiguous school districts, and three of the school districts must be school districts operating an approved high school.

SECTION 2. Unified school board. Each unified school district must be governed by a unified school board consisting of one member from each local school board participating in the demonstration project, as designated by the local school board. Unified school board members must be school board members of local public school districts during their term of office on the unified school board. If at any time a unified school board member is unable or unqualified to continue service on the unified school board, the remaining local school board members from the school district in which there is a vacancy shall select another member from their board to serve as the unified school board member. Each of the unified school board member's terms expires at the end of that member's term on the local school board. The initial members of the unified school boards must be selected within thirty days after the boundaries of the demonstration projects are established.

SECTION 3. Unified school district demonstration projects - Planning and organizing - Implementation - Determination of tax levy - Transition.

1. From the effective date of this Act through June 30, 1990, the transition officer, under the direction of the board of directors of the North Dakota school boards association, shall work with the local school boards and the unified school boards to develop a plan for the transition from local school districts to unified school districts. During this period, the local school boards shall be the governing bodies of the school districts within the boundaries of the unified school district demonstration projects and, except as provided in subsection 3, the unified school boards shall serve in an advisory capacity to the local school boards and the transition officer.
2. From July 1, 1990, through June 30, 1991, the transition officer, under the direction of the board of directors of the North Dakota school boards association, the local school boards, and the unified school boards shall implement the plan developed pursuant to this section. During this period the unified school boards shall be the governing bodies of the unified school districts and the local school boards shall serve in an advisory capacity to the unified school boards and the transition officer. After June 30, 1990, references to the unified school boards in the demonstration project areas are deemed to mean school boards, references to the unified school districts are deemed to mean school districts, the local school boards of the local school districts within the boundaries of the unified school district demonstration project areas shall be known as local boards, and the local school districts within the boundaries of the unified school districts shall be known as local districts. Board members of local boards shall continue to

be elected in the manner provided for the election of other school board members. Unified school board members shall continue to be selected as provided in section 2 of this Act.

3. The unified school board shall determine and levy the amount necessary to meet the expenses of the unified school district for the 1990-91 school year. Tax levies made under this section are subject to the mill levy limitations provided by law.

SECTION 4. Transition officer. The board of directors of the North Dakota school boards association shall employ a transition officer to assist in the planning, organizing, and implementation of the transition from local school districts to unified school districts in the demonstration project areas. The transition officer shall be governed by the board of directors of the North Dakota school boards association.

SECTION 5. Unified school district demonstration projects - Telecommunications - Priority. The superintendent of public instruction or any other state agency distributing state aid to school districts for the purpose of developing and implementing telecommunications for educational purposes shall give priority in the distribution of such aid to the unified school districts in the demonstration project areas established pursuant to this Act.

SECTION 6. Report to the legislative council and the legislative assembly. The transition officer shall report to a legislative council interim committee on education at the committee's first meeting after July 1, 1990, regarding the status of the unified school district demonstration projects and to the legislative assembly at the organizational session in 1990 regarding the status of the demonstration projects and the feasibility of implementing a unified school district system statewide.

SECTION 7. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$200,000, or so much thereof as may be necessary, to the superintendent of public instruction for the purpose of planning and organizing the unified school district demonstration projects and the sum of \$960,000, or so much thereof as may be necessary, to the superintendent of public instruction, for the purpose of funding a portion of the cost of education in the unified school district demonstration project areas for the period beginning on the effective date of this Act and ending June 30, 1991.

SECTION 8. LEGISLATIVE INTENT. It is the intent of the legislative assembly that each unified school district receive one hundred dollars per pupil in average daily membership in the unified school district.

SECTION 9. DISTRIBUTION AND ADMINISTRATION OF FUNDS. The superintendent of public instruction shall, at the request and upon submission of vouchers and other appropriate documentation by the transition officer and approved by the transition officer's governing board, certify for payment the money appropriated under section 7 of this Act as appropriate for the administration of this Act.

SECTION 10. EXPIRATION DATE. This Act is effective through June 30, 1991, and after that date is ineffective.

SECTION 11. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

HB 1507 was placed on the Sixth order of business on the calendar.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that HB 1507, which is on the Sixth order, be considered immediately, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. GATES MOVED that the amendments to HB 1507 as recommended by the Committee on Education be adopted, and when so adopted, recommends the same DO PASS and be rereferred to the Committee on Appropriations, which motion prevailed.

HB 1507 was rereferred to the Committee on Appropriations.

HOUSE ENGROSSING REPORT

The following bills were engrossed: HB 1637, HB 1507.

HOUSE ENGROSSING REPORT

The following bills and resolution were engrossed: HB 1005, HB 1030, HB 1119, HB 1128, HB 1164, HB 1191, HB 1267, HB 1270, HB 1320, HB 1363, HB 1364, HB 1370, HB 1422, HB 1479, HB 1530, HB 1543, HB 1580, HB 1603, HB 1607, HB 1624, HB 1642, HB 1660, HCR 3003.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Norman E. Grubb

MOTIONS

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

REP. KLOUBEC 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 10:00 a.m., Monday, February 20, 1989, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was referred HB 1027 has had the same under consideration and recommends by a vote of 13 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

DIVISION A

Page 1, line 4, remove "subsection 12 of section 57-39.2-04,"

Page 1, line 5, remove "sections", remove "57-39.2-26.1", and after the fifth comma insert "and"

Page 1, line 6, remove "and section"

Page 1, remove line 7

Page 1, line 8, remove "North Dakota,"

Page 1, line 9, remove "the sales tax exemption for residents of Montana"

Page 1, line 10, remove "Canada, the state aid distribution fund,"

Page 1, line 11, remove ", and distribution of personal property tax"

Page 1, line 12, remove "replacement funds to political subdivisions;"

Page 2, line 6, remove "of the 1987"

Page 2, line 7, replace "Supplement to" with "of" and after "Code" insert "without the amendments made in section 3 of chapter 687 of the 1987 Session Laws"

Page 2, line 24, remove "cable television or other"

Page 2, line 25, remove "video programming services,"

Page 3, line 3, overstrike "eighty" and insert immediately thereafter "seventy-five"

Page 3, line 23, replace "December 31, 1988" with "May 1, 1989"

Page 4, remove lines 14 through 29

Page 5, remove lines 1 through 6

Page 6, remove lines 20 through 29

Page 7, remove lines 1 through 20

Page 9, line 13, replace "December 31, 1988" with "May 1, 1989"

Page 11, remove lines 10 through 29

Page 12, remove lines 1 through 29

Page 13, remove lines 1 through 29

Page 14, remove lines 1 through 18

DIVISION B

Page 1, line 1, remove "to create and enact a new section to chapter 57-39.2 and a"

Page 1, remove line 2

Page 1, line 3, remove "a sales and use tax on restaurant meals and lodging;"

Page 1, remove lines 16 through 22

Page 2, remove lines 1 through 5

Page 7, remove lines 21 through 29

Page 8, remove lines 1 through 3

DIVISION C

Page 1, line 6, remove ", and 57-43.2-18"

Page 1, line 12, remove "; and to repeal section 57-43.2-19"

Page 1, remove line 13

Page 1, line 14, remove "on special fuels"

Page 10, remove lines 26 through 29

Page 11, remove lines 1 through 9

Page 14, remove lines 19 and 20

Re-number accordingly

HB 1027 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education (Rep. Gates, Chairman) to which was referred HB 1044 has had the same under consideration and recommends by a vote of 9 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1044 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education (Rep. Gates, Chairman) to which was referred HB 1047 has had the same under consideration and recommends by a vote of 8 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create an area service agency pilot program to provide services to schools and to require a report to the legislative council; to create and enact a new subsection to section 15-20.1-03, a new subsection to section 57-15-06.7, and a new subdivision to subsection 1 of section 57-15-14.2 of the North Dakota Century Code, relating to powers of the state board of vocational education, county authority to levy for maintenance of school district records, and to school district authority to levy for assessments made by area service agencies; to amend and reenact paragraph 2 of subdivision a of subsection 11 of section 15-39.1-04, sections 15-39.1-28, 15-47-26, 15-47-38.1, 15-59-05.1, and subdivision g of subsection 1 and subsection 2 of section 57-15-14.2 of the North Dakota Century Code, relating to members of and tax levies for the teachers' fund for retirement, the definition of a teacher, evaluation, nonrenewal, and discharge procedures for directors of the area service agency, county mill levies, contributions to the old-age survivors' fund and the social security fund, and school board mill levies; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Area service agency pilot program established. The superintendent of public instruction shall establish and form the boundaries of an area service agency within thirty days after the effective date of this Act. The board of the area service agency must be elected and the director of the agency must be selected within sixty days after the effective date of this Act. The agency must begin operating no later than July 1, 1990. The boundaries of the area service agency may not cross school district boundaries and every public school district within the selected pilot program area must be a member of the area service agency. The superintendent of public instruction shall alter the boundaries of the area service agency to take into account the annexation, reorganization, and dissolution of school districts.

SECTION 2. Mandatory area service agency services - Cooperation with county superintendents of schools - Transfer of duties.

1. The area service agency shall provide the services required by sections 3 through 5 of this Act and the following services to all public schools within its territory and to any approved nonpublic school which contracts for such services:

 - a. Inservice training.
 - b. Coordination of continuing education and adult basic and secondary education.
2. The area service agency shall work cooperatively with county superintendents of schools representing counties located wholly or partially within the pilot program area to establish a plan for the eventual transfer of all county superintendents of schools' duties to the area service agency by January 1, 1993. The area service agency may provide other services which are deemed appropriate including the preparation of school reports, organization of group school purchasing and printing, school bookkeeping and accounting, and educational research and demonstration projects.

SECTION 3. Administrative services required. The area service agency shall receive and transmit to the department of public instruction the following reports:

1. Annual school district financial reports described in subsection 17 of section 15-29-08;
2. Annual school district personnel reports;
3. Annual school district enrollment and average daily membership reports described in section 15-40.1-09;
4. Biennial school census reports described in section 15-47-13; and
5. Other reports required by the superintendent of public instruction.

SECTION 4. Special education services required - Financial contribution of school districts.

1. The area service agency shall take the place of the multidistrict special education program for all of the school districts located within the pilot program area and shall provide for the planning, coordinating, and providing of special education and related services to each school district within the area service agency. The area service agency board shall encourage and assist the school districts within the area to establish programs for gifted and talented children. Each school district within the territory of an area service agency shall share the cost of special education services provided by the agency. Assessments made for fifty percent of the cost of special education services provided by the area service agency must be apportioned among the school districts based on the enumeration of the number of persons under eighteen years of age by the school boards pursuant to section 15-29-08. Each district's share of the remaining costs must be based on the ratio that the district's taxable valuation bears to the total taxable valuation of the area service agency.
2. The area service agency board shall submit a plan by January 1, 1990, to the superintendent of public instruction regarding the implementation of special education throughout the area service agency to all school districts. The plan must be implemented by July 1, 1990. The plan and any amendments must meet the rules adopted by the superintendent of public instruction.
3. The division of special education must be headed by a director of special education who has the credentials and meets the certification standards required by the superintendent of public instruction. The director of special education has the powers and duties to:
 - a. Implement state rules and guidelines relating to special education programs and related services.
 - b. Properly identify children requiring special education.
 - c. Ensure that each child requiring special education in the area served receives an appropriate special education program or related services.
 - d. Supervise special education support personnel.
 - e. Provide each school district within the area served and the superintendent of public instruction with a special education count on December first of each year.
 - f. Submit instructional and support program plans and applications to the superintendent of public instruction.
 - g. Coordinate the special education program within the area served.

