

## JOURNAL OF THE HOUSE

## Fifty-first Legislative Assembly

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Bismarck, February 24, 1989

The House convened at 11:00 a.m., with Speaker Kretschmar presiding.

The prayer was offered by the Rev. Duane Maracle, Seventh Day Adventist Church, Mandan.

## ROLL CALL

The roll was called and all Representatives were present, except Representatives Murphy and V. Olson.

A quorum was declared by the Speaker.

## REQUEST

REP. R. ANDERSON REQUESTED that the record show that Rep. Murphy was absent as he was attending a funeral, 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-seventh Day and finds it to be correct.

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

## HOUSE ENGROSSING REPORT

The following bills were engrossed: HB 1001, HB 1004, HB 1007, HB 1011, HB 1012, HB 1013, HB 1022.

## DOCTOR OF THE DAY SCHEDULE

March 1: Randall M. Silver, D.O. - FP Resident - Fargo  
March 2: Steven J. Quamme, MD. - FP Resident - Fargo  
March 3: David S. Akkerman, M.D. - FP Resident - Fargo

## MOTION

REP. PETERSON MOVED that the rules be suspended and that one committee report covering the disposition of the following nine bills: HB 1374, HB 1547, HB 1548, HB 1555, HB 1568, HB 1594, HB 1620, HB 1633, and HB 1646 be taken on the Fifth order of business, which motion prevailed.

## SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1006 as recommended by the Committee on Appropriations as printed on pages 1106-1107 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 1006 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 1006: A BILL for an Act making an appropriation for defraying the expenses of the school for the deaf and the school for the blind of the state of North Dakota; and to declare an emergency.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 104 YEAS, 0 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; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Murphy; Olson, V.

HB 1006 passed, the title was agreed to, and the emergency clause carried.

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## SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1024 as recommended by the Committee on Appropriations as printed on pages 1117-1118 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

## MOTION

REP. R. ANDERSON MOVED that the rules be suspended and that HB 1024 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 1024: A BILL for an Act making an appropriation for defraying the expenses of the various divisions of the state water commission of the state of North Dakota; and providing for an appropriation and transfer of funds from the resources trust fund.

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

NAYS: Melby

ABSENT AND NOT VOTING: Hanson, O.; Murphy; Olson, V.

HB 1024 passed and the title was agreed to.

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#### MOTION

REP. PETERSON MOVED that HB 1034 be placed at the foot of the Sixth order on the calendar, which motion prevailed.

#### SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1040 as recommended by the Committee on Appropriations as printed on pages 1118-1119 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

#### MOTION

REP. R. ANDERSON MOVED that the rules be suspended and that HB 1040 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 1040: A BILL for an Act to create and enact a new section to chapter 23-27 of the North Dakota Century Code, relating to state assistance to licensed ambulance 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 103 YEAS, 1 NAY, 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.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.;

Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher;  
Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.;  
Williams, W.; Speaker Kretschmar

NAYS: DeMers, P.

ABSENT AND NOT VOTING: Murphy; Olson, V.

HB 1040 passed and the title was agreed to.

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#### SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1063 as recommended by the Committee on Appropriations as printed on pages 1119-1120 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

#### MOTION

REP. R. ANDERSON MOVED that the rules be suspended and that HB 1063 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 1063: A BILL for an Act providing an appropriation to the legislative assembly for improvements to the state capitol; providing an appropriation to the capitol grounds planning commission for defraying expenses; and declaring an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 101 YEAS, 3 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; Gerhardt; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Gerl; Tokach; Whalen

ABSENT AND NOT VOTING: Murphy; Olson, V.

HB 1063 passed, the title was agreed to, and the emergency clause carried.

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## SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1077 as recommended by the Committee on Appropriations as printed on page 1120 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

## MOTION

REP. R. ANDERSON MOVED that the rules be suspended and that HB 1077 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 1077: A BILL for an Act to establish the children's services coordinating committee; and to provide an appropriation.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 94 YEAS, 8 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.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, V.; Timm; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Gunsch; Hanson, O.; Howard; Knell; Melby; Schindler; Tokach; Wald

ABSENT AND NOT VOTING: Murphy; Olson, V.; Thompson, K.; Whalen

HB 1077 passed and the title was agreed to.

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## SIXTH ORDER OF BUSINESS

REP. NICHOLAS MOVED that the amendments to HB 1200 as recommended by a majority of the Committee on Agriculture as printed on pages 1137-1138 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

## 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.

The motion to adopt the Majority Report amendments on HB 1200 prevailed on a verification vote.

## MOTION

REP. R. ANDERSON MOVED that the rules be suspended and that HB 1200 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 1200: A BILL for an Act to amend and reenact sections 4-14.1-01, 4-14.1-03, and 4-14.1-04 of the North Dakota Century Code, relating to the transfer of the agricultural products utilization commission to the agricultural experiment station.

## MOTION

REP. GUNSCH MOVED the previous question.

## RULING BY THE SPEAKER

SPEAKER KRETSCHMAR RULED that the motion prevailed on a voice vote.

## REQUEST

REP. STOFFERAHN REQUESTED a verification vote on Rep. Gunsch's motion on the previous question, which request was granted.

## RULING BY THE SPEAKER

SPEAKER KRETSCHMAR RULED that the motion failed on a verification vote.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 59 YEAS, 45 NAYS, 2 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Murphy; Olson, V.

HB 1200 passed and the title was agreed to.

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## SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1230 as recommended by the Committee on Appropriations as printed on pages 1120-1121 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS.

## MOTION

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

The motion to adopt the amendments to HB 1230 prevailed.

## MOTION

REP. R. ANDERSON MOVED that the rules be suspended and that HB 1230 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 1230: A BILL for an Act to provide for conditional salary increases for full-time contract research professionals at state institutions of higher education who earn their total salary from grant or contract sources.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 36 YEAS, 68 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aas; Belter; Clayburgh; Dalrymple; Dorso; Gerhardt; Gorman; Gunsch; Hanson, O.; Haugen; Hausauer, R.; Jensen; Knell; Lang; Larson, D.; Laughlin; Martin; Myrdal; Nelson; Olsen, D.; Olson, A.; Payne; Rydell; Schindler; Schmidt; Shaft; Shide; Sorensen; Soukup; Stenehjelm; Thompson, K.; Timm; Tollefson; Urlacher; Whalen; Speaker Kretschmar

NAYS: Aarsvold; Anderson, B.; Anderson, R.; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gates; Gerl; Gerntholz; Gilmore; Goetz; Graba; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Huether; Kaldor; Kelly; Kingsbury; Kloubec; Kolbo; Kouba; Larson, R.; Lindgren; Marks; Martinson; Melby; Mertens; Ness; Nicholas; Nowatzki; Oban; O'Shea; Peterson; Ring; Schatz; Scherber; Schneider; Shockman; Skjerven; Smette; Solberg; Starke; Stofferahn; Thompson, V.; Tokach; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.

ABSENT AND NOT VOTING: Murphy; Olson, V.

HB 1230 lost.

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## SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1299 as recommended by the Committee on Appropriations as printed on page 1121 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

## MOTION

REP. R. ANDERSON MOVED that the rules be suspended and that HB 1299 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 1299: A BILL for an Act to create and enact a new section to chapter 20.1-04 of the North Dakota Century Code, relating to bounties for taking blackbirds.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 20 YEAS, 84 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Berg, G.; Brokaw; Flaagan; Gerhardt; Gerl; Haugen; Hokana; Huether; Kingsbury; Laughlin; Melby; Mertens; Nicholas; Nowatzki; Schindler; Shockman; Skjerven; Starke; Thompson, V.; Timm

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

ABSENT AND NOT VOTING: Murphy; Olson, V.

HB 1299 lost.

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## MOTIONS

REP. KLOUBEC MOVED that HB 1030, HB 1032, HB 1047, HB 1071, HB 1079, HB 1475, HB 1480, HB 1507, HB 1546, HB 1567, HB 1581, HB 1637, HB 1641, and HB 1289 be reprinted in the amount of 500 copies each, 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 stand in recess until 1:10 p.m., which motion prevailed.

## REPORT OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred HB 1374, HB 1547, HB 1548, HB 1555, HB 1568, HB 1594, HB 1620, HB 1633, and HB 1646, has had the same under consideration and recommends by a vote of 23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1374, HB 1547, HB 1548, HB 1555, HB 1568, HB 1594, HB 1620, HB 1633, and HB 1646 were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

## REQUEST

REP. W. WILLIAMS REQUESTED that the remarks of the Floor Leaders in the House yesterday afternoon be printed in the Journal.

SPEAKER KRETSCHMAR REPLIED that that may not be able to be done physically, but if it can be, it will be.

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

#### SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1401 as recommended by the Committee on Appropriations as printed on page 1122 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed on a verification vote.

#### MOTION

REP. R. ANDERSON MOVED that the rules be suspended and that HB 1401 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 1401: A BILL for an Act to provide for the establishment of a rehabilitation teacher program throughout the state to serve the blind and visually impaired.