SECTION 5. Educational services required. The area service agency shall provide educational services:

1. That enhance the quality of education such as curriculum development, technology, and staff development.
2. That are responsive to the identified needs of the schools within the agency's territory.

SECTION 6. Additional services. If sixty percent of the local school boards located in the area service agency request in writing to the area service agency board that an additional service be provided to them for pupils in grades kindergarten through twelve, children requiring special education, or employees or board members of school districts or area service agencies, the area service agency board shall arrange for the service to be provided to the public school districts that request the service and to any approved nonpublic school within the area service agency which contracts for such services. The cost of providing the services must be shared by the school districts requesting or contracting for the services. The area service agency board may provide additional services if, after polling school districts located within the area service agency, sixty percent of the districts approve of the area service agency providing the service.

SECTION 7. Area service agency - Corporate powers - Corporate name. The area service agency is a body corporate for school purposes. The name of the area service agency must be chosen by the area service agency board. The area service agency possesses all powers and shall perform all duties usual to corporations for public purposes or conferred upon it by law. Under its name it may sue and be sued, enter into contracts, and convey such real and personal property that comes into its possession by will or otherwise. It may have a corporate seal by which its official acts may be attested.

SECTION 8. Area service agency board members - Membership district elections - Annual board meeting - Terms of office - Qualifications - Compensation.

1. The superintendent of public instruction shall convoke the initial nomination and election activities of the area service agency and shall direct and assist in the original organization of area service agency activities.
2. The superintendent of public instruction shall divide the area service agency into three membership districts. The territory of a school district may not be located in more than one membership district. Local school district board members within each membership district shall nominate and collectively elect persons to serve as area service board members. The school district board members in each membership district shall convene when notified by the area service agency board in April of each year to nominate candidates and elect one person from the membership district to serve as an area service agency board member except at the initial convention three persons must be elected.
3. A board of nine elected members shall govern the area service agency. Members elected to serve as area service agency

board members must be, at the time of the initial and subsequent elections, school board members of public school districts. The school board members from one of the membership districts shall appoint an administrator from the membership district, the school board members from one of the membership districts shall appoint a teacher from the membership district, and the school board members of one of the membership districts shall appoint a citizen at large from the membership district to serve on the area service agency board as ex officio members for a three-year term. The members from each membership district shall alternate their appointment of a teacher, administrator, and citizen at the end of each three-year term. The superintendent of public instruction shall designate which membership district shall appoint which ex officio member. No ex officio member may be an employee of the area service agency. No school district may have more than one member on the area service agency board. No area service agency board member may serve more than two consecutive three-year terms. Area service agency board members elected from each membership district shall serve staggered terms of three years except that initially one board member from each area service agency membership district shall serve for a three-year term; one board member from each area service agency membership district shall serve for a two-year term; and one board member from each area service agency membership district shall serve for a one-year term as designated by the superintendent of public instruction. If at any time an area service agency board member is unable to continue such service, the remaining board members shall appoint a person from the same membership district for the remainder of the member's term. If an administrator, teacher, or citizen is unable to continue to serve as an ex officio area service agency board member, the board members from the membership district from which the administrator, teacher, or citizen was appointed shall appoint an administrator, teacher, or citizen from the same membership district to fill the remainder of that person's term. The elections for area service agency board members must be held at least sixty days prior to the expiration of the area service agency board member's terms. Newly elected board members shall take office on July first following their election and the ex officio members shall take office on July first following their appointment. The board members shall select one member annually at the first meeting following elections to serve as president.

4. In April of each year the area service agency board shall notify local school district board members and conduct the membership district election of area service agency board members, adopt an annual agency budget, and prepare a plan of the next year's activities for the area service agency. The board shall provide for an annual audit of all its finances which must be completed by June first of each year. The board shall submit its annual budget, plan of activities, and audit to the superintendent of public instruction by June first of each year.

5. The area service agency shall pay members of the area service agency board compensation and expenses in the amounts provided by section 15-29-05.

SECTION 9. Area service agency board powers and duties. The area service agency board has the power and duty to:

1. Determine the policies of the area service agency for providing programs and services.
2. Provide forms and data and prepare reports as is required by law or by the superintendent of public instruction.
3. Provide for advisory committees to the agency as may be necessary.
4. Provide, directly or through contractual arrangements with public or private agencies, the services required by sections 2 through 6 of this Act to schools.
5. Lease, subject to approval by the superintendent of public instruction, receive by gift, and operate and maintain facilities and buildings necessary to provide authorized programs and services. The superintendent of public instruction may not approve an area service agency lease if there exists within the area service agency boundaries similar and suitable public school facilities that are available at a lesser expense and that can be used to provide the programs and services.
6. Contract and cooperate with other area service agencies to provide special education programs and services and educational services to students within its territory.
7. Enter into agreements, with the approval of the superintendent of public instruction, for the joint use of personnel, buildings, facilities, supplies, and equipment with public schools as is deemed necessary.
8. Apply for, accept, and expend state, federal, and other funds made available for educational programs.
9. Employ the personnel authorized by section 10 of this Act.
10. Prepare and submit, for approval by the superintendent of public instruction, an annual budget estimating income and expenditures for the programs and services to be provided by the board.
11. Contract for fees with schools to provide authorized services.
12. Sue and be sued.
13. Assess and collect from each school district within its boundaries an assessment as provided in section 14 of this Act to pay for services provided by the area service agency.

14. File with the county auditor and the county treasurer, within thirty days after the July meeting of the school boards, a list of the names of the presidents and the business managers of the several school boards within the area service agency.
15. Perform all other acts required by the superintendent of public instruction or necessary to carry out sections 1 through 14 of this Act.

SECTION 10. Area service agency employees - Qualifications.

1. The area service agency board shall employ an agency director and such other personnel as is necessary to carry out its programs and services. The area service agency board may employ only persons who are properly trained and certified in their respective professional capacities or who are otherwise qualified by reason of their professional education or experience.
2. The area service agency director must hold a current teacher's certificate and must be either a credentialed school administrator or otherwise qualified by reason of education and experience. All duly elected county superintendents serving on the effective date of this Act are qualified to serve as an area service agency director.

SECTION 11. Duties of the director of the area service agency. Under the direction of the area service agency board members, the director of the area service agency shall:

1. Cooperate with members of local school boards within the territory of the area service agency in considering and developing plans for the improvement of the educational programs and services in the area service agency.
2. Provide assistance, when requested, to school districts of the area service agency for the general improvement of their educational programs and operations.

SECTION 12. County superintendents of schools - Transfer of duties and records. County superintendents of schools who represent counties located wholly or partially within the area service agency's boundaries shall cooperate with area service agency employees to work toward a transfer to the area service agency of all county superintendents of schools' duties. The county superintendent shall transfer all records maintained in the office of the county superintendent to the office of the register of deeds or the county office designated by the board of county commissioners by July 1, 1990.

SECTION 13. Records - Maintenance - Transfer. The area service agency shall maintain and retain all records formerly retained by the county superintendents or required by law for the current operating school year. At the end of the school year, the area service agency shall transfer to each county register of deeds' office or the county office designated by the board of county commissioners the records relating to the school districts in that county.

SECTION 14. State, county, and school district financial contribution - Mill levy - Certification of budget.

1. Each school district must pay the assessments made for services provided by the area service agency. Fifty percent of the assessments must be apportioned among the school districts within the agency based on the enumeration of the number of persons under eighteen years of age by the school boards pursuant to section 15-29-08. Each district's share of the remaining fifty percent of the assessments must be based on the ratio that the district's taxable valuation bears to the total taxable valuation of the area service agency. Except as provided in section 4 of this Act, if fewer than all of the school districts in the agency benefit from or receive services provided by the agency, only those districts that receive benefits or services may be assessed. Fifty percent of the assessment must be based on the enumeration of the number of persons under eighteen years of age by the school boards pursuant to section 15-29-08 within each school district that receives benefits or services and fifty percent must be based on the ratio that the district's taxable valuation bears to the taxable valuation of all districts within the area service agency receiving benefits or services.
2. Immediately after preparation of the budget of the area service agency, the agency shall send a certified copy of the budget to the business managers of all school districts. The state is responsible for funding one hundred percent of the area service agency's budget for administration of the agency and for administrative services provided to school districts in the agency until July 1, 1990. From July 1, 1990, through June 30, 1991, the state is responsible for funding one hundred percent of the portion of the area service agency's budget that consists of an amount equal to the excess administrative costs of school districts. Excess administrative costs are those costs that, if all costs for administration of the area service agency and for administrative services provided to school districts in the area service agency were assessed against the school districts, would exceed the amount the school districts expended for administrative costs during the 1988-89 school year. For the year beginning July 1, 1991, and ending June 30, 1992, the state is responsible for funding ninety percent and the school districts are responsible for funding ten percent of the area service agency's budget for administration of the agency and for administrative services provided to school districts. For the year beginning July 1, 1992, and ending June 30, 1993, the state is responsible for funding eighty percent and the school districts are responsible for funding twenty percent of the area service agency's budget for administration of the agency and for administrative services provided to school districts. After June 30, 1993, the state is responsible for funding seventy percent and the school districts are responsible for funding thirty percent of the area service agency's budget for administration of the agency and for administrative services provided to school districts. The school board of any school

district may budget funds from the school district general fund to pay assessments made by the area service agency for its services. A school district may levy a tax pursuant to section 57-15-14.2 for purposes of funding the area service agency and paying assessments charged by the area service agency. School districts may use other available funds to pay for such assessments.

3. After July 1, 1990, each county shall levy up to one-half of one mill per dollar of taxable valuation of property in each county or portion of each county located within the agency area, provided that the total amount raised by the counties, or portions of counties, located within the agency area does not exceed the amount necessary to maintain the records of school districts in the register of deeds' office or the office designated by the board of county commissioners. The amount levied by the county may only be used to maintain such records.

SECTION 15. A new subsection to section 15-20.1-03 of the 1987 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

To contract with the area service agency to provide for the planning and coordination of support services for vocational education within the pilot program area.

SECTION 16. AMENDMENT. Paragraph 2 of subdivision a of subsection 11 of section 15-39.1-04 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- (2) The superintendent of public instruction, assistant superintendents of public instruction, county superintendents, assistant superintendents, the director of the area service agency and the professional staff of the area service agency, supervisors of instruction, state school supervisors and inspectors, every person engaged as president, dean, school librarian, or registrar of any state institution, the secretary of the North Dakota education association, all assistant secretaries and professional staff of such association, the commissioner of higher education, and the professional staff of the North Dakota high school activities association.

SECTION 17. AMENDMENT. Section 15-39.1-28 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-39.1-28. Tax levy for teachers' retirement. Any school district by a resolution of its school board may levy a tax pursuant to subdivision b of subsection 1 of section 57-15-14.2, the proceeds to be used for the purposes of meeting the district's contribution to the fund arising under this chapter and to provide the district's share, if any, of contribution to the fund for contracted employees of ~~either~~ a multidistrict special education board, an area service agency, or

another school district where the contracted employees are also providing services to the taxing school district.

SECTION 18. AMENDMENT. Section 15-47-26 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-47-26. "Teacher" defined. The term "teacher", as used in sections 15-47-27 and 15-47-28, shall be construed to include all teachers, principals, and superintendents in all public school districts within this state, all teachers employed in teaching by an area service agency, and all persons employed in teaching in any state institution, except institutions of higher education. The term "teacher", as used in section 15-47-38, shall be construed to include all teachers and principals in all public school districts within this state, all teachers employed in teaching by an area service agency, and all persons employed in teaching in any state institution, except institutions of higher education. For purposes of the sections above referenced, the term "teacher" ~~shall~~ does not include teachers who are replacing teachers on leave of absence or sabbatical leave or, for purposes of nonrenewal, teachers who are in their first year of teaching.

SECTION 19. AMENDMENT. Section 15-47-38.1 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-47-38.1. Evaluation, renewal, or discharge of superintendents of school districts.

1. The term "superintendent" as used in this section includes district superintendents of schools, a director of an area service agency, and chief administrators of multidistrict special education units and multidistrict vocational education centers.
2. At least once before March first, the school board of each school district or the board of the area service agency shall conduct a formal and written evaluation of the performance of the superintendent employed by the district or the area service agency, which shall be provided to the superintendent. The written evaluation of a superintendent's performance must include recommendations with respect to all subject areas within which the school board or the board of the area service agency considers the performance to be unsatisfactory. The governing body must provide in reasonable detail the basis for its assessment of the unsatisfactory performance.
3. The superintendent, upon receipt of an evaluation, may respond in writing to the substance and content of the evaluation, and such a response shall become a permanent attachment to the superintendent's personnel file. The school board or the board of the area service agency shall meet with the superintendent to discuss the evaluation.
4. Throughout the term of a contract between a school district or an area service agency and a superintendent, the

superintendent shall be subject to discharge for good and just causes; provided, however, that the school board or the board of the area service agency may not arbitrarily or capriciously require the superintendent's dismissal.

5. In the event that a school district or an area service agency governing body intends to discharge a superintendent, the superintendent shall be served with a detailed and written description of the reasons given by the school board or the board of the area service agency for the proposed dismissal. Following service of the written description of the reasons for proposed dismissal, the superintendent shall be granted a hearing before the governing body for which reasonable advance notice shall be required. If a superintendent chooses to be accompanied by an attorney, the legal expenses attributable to that representation must be incurred by the superintendent.
6. The superintendent may then produce such witnesses as may be necessary to refute charges made by the board against the superintendent or reasons given by the board for its proposal to discharge the superintendent, and such witnesses are subject to cross-examination.
7. All procedures relative to evidence, subpoena of witnesses, oaths, record of testimony, decision, rehearing, appeals, certification of record, scope and procedure for appeals, and appeals to the supreme court shall be conducted in accordance with the provisions of sections 28-32-06, 28-32-07, 28-32-09, 28-32-10, 28-32-11, 28-32-12, 28-32-13, 28-32-14, 28-32-15, 28-32-16, 28-32-17, 28-32-18, 28-32-19, 28-32-20, and 28-32-21. The meeting shall be conducted in an executive session of the board, unless both the school board or the board of the area service agency and the superintendent agree that the meeting shall be open to the public.
8. The superintendent may be represented at the meeting by two representatives of the superintendent's own choosing, and the superintendent's spouse, or one other family member of the superintendent's choice, may also attend the meeting if the superintendent so desires.
9. In addition to board members and the business manager of the school district or the area service agency, the school board or the board of the area service agency may be represented by two other representatives of its own choosing at the executive session.
10. If the superintendent so requests, the superintendent shall be granted a continuance by the board not to exceed seven days unless good cause for a longer continuance is shown.
11. No claim for relief for libel or slander accrues from any statement expressed either orally or in writing at an executive session of the school board or the board of the area service agency held for the purposes provided for in this section.

12. If a school district or an area service agency fails to provide notification to a superintendent in writing between March first and May first of each year that the school board or the board of the area service agency intends not to renew the superintendent's contract, the district or agency shall be deemed to have renewed the contract for a period of one year extending from the termination date set forth in the existing contract. If a school district or area service agency provides notification to the superintendent in writing before May first of its intent not to renew the superintendent's contract, the school board or the board of the area service agency shall meet with the superintendent to convey the reason or reasons for the nonrenewal if the superintendent requests such a meeting.

SECTION 20. AMENDMENT. Section 15-59-05.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-59-05.1. Eligibility for state and federal aid. The superintendent of public instruction may apply for, administer, receive, and expend any federal aid for which this state may be eligible, under the office of the superintendent of public instruction, in the administration of this chapter within the limits of legislative appropriation. School districts ~~and~~, multidistrict special education programs ~~shall be~~, and an area service agency are eligible to serve as the local education agency for application, receipt, administration, and expenditure of state and federal aid within the limits of legislative appropriation. The North Dakota school for the blind, the North Dakota school for the deaf, the Grafton state school, the state industrial school, and the Jamestown state hospital shall be eligible to apply, receive, administer, and expend federal aid.

SECTION 21. A new subsection to section 57-15-06.7 of the 1987 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

A county levying a tax to provide funding as provided in section 14 of this Act to maintain school district records in the county register of deeds' office or the county office designated by the board of county commissioners may levy a tax not exceeding one-half of one mill, provided that the total amount raised by the counties, or portions of counties, located within the area service agency does not exceed the amount required to maintain such records.

SECTION 22. AMENDMENT. Subdivision g of subsection 1 of section 57-15-14.2 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- g. The district's share of contribution to the old-age survivors' fund and matching contribution for the social security fund as provided by chapter 52-09 and to provide the district's share of contribution to the old-age survivors' fund and matching contribution for the social security fund for contracted employees of a multidistrict special education or an area service agency board.

SECTION 23. A new subdivision to subsection 1 of section 57-15-14.2 of the 1987 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Assessments made by the area service agency for its services as provided in section 14 of this Act.

SECTION 24. AMENDMENT. Subsection 2 of section 57-15-14.2 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. ~~This~~ The limitation in section 57-15-14 does not apply to mill levies pursuant to subdivisions a, c, f, and j, and the new subdivision created by section 23 of this Act of subsection 1. If a school district maintained a levy to finance either its participation in a cooperative vocational education program or its sponsorship of single-district vocational education programs prior to July 1, 1983, and the district discontinues its participation in or sponsorship of those vocational education programs, that district must reduce the proposed aggregated expenditure amount for which its general fund levy is used by the dollar amount raised by its prior levy for the funding of those programs.

SECTION 25. Status report to interim committee. The superintendent of public instruction and the director of the area service agency pilot program shall report to the legislative council interim committee on education regarding the status of the area service agency pilot program and any recommendations regarding the program at such times as the interim committee may direct.

SECTION 26. EXPIRATION DATE. This Act is effective through June 30, 1991, and after that date is ineffective."

Renumber accordingly

HB 1047 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 1185 has had the same under consideration and recommends by a vote of 11 YEAS, 4 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 the second comma insert "53-06.1-06.1,"

Page 2, line 11, overstrike "exceed ten dollars, and"

Page 2, line 12, overstrike "for other authorizations, do not"

Page 5, after line 24, insert:

"SECTION 4. AMENDMENT. Section 53-06.1-06.1 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-06.1-06.1. Work permits.

1. Cities, for sites within city limits, and counties, for sites outside city limits, may require a person associated with the conduct of games of chance to obtain a work permit, charge a fee for issuance of a work permit, and conduct reasonable inquiries into the background of the individual. Any fee charged for issuance of a work permit may not exceed the actual expense to the city or county of licensing the applicant. The attorney general may adopt guidelines relating to issuance of work permits by counties and cities.
2. The attorney general may establish a centralized statewide work permit system to determine the identity, prior activities, and present employment of all gaming employees in this state. The information must be held confidential except in the proper administration of this chapter or any rule adopted under this chapter, or to an authorized law enforcement agency. No gaming organization may employ any person or a gaming employee nor may any person be employed as a gaming employee unless that person possesses a current and valid work permit. The attorney general may issue, renew, deny, suspend, and revoke work permits. Subject to the attorney general's discretion, a temporary work permit may be issued. If an application is denied or a work permit is suspended or revoked, the notice by the attorney general must include a statement of the facts upon which the attorney general relied in making the decision. Any person whose application for a work permit has been denied may, not later than twenty days following receipt of the notice, apply to the attorney general for a hearing. A work permit expires unless renewed within fourteen days after a change of employment or if the person is not employed as a gaming employee within the state for more than ninety days. The attorney general may issue an emergency order, effective upon service to the permitholder, suspending a person's work permit upon a determination that the suspension is necessary to preserve effective regulation and control of gaming, to preserve the public interest or morals, or the person obtained a work permit by misrepresentation. The attorney general may charge each gaming employee an annual work permit fee of twenty-five dollars and a fee of five dollars for each change of employment."

Page 7, line 3, remove "influence legislation,"

Page 7, line 24, after "To" insert "willfully"

Re-number accordingly

HB 1185 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: A majority of your Committee on Agriculture (Rep. Nicholas, Chairman) to which was referred HB 1200 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 3, replace "economic development" with "northern crops institute"

Page 1, line 4, remove "commission"

Page 2, line 1, after "commission" insert an underscored comma and overstrike "hereby"

Page 2, line 2, overstrike "established", replace "to be a division of the economic development commission" with "under the supervision of the northern crops institute", and after the period insert "The commission shall provide policy direction on the use of funds and administer any grants made under this chapter. The northern crops institute may assist in the coordination of any research and development project in which the commission participates."

Page 2, line 6, overstrike "petroleum" and insert immediately thereafter "agricultural processing"

Page 2, line 15, after the period insert "The director of the northern crops institute, or the director's designee, shall serve as the director of the commission.", remove the overstrike over "The", after "secure" insert "northern crops institute shall provide", and remove the overstrike over "office space"

Page 2, line 16, remove the overstrike over "and" and insert immediately thereafter "administrative services for the commission. The commission may" and remove the overstrike over "employ needed personnel for the performance of its duties, may hire"

Page 2, remove the overstrike over line 17

Page 2, line 18, remove the overstrike over "services:"

Page 2, line 21, after the period insert "The president of North Dakota state university and the commissioner of agriculture shall designate to serve on the advisory committee the persons they designate to serve in their place on the northern crops council. If the president of North Dakota state university serves on the northern crops council, the president shall also serve on the advisory committee as the person designated by the president. If the commissioner of agriculture serves on the northern crops council, the commissioner shall also serve on the advisory committee as the person designated by the commissioner."

Renumber accordingly

For the Majority: Reps. Nicholas, Vander Vorst, Kouba, Melby, Schmidt, Shide, Soukup, Tokach.

MR. SPEAKER: A minority of your Committee on Agriculture (Rep. Nicholas, Chairman) to which was referred HB 1200 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 2, line 1, overstrike "by" and insert immediately thereafter "under the direction of"

Page 2, line 2, remove "to be a division of the economic development commission"

Page 2, line 13, overstrike "personnel" and insert immediately thereafter "administrative support"

Page 2, line 18, after the overstruck period insert "The commission shall contract with the department of agriculture for administrative and support services to carry out its program. The contract may not exceed fifteen percent of the appropriation established by the legislative assembly."