#### 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, 4 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.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olson, 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.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Gunsch; Kingsbury; Melby; Whalen

ABSENT AND NOT VOTING: Hanson, O.; Murphy; Olson, V.; Peterson

HB 1401 passed and the title was agreed to.

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#### SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1415 as recommended by the Committee on Appropriations as printed on pages 1122-1123 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

## MOTIONS

REP. R. ANDERSON MOVED that the rules be suspended and that HB 1415 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 the House waive the reading of the title to HB 1415, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1415: A BILL for an Act to provide for severability of provisions relating to reductions of motor vehicle fuels taxes and special fuels taxes that contain a blend of qualifying alcohol; to create and enact a new section to chapter 57-43.1 of the North Dakota Century Code, relating to refundability of taxes; to amend and reenact subsection 4 of section 4-14.1-02 of the North Dakota Century Code, relating to the purposes of the agriculturally derived fuels tax fund; to repeal subsections 2 and 3 of section 57-43.1-02 and subsection 2 of section 57-43.2-02 of the North Dakota Century Code, relating to tax reduction for fuels that contain a blend of qualifying alcohol; to provide an appropriation; to provide an effective date; and to declare an emergency.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 89 YEAS, 14 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: Aarsvold; Berg, R.; Clayburgh; Dorso; Flaagan; Gerl; Hanson, O.; Kaldor; Kelly; Larson, D.; Schneider; Thompson, K.; Timm; Whalen

ABSENT AND NOT VOTING: Murphy; Olson, V.; Wentz

HB 1415 passed, the title was agreed to, and the emergency clause carried.

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## SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1421 as recommended by the Committee on Appropriations as printed on pages 1123-1124 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

## MOTION

REP. R. ANDERSON MOVED that the rules be suspended and that HB 1421 be deemed properly engrossed and be placed on the Eleventh order, as amended, immediately after HB 1246 for second reading and final passage, which motion prevailed.

## SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1578 as recommended by the Committee on Appropriations as printed on page 1139 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 1578 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 1578: A BILL for an Act to create a North Dakota leadership in educational administration center, establish a board of directors, and to provide for the powers and duties of the board of directors.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 91 YEAS, 13 NAYS, 2 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.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Lindgren; Marks; Martin; Martinson; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shockman; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, V.; Timm; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Anderson, R.; Gunsch; Hanson, O.; Larson, R.; Laughlin; Melby; Olsen, D.; Olson, A.; Shide; Skjerven; Thompson, K.; Tokach; Whalen

ABSENT AND NOT VOTING: Murphy; Olson, V.

HB 1578 passed and the title was agreed to.

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## SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1604 as recommended by the Committee on Appropriations as printed on pages 1124-1125 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

## MOTION

REP. R. ANDERSON MOVED that the rules be suspended and that HB 1604 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 1604: A BILL for an Act to provide for a program of comprehensive health education to promote public health and public health awareness in the state.

## MOTION

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

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 57 YEAS, 45 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Brokaw; Carlson; Dalrymple; DeMers, J.; DeMers, P.; Flaagan; Frey; Gerl; Gerntholz; Gilmore; Goetz; Graba; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kolbo; Larson, R.; Laughlin; Lindgren; Marks; Martinson; Mertens; Myrdal; Ness; Nicholas; Nowatzki; Oban; O'Shea; Peterson; Ring; Rydell; Scherber; Schneider; Shockman; Solberg; Sorensen; Starke; Stenehjem; Stofferahn; Thompson, V.; Ulmer; Watne; Wentz; Wilkie; Williams, A.; Williams, W.

NAYS: Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Christman; Clayburgh; Dorso; Enget; Gates; Gerhardt; Gorman; Gunsch; Hanson, O.; Haugen; Howard; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, D.; Martin; Melby; Nelson; Olsen, D.; Olson, A.; Payne; Schatz; Schindler; Schmidt; Shaft; Shide; Skjerven; Smette; Soukup; Thompson, K.; Timm; Tokach; Tollefson; Trautman; Urlacher; Vander Vorst; Wald; Speaker Kretschmar

ABSENT AND NOT VOTING: Murphy; Olson, V.; Tomac; Whalen

HB 1604 passed and the title was agreed to.

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## MOTIONS

REP. RYDELL MOVED that the vote by which HB 1604 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed on a verification vote.

REP. GERHARDT MOVED that the House reconsider its action whereby SB 2066 passed, which motion prevailed on a verification vote.

## SECOND READING OF SENATE BILL

SB 2066: A BILL for an Act to amend and reenact section 23-12-10 of the North Dakota Century Code, relating to designation of smoking areas.

## ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 34 YEAS, 66 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Christman; DeMers, P.; Enget; Gates; Goetz; Gorman; Halmrast; Hanson, O.; Haugland; Hausauer, A.; Hoffner; Howard; Jensen; Knell; Lang; Larson, D.; Larson, R.; Lindgren; Martinson; Melby; Nicholas; Peterson; Rydell; Scherber; Schindler; Smette; Sorensen; Stofferahn; Thompson, K.; Urlacher; Watne; Wentz; Speaker Kretschmar

NAYS: Aarsvold; Aas; Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Clayburgh; Dalrymple; DeMers, J.; Dorso; Flaagan; Frey; Gerhardt; Gerl; Gerntholz; Gilmore; Graba; Gunsch; Hanson, L.; Haugen; Hokana; Huether; Kaldor; Kelly; Kingsbury; Kloubec; Kolbo; Kouba; Laughlin; Marks; Martin; Mertens; Myrdal; Nelson; Ness; Nowatzki; Oban; Olsen, D.; Olson, A.; O'Shea; Payne; Ring; Schatz; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Soukup; Starke; Stenehjerm; Thompson, V.; Timm; Tokach; Tollefson; Trautman; Ulmer; Vander Vorst; Wald; Wilkie; Williams, A.; Williams, W.

ABSENT AND NOT VOTING: Hausauer, R.; Murphy; Olson, V.; Solberg; Tomac; Whalen

SB 2066 lost.

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#### MOTIONS

REP. KLOUBEC MOVED that HB 1044, HB 1218, and HB 1246 be placed at the foot of the calendar, which motion prevailed.

REP. R. ANDERSON MOVED that the House waive the reading of the title to HB 1421, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

HB 1421: A BILL for an Act to create and enact four new sections to chapter 15-34.1 of the North Dakota Century Code, relating to home-based instruction, quality assurance, state aid for students in home-based schools, and supervision or administration by state-approved private or parochial schools; to amend and reenact sections 15-19-01, 15-34.1-03, and 15-34.1-04 of the North Dakota Century Code, relating to correspondence study by students receiving home-based instruction, exceptions from the compulsory school attendance laws, and prosecution for violation of compulsory school attendance laws; to repeal section 15-34.1-05 of the North Dakota Century Code, relating to penalties for violating the compulsory school attendance provisions; and to provide an expiration 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 79 YEAS, 23 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Clayburgh; Dalrymple; Dorso; Enget; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Gunsch; Halmrast; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martinson; Melby; Mertens; Myrdal; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Shaft; Shide; Shockman; Skjerven; Smette; Sorensen; Soukup; Starke; Stenehjerm; Stofferahn;

Thompson, V.; Timm; Tokach; Tollefson; Trautman; Ulmer; Vander Vorst; Wald; Wentz; Whalen; Williams, A.; Speaker Kretschmar

NAYS: Aarsvold; Anderson, B.; Carlson; Christman; DeMers, J.; DeMers, P.; Flaagan; Graba; Hanson, L.; Kaldor; Kelly; Laughlin; Martin; Nelson; Ness; O'Shea; Schneider; Solberg; Thompson, K.; Urlacher; Watne; Wilkie; Williams, W.

ABSENT AND NOT VOTING: Murphy; Olson, V.; Peterson; Tomac

HB 1421 passed and the title was agreed to.

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HB 1536: A BILL for an Act to create and enact three new sections to chapter 15-34.1 of the North Dakota Century Code, relating to nonapproved private school education, participation in public school courses of instruction, other activities by students receiving home-based instruction or education at nonapproved private schools, compulsory school attendance, and state aid; and to amend and reenact sections 15-34.1-03, 15-34.1-04, and 15-34.1-05 of the North Dakota Century Code, relating to home-based instruction and compulsory school attendance; and to provide an expiration date.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 19 YEAS, 82 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Dorso; Gorman; Hanson, O.; Howard; Kingsbury; Lang; Larson, D.; Melby; Olsen, D.; Olson, A.; Schindler; Shaft; Shide; Smette; Stofferahn; Tokach; Vander Vorst; Wald; Whalen

NAYS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Graba; Gunsch; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Kouba; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schmidt; Schneider; Shockman; Skjerven; Solberg; Sorensen; Soukup; Starke; Stenehjem; Thompson, K.; Thompson, V.; Timm; Tollefson; Trautman; Urlacher; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: Murphy; Olson, V.; Peterson; Tomac; Ulmer

HB 1536 lost.