Renumber accordingly

For the Minority: Reps. Aarsvold, Frey, Gilmore, Marks, Shockman, Starke, Wilkie.

The reports of the majority and the minority were 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 1210 has had the same under consideration and recommends by a vote of 9 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 3, line 9, remove the overstrike over " ~~unless the raffle tickets or equipment for games of~~"

Page 3, remove the overstrike over lines 10 through 12

Page 3, line 13, remove the overstrike over "~~of the organization.~~"

Page 3, line 15, overstrike the period

Page 3, line 16, replace "~~or other gaming equipment or~~" with "punchboards, sports pool boards, or a series of raffle wheel ticket cards"

Page 3, line 17, remove "supplies as determined by the attorney general,"

Renumber accordingly

HB 1210 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education (Rep. Gates, Chairman) to which was referred HB 1218 has had the same under consideration and recommends by a vote of 14 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1218 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education (Rep. Gates, Chairman) to which was referred HB 1246 has had the same under consideration and recommends by a vote of 11 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1246 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 1301 has had the same under consideration and

recommends by a vote of 13 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, remove "and subdivision n"

Page 1, line 2, remove "of subsection 1 of section 38-14.1-14"

Page 1, line 3, replace "drainage permits; and to repeal section 61-31-09 and chapter" with "maintenance of township road ditches."

Page 1, remove lines 4 and 5

Page 2, remove lines 11 through 21

Re-number accordingly

HB 1301 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education (Rep. Gates, Chairman) to which was referred HB 1304 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:

Page 1, line 5, replace "provide an" with "declare an emergency"

Page 1, line 6, remove "effective date"

Page 2, line 7, replace "the boundaries of" with "all lands over which" and after "installation" insert "exercises exclusive concurrent or proprietary jurisdiction"

Page 2, line 14, after "The" insert "superintendent of public instruction, after consultation with the" and after the underscored comma insert "and"

Page 2, line 19, replace "base commander" with "superintendent of public instruction"

Page 2, line 21, after the first "the" insert "superintendent of public instruction, after consultation with the" and after the second underscored comma insert "and"

Page 3, after line 9, insert:

"School board - Duties. Any school board established pursuant to this Act shall, in the conduct of its business:

1. Place primary importance on the education and social well-being of the children residing in the school district.
2. Give due respect to the wishes of the parents of each child residing in the school district with regard to the provision of education to those children.
3. Enter into written contracts or agreements to provide for the education of the children residing in the school district.

4. Conduct all board meetings as provided in section 44-04-19."

Page 3, after line 19, insert:

"School district agreements.

1. This Act does not affect any agreement entered into prior to the effective date of this Act between the Emerado elementary public school district and the Grand Forks public school district. Any agreement entered into between those school districts shall continue under the terms provided in the agreement or for as long as both school districts continue to operate and the Grand Forks air force base contracts for full educational services from the Grand Forks public school district.
2. Before the state board of public school education requests that a school district be established pursuant to this Act:
 - a. The school districts providing education to students residing on a military installation must enter into an agreement regarding the provision of education to those students. The agreement must be approved by the state board of public school education. School districts entering into the agreement must take into consideration current and potential revenues and losses that may occur as the result of the agreement; and
 - b. The state board of public school education must receive approval from the United States secretary of education regarding the formation of the proposed school district."

Page 3, line 20, replace "EFFECTIVE DATE. This Act becomes effective on July 1," with "EMERGENCY. This Act is declared to be an emergency measure"

Page 3, line 21, remove "1989"

Renumber accordingly

HB 1304 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 1307 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 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 "Act" insert "; and to amend and reenact section 12.1-31-05 of the North Dakota Century Code, relating to child procurement"

Page 1, line 4, underscore "Definitions. As used in", after "in" insert "sections 1 through 7 of", and underscore "this Act:"

Page 1, underscore lines 5 through 17

Page 1, line 18, underscore "Maternity. A woman who gives birth to a child is the"

Page 1, underscore line 19

Page 1, line 20, underscore "Assisted conception by married woman. The husband of a"

Page 1, underscore lines 21 and 22

Page 2, underscore lines 1 through 4

Page 2, line 5, underscore "Parental status of donors and deceased persons."

Page 2, underscore lines 6 through 9

Page 2, line 10, underscore "Surrogate agreements. Any agreement in which a woman"

Page 2, underscore lines 11 through 16

Page 2, line 17, underscore "Relation of parent and child. A child whose status as a"

Page 2, line 18, underscore "child is declared or negated by", after "by" insert "sections 1 through 7 of", and underscore "this Act is the child only of his or her"

Page 2, line 19, underscore "parent or parents as determined under", after "under" insert "sections 1 through 7 of", and underscore "this Act for all purposes, including"

Page 2, underscore line 20

Page 2, line 21, underscore "Succession and gift rights. Unless superseded by later"

Page 2, underscore line 22

Page 2, line 23, underscore "parent and child declared or negated by", after "by" insert "sections 1 through 7 of", and underscore "this Act as to a given individual and"

Page 2, underscore lines 24 through 27

Page 3, underscore lines 1 through 3

Page 3, after line 3, insert:

"SECTION 8. AMENDMENT. Section 12.1-31-05 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

12.1-31-05. Child procurement - Penalty. Except with respect to fees and charges authorized by law or approved by a court in a proceeding related to the placement of a minor child for adoption or related to the adoption of a minor child, a person is guilty of child procurement, a class C felony, if the person knowingly offers, gives,

or agrees to give to another or solicits, accepts, or agrees to accept from another, a thing of value as consideration for the recipient's furnishing or aiding another to furnish a minor child for the purposes of adoption. This section does not apply to parties to any agreement in which a woman agrees to become a surrogate, as defined in section 1 of this Act, or to relinquish her rights and duties as parent of a child conceived through assisted conception, as defined in section 1 of this Act."

Renumber accordingly

HB 1307 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture (Rep. Nicholas, Chairman) to which was referred HB 1327 has had the same under consideration and recommends by a vote of 12 YEAS, 3 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 1, remove "subsection 1 of section 61-32-04 and"

Page 1, remove lines 5 through 13

Page 2, line 8, replace "or wetlands composed of soils" with "and drained wetlands that are not seeded in an agricultural commodity planted and produced by annual tilling of the soil"

Page 2, remove line 9

Page 2, line 10, remove "similar nonsaline soils that are drained"

Page 2, line 18, replace "or to wetlands composed of soils that have a salt content sufficient" with "and to the drainage of wetlands that are not seeded in an agricultural commodity planted and produced by annual tilling of the soil"

Page 2, line 19, remove "to reduce crop yields as compared to similar nonsaline soils"

Renumber accordingly

HB 1327 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 1360 has had the same under consideration and recommends by a vote of 9 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 1, line 3, remove the first "and"

Page 1, line 5, after "devices" insert "; and to provide an effective date"

Page 2, line 10, after "that" insert "prizes, merchandise," and after "coins" insert an underscored comma

Page 2, after line 20, insert:

"c. Any peace officer may seize any device listed in subdivision a upon belief that the device is being used in violation of this chapter. The courts shall order the device forfeited in the same manner and according to the same procedure as set forth in chapter 19-03.1.

SECTION 3. EFFECTIVE DATE. This Act becomes effective on July 1, 1990."

ReNUMBER accordingly

HB 1360 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 1419 has had the same under consideration and recommends by a vote of 16 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 4, line 3, after "~~age~~" insert "person who was a" and after "minor" insert "at the time of the performance"

Page 4, line 9, after "~~age~~" insert "person who was a"

Page 4, line 10, after "minor" insert "at the time of the performance"

ReNUMBER accordingly

HB 1419 was placed on the Sixth 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 1449 has had the same under consideration and recommends by a vote of 11 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 10, after "habitat" insert "and to carry out a private land habitat improvement program by entering into cost-sharing agreements with landowners or agencies working on private land to help defray all or a portion of their share of certain federally sponsored conservation practices considered"

Page 1, line 11, after the period insert "No more than forty acres [64.76 hectares] per owner or operator may be leased under this program."

Page 1, line 13, replace "An advisory committee consisting of a" with "The private land habitat improvement program advisory committee"

Page 1, remove lines 14 and 15

Page 1, line 16, remove "treasurer, and the state auditor"

ReNUMBER accordingly

HB 1449 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education (Rep. Gates, Chairman) to which was referred HB 1458 has had the same under consideration and recommends by a vote of 9 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 1, line 1, after "reenact" insert "sections 15-38.1-03, 15-38.1-04, 15-38.1-05, 15-38.1-06, and"

Page 1, line 2, after "to" insert "the education arbitration commission and"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 15-38.1-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-38.1-03. Education ~~factfinding~~ arbitration commission - Appointment - Terms - Quorum. There is hereby created a commission to be known as the education ~~factfinding~~ arbitration commission, hereinafter called the commission, which shall consist of three members, one to be appointed by the superintendent of public instruction, one by the governor, and one by the attorney general. The appointee of the superintendent of public instruction shall be the chairman of the commission. The members of the commission shall be persons experienced in educational activities. The original appointment by the superintendent of public instruction shall be for a term of three years. The original appointment by the governor shall be for a term of two years. The original appointment by the attorney general shall be for a term of one year. Their successors shall be appointed for terms of three years each, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. At all times, two members of the commission shall constitute a quorum.

SECTION 2. AMENDMENT. Section 15-38.1-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-38.1-04. Compensation of commission ~~and factfinders~~. Members of the commission shall receive ~~fifty one hundred~~ dollars per day for their attendance at regular or special meetings of the commission or in the performance of such special duties as the commission may direct. In addition to such compensation, they shall receive an allowance for actual and necessary travel and subsistence expenses while performing commission functions away from their places of residence. ~~Factfinders appointed by the commission, including commission members when so serving, shall be reimbursed for expense on the same basis as members of the commission and shall receive such compensation as the commission shall from time to time establish.~~

SECTION 3. AMENDMENT. Section 15-38.1-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-38.1-05. Powers of the commission. The commission shall have the power to adopt its own rules and regulations. In addition to other powers authorized by law and under this chapter, the members of the commission ~~and any factfinder appointed by it~~, shall, in the performance of their duties, have the powers contained in sections 28-32-09, 28-32-10, 28-32-11, and 28-32-12.

SECTION 4. AMENDMENT. Section 15-38.1-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-38.1-06. Cost of ~~factfinding~~ arbitration services. The cost of ~~factfinding proceedings~~ arbitration services provided by the commission, including per diem, compensation, and other costs, shall be borne as follows: In those cases where the proceedings to resolve an impasse arises under subdivision a, b, c, or d of subsection 1 of section 15-38.1-13, the cost shall be borne equally among the contending parties."

Page 3, line 6, replace "within" with "name one member of the education arbitration commission to serve as the panel chairman."