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THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative and Senator Malcolm Tweten

#### SECOND READING OF HOUSE BILLS

HB 1639: A BILL for an Act to create and enact seven new sections to chapter 15-34.1 of the North Dakota Century Code, relating to home-based

instruction and instruction in nonapproved private schools, state aid for students receiving home-based instruction or instruction in a nonapproved private school, and defenses to prosecution for violation of the compulsory school attendance laws; and to amend and reenact sections 15-19-01 and 15-34.1-03 of the North Dakota Century Code, relating to correspondence study by students receiving home-based instruction or instruction in a nonapproved private school and exemptions from the compulsory school attendance laws.

## MOTION

REP. R. ANDERSON 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 15 YEAS, 84 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Dorso; Gorman; Hanson, O.; Howard; Lang; Larson, D.; Melby; Olsen, D.; Olson, A.; Schindler; Shaft; Shide; Smette; Vander Vorst; Whalen

NAYS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gerhard; Gerl; Gerntholz; Gilmore; Goetz; Graba; Gunsch; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Mertens; Myrdal; Nelson; Nicholas; Nowatzki; Oban; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schmidt; Schneider; Shockman; Skjerven; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timk; Tokach; Tollefson; Trautman; Ulmer; Urlacher; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: Murphy; Ness; Olson, V.; Peterson; Tomac; Wald; Watne

HB 1639 lost.

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HB 1003: A BILL for an Act making an appropriation for defraying the expenses of the division of independent study of the state of North Dakota.

## ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 2 YEAS, 97 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Gorman; Kingsbury

NAYS: 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; Gerhard; Gerl; Gerntholz; Gilmore; Goetz; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; 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.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven;

Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Trautman; Ulmer; Urlacher; Vander Vorst; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: Gates; Hausauer, A.; Hausauer, R.; Murphy; Olson, V.; Tomac; Wald

HB 1003 lost.

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HB 1008: A BILL for an Act making an appropriation for defraying the expenses of the radio communications department of the state of North Dakota and providing for a transfer from the state highway fund.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 96 YEAS, 6 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.; Enget; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tollefson; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Dorso; Flaagan; Haugen; Knell; Schmidt; Tokach

ABSENT AND NOT VOTING: Gorman; Murphy; Olson, V.; Tomac

HB 1008 passed and the title was agreed to.

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HB 1010: A BILL for an Act making an appropriation for defraying the expenses of the division of emergency management of the state of North Dakota.

#### 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, 4 NAYS, 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; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tollefson; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Lang; Myrdal; Olson, A.; Tokach

ABSENT AND NOT VOTING: Murphy; Olson, V.; Tomac

HB 1010 passed and the title was agreed to.

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HB 1023: A BILL for an Act making an appropriation for defraying the expenses of the parks and recreation department of the state of North Dakota and providing for a transfer from the snowmobile fund and the trail tax transfer fund.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 93 YEAS, 10 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; 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; Mertens; Myrdal; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Anderson, R.; Brokaw; Gerhardt; Gunsch; Hanson, O.; Haugen; Melby; Nelson; Schindler; Schmidt

ABSENT AND NOT VOTING: Murphy; Olson, V.; Tomac

HB 1023 passed and the title was agreed to.

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HB 1032: A BILL for an Act to create and enact four new subdivisions to subsection 6 of section 28-32-01 and a new section to chapter 28-32 of the North Dakota Century Code, relating to what is excluded from a rule and not subject to the requirements of the Administrative Agencies Practice Act and to regulatory analysis of proposed rules; and to amend and reenact sections 28-32-02, 28-32-03, and 28-32-22 of the North Dakota Century Code, relating to administrative agency rulemaking procedures.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 79 YEAS, 24 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; Dorso; Enget; Frey; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Martin; Martinson; Melby; Myrdal; Nicholas; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Ring; Rydell; Scherber; Schindler; Schmidt; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjøm; Timm; Tollefson; Trautman; Ulmer; Urlacher; Vander Vorst; Watne; Wentz; Wilkie; Williams, A.; Speaker Kretschmar

NAYS: Anderson, B.; Brokaw; DeMers, P.; Flaagan; Gerl; Gunsch; Hanson, L.; Hoffner; Knell; Marks; Mertens; Nelson; Ness; Nowatzki; O'Shea; Schatz; Schneider; Stofferahn; Thompson, K.; Thompson, V.; Tokach; Tomac; Whalen; Williams, W.

ABSENT AND NOT VOTING: Murphy; Olson, V.; Wald

HB 1032 passed and the title was agreed to.

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HB 1033: A BILL for an Act to create and enact two new subsections to section 54-44.3-12 of the North Dakota Century Code, relating to duties of the director of the state's central personnel division with respect to classification, compensation, and salary administration plans.

## ROLL CALL

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

YEAS: Aarsvold; Anderson, B.; Berg, G.; Berg, R.; Brokaw; Carlson; Christman; Clayburgh; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gates; Gerl; Gilmore; Goetz; Graba; Hanson, L.; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kolbo; Kouba; Larson, D.; Laughlin; Marks; Martin; Martinson; Mertens; Myrdal; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; O'Shea; Peterson; Ring; Rydell; Schatz; Scherber; Schneider; Shaft; Shockman; Skjerven; Smette; Sorensen; Soukup; Stofferahn; Thompson, V.; Tokach; Tollefson; Tomac; Trautman; Urlacher; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aas; Anderson, R.; Belter; Bernstein; Dalrymple; Dorso; Gerhardt; Gerntholz; Gorman; Gunsch; Halmrast; Haugen; Hausauer, R.; Kingsbury; Kloubec; Knell; Lang; Larson, R.; Lindgren; Melby; Nelson; Payne; Schindler; Schmidt; Shide; Solberg; Stenehjøm; Thompson, K.; Timm; Ulmer; Vander Vorst; Whalen

ABSENT AND NOT VOTING: Hanson, O.; Murphy; Olson, V.; Starke

HB 1033 passed and the title was agreed to.

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HB 1045: A BILL for an Act to amend and reenact section 15-40.1-08 of the North Dakota Century Code, relating to proportionate state aid payments for elementary summer school programs.

## ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 16 YEAS, 86 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Berg, R.; Brokaw; Carlson; Clayburgh; Frey; Gates; Hanson, L.; Hausauer, A.; Hoffner; Hokana; Kingsbury; Ring; Rydell; Shockman; Stofferahn; Ulmer

NAYS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Bernstein; Christman; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Haugen; Haugland; Hausauer, R.; Howard; Huether; Jensen; Kaldor; Kelly; 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.; O'Shea; Payne; Peterson; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Trautman; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: Hanson, O.; Murphy; Olson, V.; Tomac

HB 1045 lost.

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HB 1046: A BILL for an Act to create and enact a new section to chapter 15-21 of the North Dakota Century Code, relating to a definition for adult and adult basic and secondary education; and to provide an appropriation.

## ROLL CALL

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

YEAS: DeMers, P.; Frey; Haugland; Hokana; Kolbo; Rydell; Stofferahn; Wentz

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

ABSENT AND NOT VOTING: Hanson, O.; Murphy; Olson, V.; Schneider; Tomac

HB 1046 lost.

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HB 1326: A BILL for an Act to provide an appropriation to the state department of health and consolidated laboratories for a state diabetes control project.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 10 YEAS, 90 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: DeMers, J.; DeMers, P.; Flaagan; Hokana; Huether; Kaldor; Kolbo; Olsen, D.; Ring; Wilkie

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

ABSENT AND NOT VOTING: Hanson, O.; Murphy; Olson, V.; Rydell; Tomac; Wald

HB 1326 lost.

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HB 1337: A BILL for an Act to create and enact a new chapter to title 39 of the North Dakota Century Code, relating to establishing a public transportation fund to provide payments to political subdivisions and nonprofit corporations for the purpose of establishing and operating public transportation systems; and to provide a statement of legislative intent.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 74 YEAS, 27 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Graba; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kolbo; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Mertens; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; O'Shea; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schneider; Shockman; Smette; Solberg; Sorensen; Starke; Stenehjem; Stofferahn; Thompson, V.; Timm;

Tollefson; Ulmer; Urlacher; Watne; Wentz; Wilkie; Williams, A.;  
Williams, W.; Speaker Kretschmar

NAYS: Aas; Anderson, R.; Belter; Berg, R.; Dorso; Gorman; Gunsch; Haugen;  
Howard; Kingsbury; Kloubec; Knell; Kouba; Melby; Myrdal; Olson, A.;  
Payne; Schmidt; Shaft; Shide; Skjerven; Soukup; Thompson, K.; Tokach;  
Trautman; Vander Vorst; Whalen

ABSENT AND NOT VOTING: Hanson, O.; Murphy; Olson, V.; Tomac; Wald

HB 1337 passed and the title was agreed to.

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HB 1341: A BILL for an Act to establish a salary and wages reserve trust  
fund; and to provide an appropriation.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the  
roll was called and there were 36 YEAS, 63 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Brokaw; Carlson; DeMers, J.; DeMers, P.;  
Enget; Frey; Gerhardt; Gerl; Gilmore; Graba; Halmrast; Hanson, L.;  
Hausauer, A.; Hoffner; Hokana; Kelly; Kolbo; Larson, D.; Laughlin;  
Marks; Martinson; Nelson; Oban; Ring; Rydell; Scherber; Schneider;  
Shockman; Stenehjelm; Stofferahn; Ulmer; Watne; Williams, A.;  
Williams, W.

NAYS: Aas; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Christman;  
Clayburgh; Dalrymple; Dorso; Gates; Gerntholz; Goetz; Gorman; Gunsch;  
Haugen; Haugland; Hausauer, R.; Howard; Huether; Jensen; Kaldor;  
Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, R.; Lindgren; Martin;  
Melby; Myrdal; Ness; Nicholas; Nowatzki; Olsen, D.; Olson, A.; O'Shea;  
Payne; Schindler; Schmidt; Shaft; Shide; Skjerven; Smette; Solberg;  
Sorensen; Soukup; Starke; Thompson, K.; Thompson, V.; Timm; Tokach;  
Tollefson; Tomac; Trautman; Urlacher; Vander Vorst; Wald; Wentz;  
Whalen; Wilkie; Speaker Kretschmar

ABSENT AND NOT VOTING: Flaagan; Hanson, O.; Mertens; Murphy; Olson, V.;  
Peterson; Schatz

HB 1341 lost.

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HB 1435: A BILL for an Act to amend and reenact subsection 3 of section  
50-09-01 of the North Dakota Century Code, relating to the definition  
of a dependent child for purposes of aid to families of dependent  
children; 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 36 YEAS, 61 NAYS, 9 ABSENT AND NOT  
VOTING.

YEAS: Aarsvold; Anderson, B.; Brokaw; Carlson; Clayburgh; DeMers, J.;  
DeMers, P.; Frey; Gerhardt; Gerl; Gilmore; Graba; Halmrast; Hanson, L.;  
Hoffner; Hokana; Jensen; Kaldor; Kelly; Kolbo; Laughlin; Marks; Nelson;

Oban; O'Shea; Ring; Scherber; Schneider; Shockman; Starke; Thompson, V.; Ulmer; Watne; Wentz; Williams, A.; Speaker Kretschmar

NAYS: Aas; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Christman; Dalrymple; Dorso; Enget; Gates; Gerntholz; Goetz; Gorman; Gunsch; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Howard; Huether; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Martin; Martinson; Melby; Myrdal; Ness; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Payne; Schatz; Schindler; Schmidt; Shaft; Shide; Skjerven; Smette; Solberg; Sorensen; Soukup; Stofferahn; Thompson, K.; Timm; Tokach; Tollefson; Tomac; Trautman; Urlacher; Vander Vorst; Wald; Whalen; Wilkie; Williams, W.

ABSENT AND NOT VOTING: Flaagan; Hanson, O.; Lindgren; Mertens; Murphy; Olson, V.; Peterson; Rydell; Stenehjelm

HB 1435 lost.

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HB 1438: A BILL for an Act to provide for the creation of a public guardianship program administered by the department of human services to provide guardianship and less restrictive surrogate decisionmaking services for functionally incapacitated adults if no other guardian or surrogate decisionmaker is available and if the adult does not have sufficient income or resources to compensate a private guardian or to pay legal and court costs.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 3 YEAS, 91 NAYS, 12 ABSENT AND NOT VOTING.

YEAS: Hokana; Kolbo; Kouba

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

ABSENT AND NOT VOTING: Christman; Dorso; Flaagan; Hanson, O.; Lindgren; Mertens; Murphy; Olson, V.; Payne; Peterson; Rydell; Stenehjelm

HB 1438 lost.

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HB 1472: A BILL for an Act to amend and reenact subsection 2 of section 15-40.1-06 of the North Dakota Century Code, relating to deductions in foundation aid payments for schools that are not accredited.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 76 YEAS, 17 NAYS, 13 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Carlson; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Enget; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kloubec; Kneill; Kolbo; Larson, D.; Larson, R.; Laughlin; Martin; Martinson; Myrdal; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; O'Shea; Ring; Scherber; Schneider; Shaft; Shide; Shockman; Skjerven; Solberg; Sorensen; Soukup; Starke; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tollefson; Trautman; Ulmer; Urlacher; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.

NAYS: Brokaw; Gunsch; Howard; Kingsbury; Kouba; Lang; Marks; Melby; Nelson; Schatz; Schindler; Schmidt; Smette; Tokach; Tomac; Vander Vorst; Speaker Kretschmar

ABSENT AND NOT VOTING: Christman; Dorso; Flaagan; Hanson, O.; Lindgren; Mertens; Murphy; Olson, V.; Payne; Peterson; Rydell; Stenehjem; Whalen

HB 1472 passed and the title was agreed to.

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HB 1618: A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code to provide for a seven-year plan for the system of higher education in this state and for procedures for review and implementation of that plan.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 62 YEAS, 32 NAYS, 12 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Enget; Frey; Gates; Gerhardt; Gilmore; Gorman; Graba; Halmrast; Hanson, L.; Haugen; Hausauer, A.; Hoffner; Hokana; Huether; Kaldor; Kingsbury; Kloubec; Kolbo; Kouba; Lang; Larson, R.; Martinson; Myrdal; Nelson; Ness; Oban; Ring; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shockman; Smette; Solberg; Soukup; Starke; Stofferahn; Thompson, V.; Timm; Tokach; Tomac; Trautman; Ulmer; Urlacher; Watne; Wilkie; Williams, W.

NAYS: Belter; Gerl; Gerntholz; Goetz; Gunsch; Haugland; Hausauer, R.; Howard; Jensen; Kelly; Kneill; Larson, D.; Laughlin; Marks; Martin; Melby; Nicholas; Nowatzki; Olson, A.; O'Shea; Peterson; Shide; Skjerven; Sorensen; Thompson, K.; Tollefson; Vander Vorst; Wald; Wentz; Whalen; Williams, A.; Speaker Kretschmar

ABSENT AND NOT VOTING: Christman; Dorso; Flaagan; Hanson, O.; Lindgren; Mertens; Murphy; Olsen, D.; Olson, V.; Payne; Rydell; Stenehjem

HB 1618 passed and the title was agreed to.

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#### MOTIONS

REP. KLOUBEC MOVED that 500 copies each of Engrossed HB 1006, HB 1024, HB 1032, HB 1040, HB 1077, HB 1415, and HB 1421 be reprinted and that the Statement of Intent be attached to each engrossed working bill, which motion prevailed.

REP. WHALEN MOVED that SB 2271, SB 2286, SB 2206, SB 2415, SB 2477, SCR 4035, and SCR 4039 be returned to the House floor from the Committee on Industry, Business and Labor and that SB 2271 and SCR 4039 be rereferred to the Committee on Transportation; SB 2206 be rereferred to the Committee on Agriculture; and SB 2286, SB 2415, SB 2477, and SCR 4035 be rereferred to the Committee on State and Federal Government, which motion prevailed.

Pursuant to Rep. Whalen's motion, SB 2271 and SCR 4039 were rereferred to the Committee on Transportation; SB 2206 was rereferred to the Committee on Agriculture; and SB 2286, SB 2415, SB 2477, and SCR 4035 were rereferred to the Committee on State and Federal Government.

REP. R. LARSON MOVED that SB 2150, SB 2381, SB 2137, SB 2349, SB 2431, and SB 2295 be returned to the House floor from the Committee on Human Services and Veterans Affairs and that SB 2150, SB 2381, SB 2137, and SB 2349 be rereferred to the Committee on State and Federal Government; SB 2431 be rereferred to the Committee on Political Subdivisions; and SB 2295 be rereferred to the Committee on Judiciary, which motion prevailed.

Pursuant to Rep. R. Larson's motion, SB 2150, SB 2381, SB 2137, and SB 2349 were rereferred to the Committee on State and Federal Government; SB 2431 was rereferred to the Committee on Political Subdivisions; and SB 2295 was rereferred to the Committee on Judiciary.

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

- HCR 3060: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of providing level retirement benefits to all retirees under the Teachers' Fund for Retirement.
- HCR 3061: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of restructuring the education system in this state.
- HCR 3064: A concurrent resolution directing the Legislative Council to study the advantages and disadvantages of deregulating telecommunications.
- HCR 3065: A concurrent resolution directing the Legislative Council to study the cost and utilization of office space and other facilities leased by state agencies and institutions.
- HCR 3066: A concurrent resolution directing the Legislative Council, in cooperation with the members of the North Dakota Congressional Delegation, to study the adverse economic impact that changing conditions in marketing, processing, and retailing of agricultural products are having on producers of agricultural products and consumers.