Page 3, remove lines 7 through 16

Reumber accordingly

HB 1458 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 1480 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 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 "and"

Page 1, line 6, after "persons" insert "; and to provide an effective date"

Page 2, replace lines 7 through 16 with:

"3. "Incapacitated person" means any adult person who is impaired by reason of mental illness, mental deficiency, physical illness or disability, ~~chronic use of drugs, chronic intoxication, or other cause (except minority)~~ or chemical dependency to the extent that ~~he~~ the person lacks sufficient understanding or capacity to make or communicate responsible decisions concerning ~~his person~~ that person's matters of residence, education, medical treatment, legal affairs, vocation, finance, or other matters, and which incapacity endangers the person's health or safety."

Page 3, line 11, after "The" insert "guardian spouse or guardian"

Page 3, line 12, after "a" insert "successor"

Page 3, line 13, after "a" insert "guardian spouse or guardian"

Page 3, line 15, after "for" insert "the incapacitated person"

Page 3, line 17, after the first "the" insert "successor"

Page 3, line 18, overstrike ", if prior thereto, both"

Page 3, overstrike lines 19 through 21

Page 3, line 22, overstrike "of probate in formal proceedings"

- Page 3, line 23, overstrike "The spouse of a married", remove "adjudicated", and overstrike "incapacitated person may, by"
- Page 3, overstrike lines 24 and 25
- Page 3, line 26, overstrike "prior written notice of" and overstrike "intention to do so to the incapacitated"
- Page 3, line 27, overstrike "person and to the person", remove "caring for the", and overstrike "or to"
- Page 3, line 28, remove "the", overstrike "nearest adult relative", remove "of the incapacitated person", and overstrike ", the"
- Page 3, overstrike line 29
- Page 4, overstrike lines 1 through 3
- Page 4, line 4, overstrike "3."
- Page 4, line 7, overstrike "4." and insert immediately thereafter "3."
- Page 4, line 19, after the first "person" insert "the proposed ward", remove the overstrike over "resides or is present" and insert immediately thereafter "and expected to remain during the pendency of the proceedings", and remove the overstrike over the period
- Page 4, line 21, replace "proposed ward is a resident" with "Notwithstanding section 30.1-02-03, the proposed ward may demand change of venue to either the county of residence or the county where the proposed ward is present. The court shall grant the demand if it is filed and served upon the petitioner more than three days before the hearing. If the demand is filed within three days of the hearing, the court may grant the demand upon good cause shown"
- Page 5, line 11, remove "names and addresses of significant providers of service to"
- Page 5, line 12, remove "the proposed ward, and, when appropriate, the"
- Page 5, line 13, replace the first "the" with "any"
- Page 5, line 15, after the second underscored comma insert "and" and replace the third underscored comma with "or, if none, any adult"
- Page 5, line 16, remove the underscored comma, replace "nonrelated" with "any", and replace "household members of" with "with whom"
- Page 5, line 17, after "ward" insert "resides in a private residence, or, if none, the nearest adult relative"
- Page 5, line 21, after "sought" insert ", including whether the nominated guardian seeks to have full authority, limited authority, or no authority in each area of residential, educational, medical, legal, vocational, and financial decisionmaking"
- Page 5, line 23, replace "counsel, if any, for" with "the attorney, if known, who most recently represented"

Page 5, replace lines 27 through 29 with:

- "3. Upon the filing of a petition, the court shall set a date for hearing on the issues of incapacity and unless the allegedly incapacitated person has counsel of his own choice, it shall appoint an appropriate official or attorney to represent him in the proceeding, who shall have the powers and duties of a act as guardian ad litem. The person alleged to be incapacitated shall be examined by, appoint a physician appointed by the court who shall submit his report in writing to the court and shall also be interviewed by or clinical psychologist to examine the proposed ward, and appoint a visitor sent by the court. The visitor also shall to interview the person seeking appointment as proposed guardian, and visit the present place of abode of the person alleged to be incapacitated and the place it is proposed that he will be detained or reside if the requested appointment is made. The visitor shall submit his report in writing to the court. The person appointed as visitor may not also be appointed as guardian ad litem for the person alleged to be incapacitated the proposed ward.

4. The duties of the attorney include:"

Page 6, remove lines 1 through 5

Page 6, line 13, remove "as an advocate, not"

Page 6, line 14, after "litem" insert . If the appointed attorney or other attorney is retained by the proposed ward to act as an advocate, the attorney shall promptly notify the court, and the court may determine whether the attorney should be discharged from the duties of guardian ad litem"

Page 6, replace lines 15 through 25 with:

- "5. The physician or clinical psychologist shall examine the proposed ward and submit a written report to the court. The written"

Page 7, line 11, replace "5." with "6.", remove "court shall appoint an appropriately qualified" and remove "who"

Page 7, line 14, after the first "the" insert "guardianship" and after "explaining" insert "the purpose for the interview"

Page 7, line 15, replace the underscored colon with an underscored period

Page 7, remove lines 16 through 18

Page 7, remove lines 22 through 26

Page 7, line 27, replace "e." with "c."

Page 7, line 28, replace "f." with "d."

Page 8, line 1, replace "g." with "e."

Page 8, line 3, replace "h." with "f." and after "information" insert "as directed by the court"

Page 8, line 4, replace "i." with "g." and remove "The report must be"

Page 8, remove lines 5 through 8

Page 8, line 9, replace "j." with "h."

Page 8, line 11, replace "functional incapacity or disability" with "impairment" and replace "ward" with "ward's understanding or capacity to make or communicate decisions"

Page 8, line 14, remove "limiting" and replace "of" with "to be granted to"

Page 8, line 17, replace "subsection" with "subsections", after "3" insert "and 4", and after the semicolon insert "and"

Page 8, replace lines 18 through 24 with:

"(4) An assessment of the capacity of the proposed ward to perform the activities of daily living."

Page 9, line 4, replace "6." with "7."

Page 9, line 15, replace "7." with "8."

Page 9, line 28, remove "functional"

Page 11, replace lines 1 through 6 with:

"(4) The powers and duties conferred upon the guardian are appropriate as the least restrictive form of intervention consistent with the ability of the ward for self-care."

Page 11, line 9, remove "to make medical decisions, to make living"

Page 11, line 10, remove "arrangement decisions,"

Page 11, line 11, after the underscored comma insert "or"

Page 11, line 12, remove ", to execute legal instruments, or to convey or hold"

Page 11, line 13, remove "property"

Page 11, line 15, overstrike "The court may appoint a limited guardian if it is satisfied that"

Page 11, overstrike lines 16 through 20

Page 11, line 21, remove "6." and overstrike "The court may, at the time of appointment or later, on its own"

Page 11, overstrike lines 22 through 26

Page 11, line 27, overstrike "letters" and insert immediately thereafter "The order appointing a guardian confers upon the guardian only those powers and duties specified in the order. In addition to any other powers conferred upon the guardian, the court's order must state whether the guardian has no authority, general authority, or limited authority to make decisions on behalf of the ward in each of the areas of residential, educational, medical, legal, vocational, and financial decisionmaking. A grant of limited authority must specify the limitations upon the authority of the guardian or the authority retained by the ward"

Page 12, line 11, replace "counsel" with "attorney"

Page 12, replace lines 19 through 21 with:

"c. Specifications of the guardian's authority to make decisions on behalf of the ward in each of the following areas: residential, educational, medical, legal, vocational, and financial. If limited authority has been granted in any area, the letters must describe the nature of the limitations;

d. Specification of any other powers or authority conferred upon the guardian; and

e. Specification of limitations by the court upon the rights and privileges of the ward in matters not governed by powers of the guardian, such as voting, marriage, and driving."

Page 13, line 23, remove "The guardian may petition the"

Page 13, line 24, remove "court to accept the guardian's resignation."

Page 14, line 13, remove the overstrike over "in", remove "currently licensed in", and remove ", with experience or"

Page 14, line 14, remove "training in the assessment of incapacitated persons,"

Page 14, line 26, after "his" insert "the ward's or proposed ward's", remove the overstrike over "spouse, parents, and adult children", and replace "the ward's or" with an underscored semicolon

Page 14, remove lines 27 through 29

Page 15, replace lines 1 through 12 with:

"b. Any person, corporation, or institution who is serving as his the ward's guardian, attorney in fact, representative payee for public benefits, or conservator, or who has his the ward's care and custody-;

c. In case If no other person is notified under subdivision a, at least one of his closest adult relatives; if any can be found then the adult siblings and any adult with whom the proposed ward resides in a

private residence, or if none can be found, any known adult relative; and

d. The attorney for the proposed ward, the visitor, and the physician or clinical psychologist, together with a copy of the respective order of appointment for each."

Page 15, line 25, replace "Notice" with "The notice" and after "printed" insert "with not less than"

Page 18, line 13, remove "regional"

Page 18, line 23, after "has" insert "only"

Page 19, line 1, after "limited" insert an overstruck colon and remove "following"

Page 19, line 2, replace "except as modified by order of" with "specified by" and replace the colon with an underscored period

Page 19, line 3, overstrike "a." and insert immediately thereafter "2."

Page 19, line 18, overstrike "b." and insert immediately thereafter "3."

Page 19, replace lines 27 through 29 with:

"c. 4. A guardian may give any consents or approvals that may be necessary to enable the ward to receive medical or other professional care, counsel, treatment, or service. Notwithstanding general or limited authority to make medical decisions on behalf of the ward,"

Page 20, line 1, remove "or service. However,"

Page 20, line 5, overstrike "d." and insert immediately thereafter "5." and replace "The" with "When exercising the authority granted by the court, the"

Page 20, line 7, replace "(1)" with "a."

Page 20, line 10, replace "(2)" with "b."

Page 20, line 13, replace "e." with "6."

Page 20, line 14, after "appointed" insert "and if the guardian has been granted authority to make financial decisions on behalf of the ward"

Page 20, line 15, overstrike "(1)" and insert immediately thereafter "a."

Page 20, line 18, overstrike "(2)" and insert immediately thereafter "b."

Page 21, line 4, overstrike "f." and insert immediately thereafter "7."

Page 21, line 10, replace "g." with "8.", replace "must be required by the court to" with "shall", and after "make" insert "an"

Page 21, line 11, replace "reports" with "report" and remove "ward's physical, mental,"

Page 21, line 12, remove "and emotional" and replace ", and itemizing income and expenditures" with "and affairs of the ward"

Page 21, remove line 13

Page 21, line 14, remove "guardian's possession or control"

Page 21, line 15, replace "(1)" with "a."

Page 21, replace lines 16 through 26 with:

- "b. The name, address, and telephone number of the guardian;
- c. A brief written description of the condition of the ward;
- d. The name and address of any person or institution having care or custody of the ward;
- e. If the guardian has authority to make residential decisions for the ward, a statement of the nature of the ward's care and of any changes or proposals for changes in the living situation of the ward;
- f. If the guardian has authority to make medical decisions, a summary of the medical treatment authorized by the guardian since the date of the last report;"

Page 21, line 27, replace "(4)" with "g."

Page 22, replace lines 3 through 6 with:

- "h. A complete accounting of the financial transactions of the guardian undertaken on behalf of the ward or in connection with the guardianship; and"

Page 22, line 7, replace "(6)" with "i."

Page 22, line 8, replace "h." with "9."