- HCR 3067: A concurrent resolution directing the Legislative Council to study whether the Commissioner of Insurance should employ a property and casualty actuary.
- HCR 3068: A concurrent resolution directing the Legislative Council to study the nature, scope, and effect of efforts to prohibit the illicit diversion or use of controlled substances in this state.
- HCR 3070: A concurrent resolution directing the Legislative Council to study the operation and effect of the state's open bottle law.
- HCR 3072: A concurrent resolution directing the Legislative Council to study the duties and responsibilities of the Commissioner of Insurance, whether the commissioner should employ an actuary, and the role and limitations of the commissioner with regard to the regulation of insurance companies in this state; and to study the duties and responsibilities of the Commissioner of Labor and whether the commissioner should have a role in the programs of unemployment and workers' compensation.
- HCR 3074: A concurrent resolution directing the Legislative Council to study Type I wetlands.
- HCR 3075: A concurrent resolution directing the Legislative Council to study the functions and duties of the Game and Fish Department, the Parks and Recreation Department, and the Tourism Division of the Economic Development Commission with a view toward combining those agencies.
- HCR 3078: A concurrent resolution directing the Legislative Council to study economic development efforts in this state.
- HCR 3079: A concurrent resolution urging Congress to appropriate \$48 million for the Garrison Diversion Unit Project.

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

The resolutions were adopted on a voice vote.

#### HOUSE ENGROSSING REPORT

The following bills were engrossed: HB 1006, HB 1024, HB 1040, HB 1063, HB 1077, HB 1200, HB 1230, HB 1299, HB 1401, HB 1415, HB 1421, HB 1578, HB 1604.

#### REQUEST

REP. STOFFERAHN REQUESTED that the record show that he voted incorrectly on HB 1536. He voted "yea" and he meant to vote "nay", which request was granted.

#### MOTIONS

REP. KLOUBEC MOVED that the rules be suspended and that all action taken by the House today be messaged to the Senate immediately, which motion prevailed.

REP. KLOUBEC MOVED that the absent members 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 stand adjourned until 12:30 p.m., Wednesday, March 1, 1989, which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred HB 1002 has had the same under consideration and recommends by a vote of 22 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 2, after "instruction" insert "and the state board of vocational education" and after the semicolon remove "and"

Page 1, line 4, after "fund" insert "; to create and enact two new sections to chapter 15-21 of the North Dakota Century Code, relating to a revolving school district equipment and software fund and adult basic and secondary education; to amend and reenact section 15-40.1-08 of the North Dakota Century Code, relating to proportionate state aid payments for elementary summer school programs; to provide two sections of legislative intent regarding special education and vocational education postsecondary grants; and to provide an effective date"

Page 1, line 10, after "instruction" insert "and the state board of vocational education"

Page 1, after line 12, insert:

"Subdivision 1.

#### SUPERINTENDENT OF PUBLIC INSTRUCTION"

Page 1, line 13, replace "7,432,488" with "7,061,378"

Page 1, line 14, replace "368,889" with "366,889"

Page 1, line 15, replace "3,393,021" with "3,844,069"

Page 1, line 16, replace "120,455" with "600,342"

Page 1, line 17, replace "334,175,549" with "376,898,570"

Page 1, line 18, replace "40,700,000" with "48,200,000"

Page 1, line 19, replace "34,830,476" with "38,145,476"

Page 1, remove lines 20 and 21

Page 1, line 22, replace "69,067,328" with "71,567,328"

Page 2, remove line 1

Page 2, line 2, replace "510,990,264" with "546,684,052"

Page 2, line 3, replace "133,136,577" with "133,258,875"

Page 2, line 4, replace "377,853,687" with "413,425,177"

Page 2, after line 4, insert:

## "Subdivision 2.

## BOARD OF VOCATIONAL EDUCATION

Salaries and wages	\$ 1,902,287
Data processing	2,000
Operating expenses	416,595
Equipment	7,300
Grants - vocational, postsecondary	4,405,132
Grants - vocational, other	15,805,538
Advisory council - vocational education	290,000
Total all funds	\$ 22,828,852
Less estimated income	9,226,532
Total general fund appropriation	\$ 13,602,320
Grand total general fund appropriation HB 1002	\$427,027,497
Grand total special funds appropriation HB 1002	\$142,485,407
Grand total all funds HB 1002	\$569,512,904"

Page 2, line 6, replace "\$40,700,000" with "\$48,200,000"

Page 2, line 20, replace "\$750,000" with "\$1,160,492"

Page 2, line 26, after the period insert "Of the \$1,160,492 total amount transferred for electronic media instruction, \$250,000 shall be used to contract for public and educational broadcasting services and \$400,000 shall be used as matching funds for purchasing a public television transmitter to serve south central North Dakota."

Page 2, remove lines 27 through 29

Page 3, remove lines 1 through 6

Page 3, after line 17, insert:

"SECTION 7. Two new sections to chapter 15-21 of the North Dakota Century Code are hereby created and enacted to read as follows:

Definitions - Adult and adult basic and secondary education.

1. "Adult", for purposes of providing adult basic and secondary education programs, means any person who is beyond the age of compulsory school attendance required by section 15-34.1-01.
2. "Adult basic and secondary education" means:
  - a. Instructional services for adults:
    - (1) Who do not have the basic literacy skills to enable them to function effectively in society; or
    - (2) Who do not have a certificate of graduation from a school providing secondary education or who have not reached a level of education equivalent to the level obtained when a certificate of graduation is issued.
  - b. Education for adults whose inability to speak, read, or write the English language constitutes a substantial impairment of their ability to obtain or retain employment commensurate with their real ability. The education must be designed to help eliminate the

inability and raise the level of education of such adults with a view to making them less likely to become dependent on others, to improving their ability to benefit from educational or occupational training and increasing their opportunities for more productive and profitable employment, and to making them better able to meet their adult responsibilities.

Revolving school district equipment and software fund - Continuing appropriation. There is hereby established in the Department of Public Instruction a revolving school district equipment and software fund for the cooperative purchase of equipment and software for school districts to enable all school districts to receive the benefits of quantity purchase agreements. A service charge shall be added to the cost of the equipment and software to cover costs associated with the compiling of purchase orders from school districts for submission to suppliers, the preparation of invoices, the receipt of payments from school districts, and shipping charges. Clerical and related costs associated with the operation of the revolving equipment and software fund shall be paid by the fund. Funds remaining in the revolving equipment fund at the end of a fiscal year are to be used to support conferences which focus on the use of computers and related technology. Moneys received by the fund are appropriated for the purposes provided in this section.

SECTION 8. 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 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 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 .9 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 1.0 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 .49 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 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 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. School districts offering elementary school summer school programs are eligible for proportionate payments provided each course offered in such programs complies with rules adopted by the superintendent of public instruction. A school district may not receive payments for more than fifteen full days or thirty half days of elementary school summer school instruction. Payments pursuant to this chapter to school districts in bordering states shall be made after subtracting the amount realized from a twenty-mill levy 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 9. ELEMENTARY SUMMER SCHOOL PROGRAMS.** Of the total amount appropriated in the grants - foundation aid line item in subdivision 1 of this Act, not more than \$500,000 can be spent during the 1989-91 biennium for proportionate state aid payments for elementary summer school programs as created in this Act.

**SECTION 10. DIVISION OF INDEPENDENT STUDY FILM RENTAL INCOME.** The amount included in the estimated income line item in subdivision 1 of this Act relating to the division of independent study film rental that exceeds \$684,110 shall be appropriated and used by the department of public instruction for telecommunication grants.

**SECTION 11. TELECOMMUNICATION/TECHNOLOGY PROGRAMS.** The amount of \$2,999,649 included in the grants - other grants line item in subdivision 1 of this Act or such greater amounts as may become available for telecommunications or technology-related grants shall only be spent and/or distributed pursuant to the approval of the North Dakota educational telecommunications council.

**SECTION 12. LEGISLATIVE INTENT.** It is the intent of the 1989 legislative assembly that funds included in the grants - special education line item as included in subdivision 1 of this Act may be used as matching funds for federal medicaid funds allowable under the Medicare Catastrophic Act of 1988 for services to eligible children. The payments shall be made to the human services joint medicaid payment account as directed by the department of human services.

**SECTION 13. LEGISLATIVE INTENT.** It is the intent of the 1989 legislative assembly that of the total amount of \$4,405,132 included in subdivision 2 of this Act for the grants - vocational, postsecondary line item, \$2,361,160 shall be distributed to Bismarck state college, \$1,047,992 to the university of North Dakota - Williston, and \$995,980 to the university of North Dakota - lake region.

SECTION 14. EFFECTIVE DATE. Section 8 of this Act becomes effective on May 1, 1991."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment separates the appropriations for the Superintendent of Public Instruction and the State Board of Vocational Education and combines the Division of Independent Study (House Bill No. 1003) with the Superintendent of Public Instruction. A breakdown of the two bills as introduced is as follows:

	Total House Bill Nos. 1002 and 1003 As Introduced	Department of Public Instruction (House Bill No. 1002)	Division of Independent Study (House Bill No. 1003)	Total of Public Instruction and Independent Study	Vocational Education (House Bill No. 1002)
Salaries and wages	\$ 8,700,889	\$ 5,766,201	\$1,268,401	\$ 7,034,602	\$ 1,666,287
Data processing	368,889	366,889		366,889	2,000
Operating expenses	3,753,664	3,006,426	360,643	3,367,069	386,595
Equipment	507,642	113,155	387,187	500,342	7,300
Grants - foundation aid	334,175,549	334,175,549		334,175,549	
Grants - tuition apportionment	40,700,000	40,700,000		40,700,000	
Grants - special education	34,830,476	34,830,476		34,830,476	
Grants - vocational, postsecondary	4,990,132				4,990,132
Grants - vocational, other	15,621,926				15,621,926
Grants - other grants Advisory council - vocational education	69,067,328 290,000	69,067,328		69,067,328	290,000
Total all funds	\$513,006,495	\$488,026,024	\$2,016,231	\$490,042,255	\$22,964,240
Less estimated income	134,470,407	124,025,045	1,333,830	125,358,875	9,111,522
Total general fund appropriation	<u>\$378,536,088</u>	<u>\$364,000,979</u>	<u>\$ 682,401</u>	<u>\$364,683,380</u>	<u>\$13,852,708</u>

The general fund changes made to each department's line items are as follows:

Salaries and wages	\$ 147,776	\$ 26,776		\$ 26,776	\$ 121,000
Operating expenses	507,000	477,000		477,000	30,000
Equipment	100,000		\$ 100,000	100,000	
Grants - foundation aid	42,723,021	42,723,021		42,723,021	
Other grants	5,013,612	5,415,000		5,415,000	(401,388)
Total general fund changes	<u>\$ 48,491,409</u>	<u>\$ 48,641,797</u>	<u>\$ 100,000</u>	<u>\$ 48,741,797</u>	<u>\$ (250,388)</u>
Total of amended House Bill No. 1002	<u>\$427,027,497</u>	<u>\$412,642,776</u>	<u>\$ 782,401</u>	<u>\$413,425,177</u>	<u>\$13,602,320</u>

Detailed schedules of all the changes made are as follows:

DEPARTMENT 201 - SUPERINTENDENT OF PUBLIC INSTRUCTION

	GENERAL FUND	OTHER FUNDS	TOTAL
Total Department of Public Instruction as contained in executive base budget	<u>\$364,683,380</u>	<u>\$125,358,875</u>	<u>\$490,042,255</u>

(including independent study)

Salaries and wages

Superintendent of Public Instruction increase deleted	\$ (7,749)*	\$ (7,749)*
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Delete funding for salary increases for four positions included in enhancement package in Senate Bill No. 2027 which was defeated	(40,475)	(40,475)
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Add one FTE for statewide testing and assessment program	<u>75,000</u>	<u>75,000</u>
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Total salaries and wages	<u>\$ 26,776</u>	<u>\$ 26,776</u>
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Operating expenses

Statewide testing and assessment program	<u>\$ 477,000</u>	<u>\$ 477,000</u>
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Equipment

Division of Independent Study transfer of films to videotape	<u>\$ 100,000</u>	<u>\$ 100,000</u>
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Grants - foundation aid (See separate schedule)	<u>\$ 42,723,021</u>	<u>\$ 42,723,021</u>
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Grants - tuition apportionment	<u>\$ 7,500,000</u>	<u>\$ 7,500,000</u>
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Grants - special education (\$3,515,000 was included in the Governor's enhanced budget in Senate Bill No. 2027 that was defeated.)	<u>\$ 3,315,000</u>	<u>\$ 3,315,000</u>
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Grants - other grants

Telecommunications (\$2,000,000 was included in the Governor's enhanced budget in Senate Bill No. 2027 that was defeated.)	<u>\$ 1,900,000</u>	<u>\$ 1,900,000</u>
Additional transfer from state school construction fund	<u>\$ 400,000</u>	<u>\$ 400,000</u>

Total telecommunications grant increases	<u>\$ 1,900,000</u>	<u>\$ 400,000</u>	<u>\$ 2,300,000</u>
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Adult education	<u>\$ 200,000</u>	<u>\$ 200,000</u>
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Total - other grants	<u>\$ 2,100,000</u>	<u>\$ 400,000</u>	<u>\$ 2,500,000</u>
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Total changes to Department of Public Instruction	<u>\$ 48,741,797</u>	<u>\$ 7,900,000</u>	<u>\$ 56,641,797</u>
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Amended Public Instruction portion of House Bill No. 1002	\$413,425,177	\$133,258,875	\$546,684,052
	*****		
Increases to Public Instruction in House Bill No. 1002	\$ 48,741,797	\$ 7,900,000	\$ 56,641,797
Less: Enhanced budget contained in Senate Bill No. 2027 which was defeated	<u>(40,000,000)</u>		<u>(40,000,000)</u>
Net increase to Public Instruction over the Governor's budget after including enhanced budget	\$ 8,741,797	\$ 7,900,000	\$ 16,641,797

\*The compensation adjustments in House Bill No. 1002 reflect House salary policy contained in House Bill No. 1005.

Section 2 of the bill was amended to add \$7,500,000 to provide a total of \$48,200,000 for tuition apportionment grants. This will increase the tuition apportionment per-pupil payments by approximately \$31, from \$169 to \$200. The amount provided for tuition apportionment was increased by \$7,500,000 based on a revised estimate of the common schools trust fund.

The transfer from the state school construction fund was increased by \$410,492, from \$750,000 to \$1,160,492. Of the total increase \$10,492 is for administration of the technology grants and \$400,000 is for matching funds for a public television transmitter for south central North Dakota.

A section is added that requires funds received for the independent study film rental in excess of \$684,110 shall be made available for telecommunication grants.

A section of legislative intent is added to allow the department to use special education grants moneys as matching funds for federal medicaid grants allowable for handicapped children.

A new section of law is added creating a revolving school district equipment and software fund.

A new section of law is added defining adult and adult basic and secondary education terms.

A new section is added amending present law to provide proportionate payments for elementary summer school programs beginning with the second school year of the biennium. Another section is added providing that not more than \$500,000 can be spent on this program during the 1989-91 biennium.

A section is added providing that the amounts appropriated for telecommunication/technology grants can be spent or distributed only pursuant to the approval of the North Dakota Educational Telecommunications Council.

A schedule of the changes to specific grant lines is as follows:

	EXECUTIVE BUDGET	HOUSE AMENDMENTS	DIFFERENCE
<u>Grants - foundation aid per-pupil payments</u>			
House Bill No. 1002	\$299,975,549	\$340,650,141*	\$ 40,674,592
Enhanced Senate Bill No. 2027	<u>25,200,000</u>	<u>                    </u>	<u>(25,200,000)</u>
Total	\$325,175,549	\$340,650,141	\$ 15,474,592

\*This amount includes \$440,000 for bonus payments provided to high schools for cooperative education programs. The statutory changes are made in House Bill No. 1637. Also included is \$500,000 for elementary summer school programs during 1991.

<u>Transportation</u>	\$ 34,200,000	\$ 36,248,429	\$ 2,048,429
<u>Tuition apportionment</u>	\$ 40,700,000	\$ 48,200,000	\$ 7,500,000
<u>Special education</u>			
House Bill No. 1002	\$ 34,830,476	\$ 38,145,476	\$ 3,315,000
Senate Bill No. 2027	<u>3,515,000</u>	<u>                    </u>	<u>(3,515,000)</u>
Total	\$ 38,345,476	\$ 38,145,476	\$ (200,000)

<u>Telecommunication grants (included in other grants)</u>			
House Bill No. 1002	\$ 699,649	\$ 2,999,649	\$ 2,300,000
Senate Bill No. 2027	<u>2,000,000</u>	<u>                    </u>	<u>(2,000,000)</u>
Total	\$ 2,699,649	\$ 2,999,649	\$ 300,000

<u>Adult education (included in other grants)</u>			
House Bill No. 1002 (general fund)	\$ 398,800	\$ 598,800	\$ 200,000

<u>Per-pupil and tuition fund payments</u>			
First-year per-pupil	\$ 1,537	\$ 1,550	**
Second-year per-pupil	1,586	1,604	**
Enhanced budget	104 (per year)		
First-year tuition apportionment	169	200	\$ 31
Second-year tuition apportionment	169	200	31

<u>Weighted units</u>			
First year	120,868	122,907	2,039
Second year	120,808	122,896	2,088

\*\*The executive budget based its foundation aid payments on a 40-mill local share deduction and the most recent five-year average cost in determining weighted units. The House amendments are based on a 25-mill local share deduction and approximately one-half the difference between the present weighted unit factors and the five-year average cost.

Transportation payments

Executive budget basis            55 percent on  
school district  
size and 45 percent  
on number of  
transported  
students

Small buses (House version)            34.5¢  
Large buses (House version)            70¢

## DEPARTMENT 270 - BOARD OF VOCATIONAL EDUCATION

The salaries and wages line item is increased by \$236,000, \$121,000 from the general fund and \$115,000 from other funds.