Page 22, line 10, replace "in" with "printed with not less than"

Page 22, line 14, overstrike ".2." and insert immediately thereafter "10.", overstrike "Any guardian of", remove "a ward", and overstrike "for whom a conservator also has been"

Page 22, line 15, overstrike "appointed shall control the custody and care of the ward" and remove the underscored period

Page 22, line 17, after "ward" insert "as approved by the court or"

Page 22, remove lines 22 through 27

Page 23, line 14, replace "1989" with "1990"

Page 23, line 15, replace "chapter" with "Act"

Page 23, after line 18 insert:

"SECTION 15. EFFECTIVE DATE. This Act becomes effective on July 1, 1990."

Renumber accordingly

HB 1480 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs (Rep. Haugland, Chairman) to which was rereferred HB 1504 has had the same under consideration and recommends by a vote of 14 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 2, line 3, replace "progress" with "development programs"

Page 2, remove lines 22 through 29

Page 3, remove lines 1 and 2

Page 3, line 4, replace "shall" with "may"

Renumber accordingly

HB 1504 was placed on the Sixth 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 1554 has had the same under consideration and recommends by a vote of 13 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 2, replace lines 5 through 28 with:

"Modification of water resource district boundaries - Procedures. If two or more boards agree by resolution that a boundary modification will enhance water management, the boards may jointly submit a petition to the state engineer requesting a modification of the boundaries. All affected landowners must be notified by certified mail at least thirty days before the petition is submitted to the state engineer, and at least fifty percent of the affected landowners must approve the petition. The petition must receive prior approval by the respective boards of county commissioners. If the state engineer and the state water commission approve the petition, the state water commission shall issue an order setting the new boundaries for the water resource districts. The boundary shall become effective on January first of the following calendar year. However, a board of managers that will receive a new area after the boundary modification may certify the levy for that property to the county auditor in order that the general water resource district levy may be assessed in the following year."

Page 3, remove lines 1 through 21

Renumber accordingly

HB 1554 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 1567 has had the same under consideration and recommends by a vote of 9 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to extend the period of redemption of real property used for farming or ranching purposes and by small businesses and to provide for possession during the extended period of redemption; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Legislative declaration. The legislative assembly declares that a public economic emergency exists because of the severe financial and economic distress prevailing in the agricultural economy of this state.

SECTION 2. Period of redemption may be extended. If any mortgage or other lien upon real property has been foreclosed and the period of redemption has not expired, the period of redemption may be extended for an additional time as the court may deem just and equitable, but no period of redemption may be extended for more than five years.

SECTION 3. Procedure for application for extension of period of redemption. The mortgagor, or the owner in possession of the property in the case of mortgage foreclosure proceedings, or the judgment debtor in the case of the sale under judgment or execution, may within sixty days following the sale under judgment or, if a sale under judgment has occurred prior to the effective date of this Act, but the period of redemption has not expired, within sixty days of the effective date of this Act or prior to the expiration of the period of redemption, whichever is earlier, apply to the district court having jurisdiction on the matter, on written notice to the mortgagee or judgment creditor, or the attorney of either, for an order extending the period of redemption and an order determining the reasonable value of the income on the property, or, if the property has no income, then the reasonable rental value of the property involved in the sale, and directing and requiring the mortgagor or judgment debtor to pay all of the income or rental value toward the payment of taxes, insurance, interest, and mortgage or judgment indebtedness at the times and in the manner ordered by the court. The mortgagee or judgment creditor has ten days to respond to the application, and a hearing may be held on the application if demanded in the application or the response. The court shall hear the application and after the hearing shall make and file its order extending the period of redemption and its order directing the payment by the mortgagor or judgment debtor of an amount at the times and in the manner the court deems just and equitable. Upon service of the notice or demand, the running of the period of redemption is tolled until the court makes its order upon the application.

SECTION 4. Waiver of rights to rents and profits. If an extension of the redemption period is granted by the court, any legal rights of the mortgagor or personal representative or judgment debtor to retain the rents and profits during the first year of redemption are

waived and the payments from those rents or profits must be made to the judgment creditor or the mortgagee as ordered by the court.

SECTION 5. Default by judgment debtor or mortgagor. If, following an order extending the redemption period, the mortgagor or judgment debtor or personal representative defaults in any payment or commits waste within the first year following the sale under judgment, the extension of the redemption period granted by the court is void. If the mortgagor or judgment debtor or personal representative defaults in any payment or commits waste any time after the first year following the sale under judgment, the right to redeem from the sale terminates thirty days after the default and a holder of a subsequent lien may redeem in the order and manner provided by law beginning thirty days after the filing of the notice of the default with the clerk of the district court, and the right to possession ceases and the party acquiring title to the real estate is entitled to immediate possession of the premises. If default is claimed because of waste, the thirty-day period does not begin to run until the court files an order finding waste.

SECTION 6. Court may revise and alter terms. Upon the application of either party prior to the expiration of the extended period of redemption as provided by this Act and upon the presentation of evidence that the terms fixed by the court are no longer just and reasonable, the court may revise and alter the terms, in the manner as the changed circumstances and conditions may require.

SECTION 7. Trial or hearing to be held within thirty days. The trial or hearing of any action provided by this Act must be held within thirty days after the filing by either party of a demand for hearing or trial. The order of the court must be filed within five business days following the trial or hearing. If the court does not grant the judgment debtor or mortgagor an extension of the redemption period, no stay of that order may be obtained pending appeal. A stay of any other order of the court may be obtained on such terms as the court deems just and equitable. Review by the supreme court may be had by filing an appeal within fifteen days following the notice of entry of the order being appealed. The appeal must be heard in the same manner as other civil appeals.

SECTION 8. Application.

1. This Act applies only to mortgages, liens, and contracts for deed on property used for farming or ranching purposes or by small businesses affected by the economic distress mentioned in section 1 of this Act. This Act applies to a mortgage held by the United States or any agency, department, bureau, or instrumentality of the United States, as security or pledge of the mortgagor, its successors, or assigns. This Act applies to a mortgage held as security or pledge to secure payment of a public debt or to secure payment of the deposit of public funds.
2. No court may allow, under this Act, a resale, stay, postponement, or extension to a time that would adversely affect any right because of a statute of limitation.

SECTION 9. Limitations. No postponement or extension may be ordered under conditions that would substantially diminish or impair the value of the contract or obligation of the person against whom the relief is sought, without reasonable allowances to justify the exercise of the police power authorized by this Act. No postponement or extension may extend for more than five years from the date of the sale under judgment and no postponement or extension may be made after June 30, 1991.

SECTION 10. Application of other laws. The provisions of other laws apply to proceedings under this Act only to the extent they are not in conflict with this Act.

SECTION 11. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

HB 1567 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 1581 has had the same under consideration and recommends by a vote of 10 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 1, line 1, after "6-03" insert "and a new section to chapter 6-06"

Page 1, line 3, after "banks" insert "and credit unions; and to provide an expiration date"

Page 1, line 10, remove "and agriculturally related loans"

Page 1, line 12, replace "agricultural" with "agriculturally related" and after "loan" insert ", provided the loss was not a result of fraud or criminal abuse on the part of an officer, director, or shareholder of the bank. Agricultural loans include loans made to finance agricultural production, loans secured by farmland, loans secured by farm machinery, or other loans that a bank proves to be sufficiently related to agriculture for classification as an agricultural loan"

Page 1, line 21, replace "applicable law" with "board"

Page 2, line 15, remove "under this section" and replace "If a hearing is requested" with "When deciding on an amortization and deferral proposal"

Page 2, line 16, replace "the following matters" with "all relevant factors including"

Page 2, line 19, replace "Whether" with "That the bank is in need of capital restoration and whether"

Page 2, line 21, replace "law" with "the board" and after "plan" insert "inclusive of recognition of assets classified loss by a state or federal examiner" and remove "and"

Page 2, line 23, after "viable" insert "and fundamentally sound; and

d. Whether the bank is well managed"

Page 2, line 25, remove "and"

Page 2, line 26, remove "agriculturally related loans,"

Page 2, line 29, remove "agricultural or"

Page 3, line 14, replace "sections" with "section" and remove "and 6-07-03"

Page 3, line 26, remove "The procedure to be followed for requests to modify"

Page 3, remove line 27

Page 3, replace line 28 with:

- "8. If the bank fails to continue to meet the requirements under which authorization was granted pursuant to this section or to comply with the capital plan, the board shall notify the bank of its intent to revoke authorization for deferral of losses. The bank has sixty days from receipt of the notice in which to submit objections and reasons why authorization should continue. If no written objections are received within sixty days, the revocation is final. If the bank submits objections, they will be considered and a final decision, or a request for additional information, must be made within the next thirty days.
9. The bank shall provide the board, upon request, with any information the board deems necessary to monitor the bank's amortization, its compliance with conditions, and its continued eligibility.
10. Acceptance of a bank for loss amortization does not foreclose any administrative action against the bank that the board may deem appropriate.

SECTION 2. A new section to chapter 6-06 of the North Dakota Century Code is hereby created and enacted to read as follows:

1. A credit union that complies with the requirements of this section and which has at least twenty-five percent of its total loans in agricultural loans may amortize and defer its losses on agricultural loans and its losses resulting from a reappraisal or sale of real or personal property acquired by the credit union in connection with an agriculturally related loan, provided the loss was not a result of fraud or criminal abuse on the part of an officer or director. Agricultural loans include loans made to finance agricultural production, loans secured by farmland, loans secured by farm machinery, or other loans that a credit union proves to be sufficiently related to agriculture for classification as an agricultural loan.
2. At least sixty days before the end of the calendar quarter for which the credit union intends to amortize and defer its

losses as permitted by this section, the credit union shall notify the board in writing and submit to the board its written plan for amortizing and deferring its eligible losses. At a minimum the credit union's amortization and deferral plan must include a list and description of the specific losses which the credit union intends to amortize and defer and a realistic capital plan for restoring the credit union's capital to the level required by the board not later than the end of the amortization period.

3. The board shall approve or deny the amortization and deferral proposal within sixty days from receipt of the notification. If the board denies a credit union's application for loan loss deferral, the credit union is not entitled to a formal administrative hearing to protest the board's determination but may raise its objections to the board's decision in any pending or future administrative proceeding against the credit union. When deciding on an amortization and deferral proposal the board shall examine and consider all relevant factors including:
 - a. Whether the losses the credit union intends to amortize and defer are eligible for such treatment under this section;
 - b. That the credit union is in need of capital restoration and whether by the end of the amortization period set forth in this section the credit union's capital will be restored to the level required by the board under a realistic capital plan, inclusive of recognition of assets classified loss by a state or federal examiner;
 - c. Whether, during the period of amortization and deferral permitted by this section, the credit union will remain viable and fundamentally sound; and
 - d. Whether the credit union is well managed.
4. The losses that are eligible for amortization and deferral under this section are limited to those losses on agricultural loans which the credit union incurred or incurs between 1984 and 1991, inclusive, and those losses on reappraisals or sales of real or personal property that the credit union acquired in connection with an agriculturally related loan, owned no earlier than January 1, 1983, and any additional property that it acquires between January 1, 1983, and December 31, 1991, inclusive.
5. To be permitted under this section, all amortization of deferred loss must be computed over a period not to exceed seven years on a quarterly straight-line basis commencing in the first quarter after the loan was or is charged off so as to be fully amortized not later than December 31, 1998. A credit union that is permitted to amortize its losses under this section may restate its capital and other relevant accounts in accordance with the instructions for the reports it submits to the commissioner under section 6-06-08.