The salaries and wages line item was increased by \$236,000 to provide funding for four FTE positions that were deleted in the executive budget. The executive budget had deleted the following eight positions:

	TOTAL	GENERAL FUND	OTHER FUNDS
Administrative secretary II	\$ 34,400	\$ 34,400	\$
Administrative secretary II	36,865	36,865	
Administrative secretary II	41,572	41,572	
Accountant I	44,672	44,672	
Assistant state director	95,760	47,880	47,880
Assistant program director	76,242	10,674	65,568
Assistant program director	74,516	11,177	63,339
Assistant program director	<u>67,077</u>	<u>14,757</u>	<u>52,320</u>
Total	\$ 471,104	\$ 241,997	\$ 229,107

This amendment adds back one-half of the amount deleted for these positions to fund four positions as the board sees fit.

Operating expenses were increased by \$30,000 from the general fund for added expenses relating to adding back four FTE positions.

The amendment deletes \$1,057,000 from the general fund for vocational postsecondary grants and the section of legislative intent that this funding shall be used at the State College of Science for vocational education programs. It is the intent that the \$1,057,000 from the general fund be included in the State College of Science's appropriation.

Additional funding of \$655,612 from the general fund is added to the grants line items, \$472,000 to postsecondary and \$183,612 to other grants to meet maintenance of effort requirements.

A new section of legislative intent is added specifying the amounts to be awarded for the postsecondary grants as follows:

INSTITUTION	AMOUNT
Bismarck state college	\$ 2,361,160
UND - Williston	1,047,992
UND - Lake Region	<u>995,980</u>
Total	\$ 4,405,132

A summary of the changes made to Vocational Education is as follows:

	GENERAL FUND	OTHER FUNDS	TOTAL
Vocational Education as contained in executive budget	<u>\$ 13,852,708</u>	<u>\$ 9,111,532</u>	<u>\$ 22,964,240</u>
Add funding for four FTE positions deleted in executive budget	\$ 121,000	\$ 115,000	\$ 236,000
Add funding in operating expenses for four FTE positions	30,000		30,000
Add funding in grants to meet maintenance of effort requirements	655,612*		655,612
Delete specific college of science grants	<u>(1,057,000)</u>		<u>(1,057,000)</u>
Total Vocational Education changes	<u>\$ (250,388)</u>	<u>\$ 115,000</u>	<u>\$ (135,388)</u>
Amended Vocational Education	\$ 13,602,320	\$ 9,226,532	\$ 22,828,852

\*Of the \$655,612, \$472,000 is for vocational education postsecondary grants and \$183,612 is for other vocational education grants. The \$472,000 shall be distributed to the specific institutions as follows:

Bismarck State College	\$ 250,160
UND - Williston	113,280
UND - Lake Region	108,560
Total	<u>\$ 472,000</u>

The amendments to House Bill No. 1002 in total increased the total amount appropriated in House Bills Nos. 1002 and 1003 by \$56,506,409, \$48,491,409 from the general fund and \$8,015,000 from other funds.

If the Governor's enhanced budget is included in the comparison, the total amount appropriated is an increase over the Governor's budget of \$16,506,409, \$8,491,409 from the general fund and \$8,015,000 from other funds.

HB 1002 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred HB 1014 has had the same under consideration and recommends by a vote of 21 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 13, after "expenses" insert "and development" and replace "1,342,631" with "1,663,232"

Page 1, line 17, replace "4,753,759" with "5,074,360"

Page 1, line 18, replace "4,242,323" with "4,542,323"

Page 1, line 19, replace "511,436" with "532,037"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 410 - ATMOSPHERIC RESOURCE BOARD

The operating expenses line item is increased by \$20,601 from the general fund to promote county participation in weather modification activities and by \$300,000 of other funds for additional county involvement in weather modification operations.

HB 1014 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred HB 1037 has had the same under consideration and recommends by a vote of 18 YEAS, 5 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 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for allocation of a portion of sales, use, and motor vehicle excise tax collections to the capital construction fund to be used for lease payments associated with capital improvement projects financed under chapter 54-17.2 and other capital improvement projects, subject to legislative appropriation; to establish a capital construction account; to authorize the industrial commission, acting as the state building authority, to issue loan notes to make funds available for construction and acquisition projects at institutions of higher education; to provide for a transfer from the general fund to the capital construction fund; to provide an appropriation; to provide legislative intent regarding the retirement of loan notes; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Allocation of sales, use, and motor vehicle excise tax revenues to capital construction fund. Notwithstanding any other provision of law, the state treasurer shall deposit in the capital construction fund a portion of sales, use, and motor vehicle excise tax collections equal to ten percent of an amount, determined by multiplying the quotient of one percent divided by the general sales tax rate that was in effect when the taxes were collected, times the net sales, use, and motor vehicle excise tax collections under chapters 57-39.2, 57-40.2, and 57-40.3. Revenue deposited in the capital construction fund may be used only for lease payments associated with capital improvement projects financed under chapter 54-17.2, and other capital improvement projects, subject to legislative appropriation.

SECTION 2. Capital construction account. The state treasurer shall establish a capital construction fund in the state treasury for the purpose of making lease payments associated with capital construction projects financed by the industrial commission acting as a state building authority.

SECTION 3. GENERAL FUND TRANSFER - APPROPRIATION. The state treasurer shall transfer an amount, not to exceed a total of \$6,545,000, which is hereby appropriated, for the biennium beginning July 1, 1989, and ending June 30, 1991, from the general fund to the capital construction fund. The state treasurer shall make the transfer or transfers as provided in this section at such times as may be requested by the industrial commission acting as a state building authority.

SECTION 4. APPROPRIATION. There is hereby appropriated out of any moneys in the capital construction fund in the state treasury, not otherwise appropriated, the sum of \$6,545,000, or so much thereof as may be necessary, to the industrial commission, acting as a state building authority, for the purpose of making lease payments during the biennium beginning July 1, 1989, and ending June 30, 1991, on projects authorized by the industrial commission acting as the state building authority.

SECTION 5. PROJECT AUTHORIZATION - APPROPRIATION. The industrial commission, acting as the state building authority, shall arrange for the funding of the projects authorized in this section, hereby declared to be in the public interest, through the issuance of loan notes under North Dakota Century Code chapter 54-17.2, during the biennium beginning July 1, 1989, and ending June 30, 1991. The industrial commission may offer loan notes issued under this section for sale only to the Bank of North Dakota at a price that is as representative as possible of the current market interest rates for comparable loan notes purchased by the Bank of North Dakota. The proceeds of the loan notes and other available funds are hereby appropriated during the biennium beginning July 1, 1989, and ending June 30, 1991, for the following projects:

NAME OF AGENCY, DEPARTMENT, OR INSTITUTION	TYPE OF FACILITY	CONSTRUCTION/ ACQUISITION FUNDS
North Dakota state university	Computer technology transfer center	\$ 5,375,000
University of North Dakota	Complete acquisition of united hospital - north unit	1,720,000
North Dakota state college of science	Abbott hall addition Agricultural mechanics technology facility	3,300,000 2,916,000
Minot state university	Library facility	<u>7,728,000</u>
Total		\$21,039,000

The industrial commission shall issue loan notes authorized under this section with the condition that lease rental payments need not begin until July 1, 1991. This authority of the industrial commission to issue loan notes ends on June 30, 1991, but the industrial commission may continue to exercise all other powers granted to it under chapter 54-17.2 and this Act and to comply with any covenants entered into before that date.

In addition, the state board of higher education may obtain and utilize federal funds to expand the computer center project to an agriculture technology transfer center at North Dakota state university. There is

hereby appropriated to the state board of higher education from any federal or other funds that become available the sum of \$5,375,000, or so much thereof as may be necessary, for the construction of such a facility at North Dakota state university for the biennium beginning July 1, 1989, and ending June 30, 1991.

SECTION 6. LEGISLATIVE INTENT. It is the intent of the legislative assembly that up to a total of \$4,400,000 from nongeneral fund sources will become available to assist in the retirement of the loan notes, issued for the project costs associated with construction of the projects authorized by this Act, in the following amounts:

North Dakota state university	Computer technology transfer center	\$1,343,000
North Dakota state college of science	Agricultural mechanics technology facility	300,000
University of North Dakota	Abbott hall addition	825,000
Minot state university	Library facility	<u>1,932,000</u>
Total		\$4,400,000

SECTION 7. EFFECTIVE DATE. Section 1 of this Act is effective for sales, use, and motor vehicle excise tax collections from taxable events occurring after June 30, 1991."

Reumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment provides for the allocation, beginning on July 1, 1991, of 10 percent of an equivalent one percent sales, use, and motor vehicle excise tax to a capital construction fund. In addition, this amendment adds a section providing that the Industrial Commission may issue loan notes to the Bank of North Dakota to fund the following projects at the institutions of higher education:

North Dakota State University	Computer technology transfer center	\$ 5,375,000
University of North Dakota	Complete acquisition of United Hospital - North Unit	1,720,000
	Abbott Hall addition	3,300,000
North Dakota State College of Science	Agricultural mechanics technology facility	2,916,000
Minot State University	Library facility	<u>7,728,000</u>
Total		\$21,039,000

This amendment also provides for an appropriation of \$5,375,000 from federal funds to the Board of Higher Education to expand the computer center project to an agriculture technology transfer center at North Dakota State University, adds a section establishing a capital construction fund, and adds a section transferring \$6,545,000 from the general fund to the capital construction fund to make lease payments during the 1989-91 biennium. In addition, a section is added appropriating the \$6,545,000 in the capital construction fund to the Industrial Commission, acting as the State Building Authority, to provide the following lease payments during the 1989-91 biennium:

1986 Series A bonds (Grafton State School, State Penitentiary Phase II, and State Hospital renovation)	\$3,498,000
State Industrial School - kitchen/ dining facility	350,000
International Peace Garden renovation	139,000
Dickinson Experiment Station	<u>2,558,000</u>
Total lease payments 1989-91	\$6,545,000

In addition, this amendment provides legislative intent that up to \$4,400,000 from nongeneral fund sources will become available to assist in the retirement of loan notes issued for construction projects.