6. Any determination of the value of the assets of a credit union that is permitted to amortize and defer losses, including, determinations of asset value under sections 6-01-09 and 6-06-08.2 must incorporate at face value the full amount of any asset account established and maintained by the credit union in conformity with this section. Any determination of the level or amount of capital that is maintained by a credit union that is permitted to amortize and defer loss, must incorporate at face value the full amount of any deferred loss capital account established and maintained by the credit union in conformity with this section.
7. A credit union that is amortizing and deferring its losses as permitted by this section shall fully adhere to its approved capital plan unless it has obtained the prior approval of the board for a modification to its plan.
8. If the credit union fails to continue to meet the requirements under which authorization was granted pursuant to subsection 3 or to comply with the capital plan, the board shall notify the credit union of its intent to revoke authorization for deferral of losses. The credit union has sixty days from receipt of the notice in which it may submit objections and reasons why authorization should continue. If no written objections are received within sixty days, the revocation is final. If the credit union submits objections, they will be considered and a final decision, or a request for additional information, must be made within the next thirty days.
9. The credit union shall provide the board, upon request, with any information the board deems necessary to monitor the credit union's amortization, its compliance with conditions, and its continued eligibility.
10. Acceptance of a credit union for loss amortization does not foreclose any administrative action against the credit union that the board may deem appropriate.

SECTION 3. EXPIRATION DATE. This Act is effective through December 31, 1998, and after that date is ineffective."

Renumber accordingly

HB 1581 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 1584 has had the same under consideration and recommends by a vote of 10 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 4, remove "and"

Page 1, line 6, after "landowner" insert "; and to declare an emergency"

Page 4, line 8, after the underscored period insert "In conjunction with the prosecution of any offense under this subsection, the remains in question in the prosecution may, as deemed necessary, be subjected to nonintrusive, nondestructive professional study for the exclusive purpose of determining whether the remains are human."

Page 7, after line 18, insert:

"SECTION 8. EMERGENCY. This Act is declared to be an emergency measure."

ReNUMBER accordingly

HB 1584 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 1590 has had the same under consideration and recommends by a vote of 9 YEAS, 6 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 "judge" insert "; and to provide an effective date"

Page 1, line 13, remove "continues" and overstrike "for the remainder of the term" and insert immediately thereafter "continues until the next general election, unless the next general election occurs within one year after the appointment, in which case the appointment continues until the following general election"

Page 2, line 11, remove "continues" and overstrike "for the remainder of the term" and insert immediately thereafter "continues until the next general election, unless the next general election occurs within one year after the appointment, in which case the appointment continues until the following general election"

Page 2, after line 20, insert:

"SECTION 3. EFFECTIVE DATE. This Act becomes effective on the date that the proposed amendment to section 13 of article VI of the Constitution of North Dakota as contained in House Concurrent Resolution No. 3040, as agreed to by the fifty-first legislative assembly, is approved by the electors at the primary or general election in 1990."

ReNUMBER accordingly

HB 1590 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 1621 has had the same under consideration and recommends by a vote of 14 YEAS, 2 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 "sections 15-07-04 and" with "section"

Page 1, line 3, remove "sale of land by the"

Page 1, line 4, remove "board of university and school lands and to"

Page 2, remove lines 1 through 10

Page 2, line 29, after "effective" insert "for purposes of limiting a mortgagor's right to designate homestead property under section 4 of this Act" and replace "5" with "4"

Page 3, line 17, after "price" insert ", plus interest and costs,"

Page 4, line 2, replace "property described in section 47-18-01" with "a reasonably compact contiguous area including the debtor's dwelling but not to exceed one hundred sixty acres [64.75 hectares]"

Page 4, line 4, replace "as a homestead" with "under this section" and replace "and" with an underscored comma

Page 4, line 5, after "deeds" insert ", and the parties to the foreclosure proceeding" and replace "ten" with "fifteen"

Page 4, after line 6, insert:

"SECTION 5. Objection to designation of parcel. Any party to foreclosure proceedings may contest the designation of property to be separately redeemed by serving notice upon the parties and by filing with the court no later than five business days before the sale an application for a hearing concerning the area proposed to be separately redeemed. The court shall consider the adequacy of the legal description, the highest sale price produced for the designated and remaining parcels, and the reasonable use of the designated parcel by the debtor."

Page 4, line 8, replace "for the homestead" with "of property" and replace "5" with "4"

Page 4, line 9, after "property" insert ", unless otherwise ordered by the court under section 5 of this Act"

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

Page 4, line 15, replace "in section 47-18-01" with "under section 4 of this Act"

Page 4, line 20, replace "and described in section 47-18-01" with "under section 4 of this Act"

Renumber accordingly

HB 1621 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education (Rep. Gates, Chairman) to which was referred HB 1630 has had the same under consideration and recommends by a vote of 11 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a North Dakota centennial academy.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Establishment of the North Dakota centennial academy. Any school board or any private or other entity may, if approved by the superintendent of public instruction after receiving the recommendations of the centennial academy advisory committee, establish a school to be known as the North Dakota centennial academy. Any school board or other entity desiring to establish the centennial academy shall submit a plan to the superintendent of public instruction by January 1, 1990. The superintendent of public instruction shall review each plan and hold a public hearing regarding the establishment of the centennial academy. The superintendent shall make a decision, after receiving the recommendations of the centennial academy advisory committee, regarding the approval of a plan by April 1, 1990. The centennial academy must be established for grades nine through twelve. Any plan approved must ensure that boarding facilities will be made available at the academy for students. Enrollment in the academy may not exceed one hundred twenty-five students per grade. The superintendent of public instruction shall give preference to any plan that proposes to use an existing public building or facility that is located within the state. Any public building or facility sold for the purpose of establishing an academy may not be sold for more than one thousand dollars.

SECTION 2. North Dakota centennial academy. The North Dakota centennial academy shall provide enhanced educational opportunities for students from any school district in the state. A college preparatory curriculum must be offered with concentration on mathematics, science, foreign languages, arts, history, and English language and literature, along with a full complement of extracurricular activities with an emphasis on intramural activities. Any student in the eighth grade is eligible to apply for admission to the academy. The superintendent of public instruction shall, by rule, establish eligibility for admission, curriculum, and tuition for the North Dakota centennial academy, after receiving the recommendations of the centennial academy advisory committee. The centennial academy advisory committee consists of the following members:

1. One member appointed by the superintendent of public instruction.
2. One member appointed by the North Dakota school boards association.
3. One member appointed by the North Dakota council of school administrators.
4. One member appointed by the state board of higher education.
5. The governor or the governor's designee.
6. Two members of the legislative assembly, one member of the house of representatives selected by the speaker of the house of representatives and one member of the senate selected by the president of the senate.

SECTION 3. State aid and school district tuition payments for students at the North Dakota centennial academy. Notwithstanding the

provisions of section 15-40.1-08, the educational support per pupil for each pupil at the academy must be multiplied by a factor of 1.8. Foundation payments for students enrolled in the centennial academy must be made directly to the academy. School districts educating pupils at the centennial academy shall pay a tuition payment to the centennial academy for each student from the school district attending the academy in an amount equal to the average cost of education per pupil in that school district. Payments for each pupil from the tuition fund must be made directly to the centennial academy.

SECTION 4. Tuition for students at the North Dakota centennial academy. Within limits set by the rules of the superintendent of public instruction under this Act, the North Dakota centennial academy may establish and charge tuition for attendance at the centennial academy. The parent of any student attending the centennial academy is responsible to pay any tuition charged for the student in excess of any state aid or school district tuition the centennial academy receives for the student. The rules adopted must provide for a waiver of all or part of the tuition in cases of demonstrated financial need. Criteria for evaluating financial need must be established by rules adopted by the superintendent of public instruction."

HB 1630 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 1643 has had the same under consideration and recommends by a vote of 9 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, replace "amend and reenact section 12.1-17.1-07 of the North" with "create and enact a new section to chapter 42-01 of the North Dakota Century Code, relating to the definition of illegal abortion; to amend and reenact sections 42-01-01, 42-01-06, 42-01-08, 42-01-15, and 42-02-10 of the North Dakota Century Code, relating to illegal abortion as a nuisance; to repeal sections 14-02.1-03.1, 14-02.1-04, and 14-02.1-11"

Page 1, remove line 2

Page 1, line 3, remove "chapter 14-02.1"

Page 1, line 4, remove "control", remove the first "and" and remove "a statement of legislative intent and"

Page 1, line 5, after "date" insert "; and to provide a penalty"

Page 1, remove lines 7 through 22

Page 2, remove lines 1 through 15

Page 2, after line 15, insert:

"**SECTION 1. AMENDMENT.** Section 42-01-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

42-01-01. Nuisance - Definition. A nuisance consists in unlawfully doing an act or omitting to perform a duty, which act or omission:

1. Annoys, injures, or endangers the comfort, repose, health, or safety of others;
2. Offends decency;
3. Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage, any lake, navigable river, bay, stream, canal, basin, public park, square, street, or highway; or
4. In any way renders other persons insecure in life or in the use of property, including the performance or attempted performance of an illegal abortion.

SECTION 2. AMENDMENT. Section 42-01-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

42-01-06. Public nuisance - Definition. A public nuisance is one which at the same time affects an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon the individuals may be unequal. The performance or attempted performance of an illegal abortion is a public nuisance.

SECTION 3. A new section to chapter 42-01 of the North Dakota Century Code is hereby created and enacted to read as follows:

Illegal abortion - Definition. For the purposes of this chapter and chapter 42-02, "illegal abortion" means violation of section 14-02.1-03 or 14-02.1-05 or the use of any instrument, medicine, drug, or any other substance or device to terminate the pregnancy of a woman once implantation has occurred and the woman is known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus. The term does not include termination of the pregnancy of a woman by a physician licensed to practice in this state when, in the reasonable medical judgment of the physician based on the particular facts of the case, the termination is necessary to save the life of the woman, or when the pregnancy is the result of rape or incest.

SECTION 4. AMENDMENT. Section 42-01-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

42-01-08. Civil action - When maintainable by a private person. * Except as provided in this section, a private person may maintain an action for a public nuisance only if it is specially injurious to himself or his property, but not otherwise. Any citizen of a county where an illegal abortion is alleged to be performed or attempted may bring an action in the name of the state to enjoin the performance or attempted performance of illegal abortions.

SECTION 5. AMENDMENT. Section 42-01-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

42-01-15. Maintaining public nuisance - Penalty - Exception. Every person who maintains or commits any public nuisance, the punishment for which is not otherwise prescribed, or who willfully omits to perform any legal duty relating to the removal of a public nuisance, is guilty of a class A misdemeanor. This section does not apply to the performance or attempted performance of an illegal abortion.

SECTION 6. AMENDMENT. Section 42-02-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

42-02-10. Injunction - Penalty for violation. Any person violating the terms of an injunction for the abatement of a nuisance in any place in the state of North Dakota shall be is guilty of criminal contempt under section 12.1-10-01, except that any person violating the terms of an injunction against the performance or attempted performance of illegal abortions is subject to civil contempt under chapter 27-10 and must be fined ten thousand dollars for the first violation, twenty thousand dollars for the second violation, and for each succeeding violation must be fined twice the amount imposed for the immediately preceding violation. Each performance or attempted performance of an illegal abortion in violation of the terms of an injunction is a separate violation and the fines must be cumulative. No fine or other punishment may be assessed against the woman on whom an abortion is performed or attempted."

Page 2, line 16, replace "Chapter 14-02.1 of" with "Sections 14-02.1-04 and 14-02.1-11 of the North Dakota Century Code, and section 14-02.1-03.1 of the 1987 Supplement to"

Page 2, line 17, replace "is" with "are"

Page 2, after line 17, insert:

"SECTION 8. EFFECTIVE DATE. Sections 2 through 7 of this Act become effective on the date the decisions of the United States supreme court rendered after January 21, 1973, are ever reversed or modified to the extent that the authority to prohibit abortion is returned to the states without significant restriction, or if the United States Constitution is amended to allow protection of the unborn, and remain in effect to the extent permitted by any United States supreme court decision now or in the future."

Renumber accordingly

HB 1643 was placed on the Sixth 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 1645 has had the same under consideration and recommends by a vote of 9 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 47-16 of the North Dakota Century Code, relating to the obligation of gas well operators to market gas.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 47-16 of the North Dakota Century Code is hereby created and enacted to read as follows:

Gas well operators - Processing agreements. The operator of a producing gas well has a good faith fiduciary duty to use that person's best efforts to seek out the most advantageous processing agreement for all gas produced from the well for all working interest owners under the well. Before commencing drilling operations on a gas well that is governed by existing gas processing agreements or contracts, or entering into a gas processing agreement or contract, the operator must give all the working interest owners under the well the option to participate in the gas processing agreements or contracts on identical terms as the operator. Upon locating the most advantageous gas processing agreement available in accordance with the operator's obligations of good faith and best efforts, the operator shall submit to all working interest owners copies of all proposed gas processing agreements or contracts on the gas well within thirty days of receipt. Upon receipt of the proposals, the working interest owners have thirty days in which to review the proposed agreements or contracts and respond in writing to the operator advising the operator whether or not the working interest owner wishes to join in the proposed agreements or contracts. If the working interest owner elects to join in the agreements or contracts, the working interest owner must then be included in the agreements or contracts on identical terms as the operator. If the working interest owner fails to respond in writing in a timely fashion or if the working interest owner advises the operator in writing of that person's intent not to participate in the agreements or contracts, then the working interest owner may not be included in the agreements and contracts and is entitled to market or process that person's interest separately. If a court determines that the working interest owner was not given the opportunity to participate in the gas processing agreements or contracts as provided in this section and that the working interest owner was damaged thereby, the court shall award triple damages to the working interest owner. As used in this section, gas means gas as defined in section 38-08-02 and operator means a person that conducts or controls operations on a gas well or a person that has entered into or will enter into a gas processing agreement or contract regarding the production of gas from a well."

Renumber accordingly

HB 1645 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 HCR 3040 has had the same under consideration and recommends by a vote of 12 YEAS, 3 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 5, replace "for the remainder of" with "until the next general election, unless the next general election occurs within one year after the appointment, in which case the appointment continues until the following general election."

Page 1, remove line 6

Page 1, line 22, remove "continues" and overstrike "for the remainder of the term" and insert immediately thereafter "continues until the next general election, unless the next general election occurs within one year after the appointment, in which case the appointment continues until the following general election"

Renumber accordingly

HCR 3040 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Oban, Lindgren, Scherber and Sens. Keller, Lips, Schoenwald introduced:
HCR 3064: A concurrent resolution directing the Legislative Council to study the advantages and disadvantages of deregulating telecommunications.
Was read the first time and referred to the Committee on Industry, Business and Labor.

FIRST READING OF SENATE BILLS

SB 2001: A BILL for an Act providing an appropriation for defraying the expenses of the legislative branch of government; and declaring an emergency.

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

SB 2013: A BILL for an Act making an appropriation for defraying the expenses of the state fair association of the state of North Dakota.

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

SB 2015: A BILL for an Act making an appropriation for defraying the expenses of the highway patrol of the state of North Dakota and providing for a transfer of funds from the state highway fund.

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

SB 2074: A BILL for an Act to amend and reenact section 4-12.1-03 of the North Dakota Century Code, relating to charging fees for items sold to promote honey.

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

SB 2153: A BILL for an Act to create and enact a new section to chapter 1-03 of the North Dakota Century Code, relating to the closing of state offices on Christmas Eve.

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

SB 2182: A BILL for an Act to create and enact a new section to chapter 51-04 of the North Dakota Century Code, relating to the establishment of a special fund in the state treasury for cash deposits paid by applicants for a transient merchant's license; and to provide a continuing appropriation.

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

SB 2281: A BILL for an Act to amend and reenact section 35-05-04 of the North Dakota Century Code, relating to the invalidity of crop security agreements that claim security interests in other personal property.

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

SB 2298: A BILL for an Act to amend and reenact subsections 1 and 2 of section 27-20-49 of the North Dakota Century Code, relating to payment

by the state of the costs of transportation necessary for court-ordered medical examinations and treatment of a child.
Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

SB 2303: A BILL for an Act to amend and reenact section 47-18-05.1 of the North Dakota Century Code, relating to notice of waiver of homestead exemption.
Was read the first time and referred to the Committee on Judiciary.

SB 2308: A BILL for an Act to create and enact a new section to chapter 31-04 of the North Dakota Century Code, relating to the inadmissibility of evidence and information obtained during mediation.
Was read the first time and referred to the Committee on Judiciary.

SB 2333: A BILL for an Act to create and enact two new sections to chapter 54-35 of the North Dakota Century Code, relating to creation of the initiative and referendum measures committee; and to provide an appropriation.
Was read the first time and referred to the Committee on State and Federal Government.

SB 2335: A BILL for an Act to amend and reenact subsection 2 of section 23-13-02.3, sections 39-01-15 and 39-04-10.2, subsection 7 of section 39-06.1-06, and section 39-07-07.1 of the North Dakota Century Code, relating to vehicle refueling services, parking privileges, and traffic regulations concerning mobility impaired persons; to provide a penalty; and to provide a continuing appropriation.
Was read the first time and referred to the Committee on Transportation.

SB 2336: A BILL for an Act to amend and reenact section 27-20-49, subsection 1 of section 28-33-02, sections 28-33-05, 31-01-16, and 31-01-18 of the North Dakota Century Code, relating to payment of district court case witness fees and expenses and compensation and appointment of interpreters for deaf persons in judicial and administrative proceedings.
Was read the first time and referred to the Committee on Judiciary.

SB 2338: A BILL for an Act to amend and reenact sections 21-03-14 and 21-03-30 of the North Dakota Century Code, relating to the initiation of the issuance of bonds and the sale of refunding bonds by political subdivisions.
Was read the first time and referred to the Committee on Political Subdivisions.

SB 2380: A BILL for an Act to amend and reenact section 18-10-04 of the North Dakota Century Code, relating to appointment of, and payment of salary to, a secretary-treasurer of a rural fire protection district.
Was read the first time and referred to the Committee on Political Subdivisions.

SB 2384: A BILL for an Act to amend and reenact sections 54-27-19.1, 57-51-14, subsection 3 of section 57-51-15, sections 57-58-01, 57-60-14, 57-60-15, and subsection 2 of section 57-62-02 of the North Dakota Century Code, relating to distribution of various funds to political subdivisions by the state treasurer.
Was read the first time and referred to the Committee on Political Subdivisions.

SB 2389: A BILL for an Act to create a new subsection to section 11-16-01 and a new section to chapter 25-03.1 of the North Dakota Century Code, relating to duties of states attorneys in commitment proceedings and to combination of preliminary and treatment hearings; and to amend and reenact sections 25-03.1-01, 25-03.1-02, 25-03.1-04, 25-03.1-06, 25-03.1-07, 25-03.1-08, 25-03.1-09, 25-03.1-11, 25-03.1-13, 25-03.1-14, 25-03.1-17, 25-03.1-18, 25-03.1-19, 25-03.1-21, 25-03.1-22, 25-03.1-25, 25-03.1-26, 25-03.1-27, subsection 5 of section 25-03.1-30, sections 25-03.1-34, 25-03.1-42, 25-03.1-43, and 25-03.1-46, relating to civil commitment of mentally ill and chemically dependent persons.

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

SB 2393: A BILL for an Act to create and enact a new section to chapter 52-04 of the North Dakota Century Code, relating to a job service special finance fund; to provide an appropriation; and to provide an effective date.

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

SB 2397: A BILL for an Act to create and enact three new sections to chapter 12.1-30 of the North Dakota Century Code, relating to the conduct of business on Sundays, an employee day of rest, and business leases or agreements; to amend and reenact sections 5-02-05, 12.1-30-01, and 12.1-30-02 of the North Dakota Century Code, relating to the conduct of business on Sundays; and to provide a penalty.

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

SB 2398: A BILL for an Act to amend and reenact sections 14-05-22 and 14-09-06.2 of the North Dakota Century Code, relating to the consideration of evidence of domestic violence by courts in determining rights to custody and visitation of children.

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

SB 2436: A BILL for an Act to create and enact a new section to chapter 18-04 of the North Dakota Century Code, relating to creation of a special fund in the state treasury for distribution of insurance tax proceeds to fire departments; to amend and reenact section 18-04-05 and subsection 1 of section 26.1-03-17 of the North Dakota Century Code, relating to the distribution of insurance tax to cities, rural fire protection districts, and rural fire departments, and the allocation of a portion of the insurance premium tax to the insurance tax distribution fund; and to provide an effective date.

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

SB 2457: A BILL for an Act to amend and reenact section 47-26-04, subsections 7 and 18 of section 58-03-07, sections 58-04-05, 58-09-02, 58-13-04, and 58-13-05 of the North Dakota Century Code, relating to fence viewer fees, penalties for violations of township rules, township association membership fees, salary of township officials, mileage expenses of township assessors, and impounding animals; and to repeal subsection 19 of section 58-06-01 and section 58-13-02 of the North Dakota Century Code, relating to township budgets for 1988 and 1989 and fees of poundmasters.

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

SB 2464: A BILL for an Act to amend and reenact sections 26.1-36-08 and 26.1-36-09 of the North Dakota Century Code, relating to group health policy and health service contract coverage for substance abuse and mental illness.

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

SB 2467: A BILL for an Act to create and enact a new section to chapter 57-55 of the North Dakota Century Code, relating to tax receipt documentation required for transfer of title of a mobile home; and to amend and reenact section 39-18-03 of the North Dakota Century Code, relating to transfer of title to mobile homes by the department of motor vehicles.

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

SB 2482: A BILL for an Act to amend and reenact section 53-06.1-03 of the North Dakota Century Code, relating to local authorization for public-spirited organizations to conduct raffles or bingo.

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

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4034: A concurrent resolution directing the Legislative Council to study the administration of building and mechanical code enforcement at the state and local level.

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

SCR 4037: A concurrent resolution requesting the United States Congress and the United States Customs Service to assume the responsibility for establishing and operating a twenty-four-hour port of entry at Fortuna, North Dakota.

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

SCR 4039: A concurrent resolution directing the Legislative Council to study the operation and effect of North Dakota's no-fault insurance law in comparison with no-fault insurance laws in other states.

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

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

ROY GILBREATH, Chief Clerk