HB 1037 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was rereferred Engrossed HB 1507 has had the same under consideration and recommends by a vote of 18 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING that the same DO NOT PASS.

Engrossed HB 1507 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred HB 1518 has had the same under consideration and recommends by a vote of 23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1518 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred HB 1606 has had the same under consideration and recommends by a vote of 16 YEAS, 7 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 3, after "Dakota" insert "; and to provide for a legislative council study"

Page 1, line 8, remove "accumulated and"

Page 1, line 11, remove "accumulated and"

Page 1, line 20, remove "accumulated and"

Page 2, replace lines 1 through 4 with:

"SECTION 2. LEGISLATIVE COUNCIL STUDY. The legislative council or its designated committee shall conduct a study during the 1989-90 interim to determine alternatives for use of Bank of North Dakota's undivided profits including ways to make more loans available to farmers and small businesses. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-second legislative assembly."

Renumber accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

The amendment provides that the Bank of North Dakota profits to be used under the provisions of the bill for loans or transfer to the state general fund can come only from the Bank's current profits and not include the Bank's accumulated profits.

The section of the bill that requires the Bank of North Dakota profits to be used for agricultural and small business loans is deleted. A new section is added providing for a Legislative Council study of the uses of the Bank of North Dakota profits.

HB 1606 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was rereferred Engrossed HB 1637 has had the same under consideration and recommends by a vote of 23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 15-40.1 of the North Dakota Century Code, relating to bonus payments to high schools for cooperative education programs;"

Page 1, after line 7, insert:

"SECTION 1. A new section to chapter 15-40.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

Cooperative education programs - Bonus payments.

1. The superintendent of public instruction shall adopt rules to provide bonus payments to high schools that cooperate with other high schools to provide foreign languages, advanced sciences and mathematics, remedial courses, and other elective academic courses that are not ordinarily offered by any of the high schools cooperating to provide such courses.
2. Any high school offering a cooperative academic course is entitled to reimbursement for transportation expenses incurred as a result of teacher travel between schools to teach or student travel to attend a cooperative academic course; cooperative academic course materials including textbooks, tapes, and equipment; and any additional teachers' salaries incurred by the school as a result of providing the cooperative academic program; provided, however, that no school may receive more than the amount of money resulting from multiplying fifty dollars times each pupil enrolled and participating in each academic course offered as a result of the cooperative program each semester or five dollars times the number of pupils in the school in average daily membership in grades kindergarten through twelve the previous school year in the school offering the academic course, whichever is less.
3. For a cooperative academic course to entitle any high school to bonus payments, no more than eighty percent of the

students participating in the course may be from any one high school.

4. Each course offered as a result of the cooperative academic program must be approved by the superintendent of each high school district participating in the cooperative program.
5. The bonus payments must be distributed with the foundation aid payments after a claim for payment is submitted by the business manager of the school district, and the claim is verified by the superintendent of public instruction."

Page 1, line 13, replace "ninety-six" with "fifty"

Page 1, line 15, replace "eighty" with "four"

Page 3, after line 8, insert:

"5. For high schools having an approved alternative education program, the amount of money resulting from multiplying the factor in:

- a. Subsection 1 times the number of pupils registered in the alternative education program times the educational support per pupil as provided in section 15-40.1-06 if the alternative education program has less than seventy-five pupils in average daily membership.
- b. Subsection 2 times the number of pupils registered in the alternative education program times the educational support per pupil as provided in section 15-40.1-06 if the alternative education program has seventy-five or more, but less than one hundred fifty pupils in average daily membership.
- c. Subsection 3 times the number of pupils registered in the alternative education program times the educational support per pupil as provided in section 15-40.1-06 if the alternative education program has one hundred fifty or more, but less than five hundred fifty pupils in average daily membership.
- d. Subsection 4 times the number of pupils registered in the alternative education program times the educational support per pupil as provided in section 15-40.1-06 if the alternative education program has five hundred fifty or more pupils in average daily membership."

Page 8, line 19, after "year" insert "or less than fifty percent of the school district's actual expenditures for transportation for the current school year"

Page 9, line 14, replace "Every school district must receive at least as" with "Notwithstanding the factors in section 15-40.1-07 and 15-40.1-08, the per-pupil payment in subsection 2 of section 15-40.1-06, and the mill levy in subsection 3 of section 15-40.1-06:

1. Every school district, except a school district that sends students to a school in a bordering state, must receive at least as much in total payments for each year of the 1989-91 biennium as it would have received had it received the amount of money resulting from multiplying the average daily membership for the previous year or the current year's fall enrollment, whichever is greater, times the appropriate factor in sections 15-40.1-07 and 15-40.1-08 in effect during the 1988-89 school year, times the educational support per pupil in the amount of one thousand three hundred sixty dollars, less the product of twenty mills times the latest available net assessed and equalized valuation of property of the school district.
2. Every school district that sends a student to a school in a bordering state must receive at least as much in total payments for each year of the 1989-91 biennium as it would have received had it received the amount of money resulting from multiplying the current year's fall enrollment times the appropriate factor in sections 15-40.1-07 and 15-40.1-08 in effect during the 1988-89 school year, times the educational support per pupil in the amount of one thousand three hundred sixty dollars, less the product of twenty mills times the latest available net assessed and equalized valuation of property of the school district."

Page 9, remove lines 15 through 20

Reumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

A new section is added that provides bonus payments for high school cooperative education programs. The amount included in House Bill No. 1002 for the bonus payments is \$440,000.

The amendment changes the foundation aid per-pupil payments from \$1,596 and \$1,680 to \$1,550 and \$1,604 for the first and second years of the 1989-91 biennium.

The amendment provides that high schools having alternative education programs are entitled to receive foundation aid payments based on the same weighting factors as other high schools with the same enrollments as the alternative education programs.

The amendment provides that no school district will receive less than 50 percent of its actual expenditures for transportation.

The amendment holds school districts harmless for each year of the 1989-91 biennium by providing that no school district will receive less because of the change in per-pupil payments, weighting factors, and the mill deduct.

Engrossed HB 1637 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 referred HCR 3073 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 1, line 16, remove the first "reporting" and after "center" insert "for the reporting of controlled substances abuse"

Re-number accordingly

HCR 3073 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 SB 2031 has had the same under consideration and recommends by a vote of 9 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SB 2031 was placed on the Fourteenth 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 referred SB 2061 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SB 2061 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation (Rep. Timm, Chairman) to which was referred SB 2063 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SB 2063 was placed on the Fourteenth 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 SB 2107 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING that the same DO PASS.

SB 2107 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture (Rep. Nicholas, Chairman) to which was referred SB 2111 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SB 2111 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation (Rep. Timm, Chairman) to which was referred SB 2113 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SB 2113 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture (Rep. Nicholas, Chairman) to which was referred SB 2154 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SB 2154 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture (Rep. Nicholas, Chairman) to which was referred SB 2161 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SB 2161 was placed on the Fourteenth 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 referred SB 2163 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SB 2163 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation (Rep. Timm, Chairman) to which was referred SB 2168 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SB 2168 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture (Rep. Nicholas, Chairman) to which was referred SB 2170 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SB 2170 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation (Rep. Timm, Chairman) to which was referred SB 2188 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SB 2188 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture (Rep. Nicholas, Chairman) to which was referred SB 2257 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SB 2257 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture (Rep. Nicholas, Chairman) to which was referred SB 2305 has had the same under consideration and recommends by a vote of 10 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

SB 2305 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Political Subdivisions (Rep. Lindgren, Chairman) to which was referred SB 2351 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

SB 2351 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Political Subdivisions (Rep. Lindgren, Chairman) to which was referred SB 2424 has had the same under consideration and recommends by a vote of 10 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

SB 2424 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Political Subdivisions (Rep. Lindgren, Chairman) to which was referred SB 2426 has had the same under consideration and recommends by a vote of 8 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SB 2426 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Joint Constitutional Revision (Rep. Martin, Chairman) to which was referred SCR 4022 has had the same under consideration and recommends by a vote of 6 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SCR 4022 was placed on the Fourteenth 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 SCR 4024 has had the same under consideration and recommends by a vote of 10 YEAS, 3 NAYS, 4 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

SCR 4024 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

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

ROY GILBREATH, Chief Clerk