

## JOURNAL OF THE HOUSE

## Fifty-first Legislative Assembly

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Bismarck, March 21, 1989

The House convened at 1:00 p.m., with Speaker Kretschmar presiding.

The prayer was offered by Rev. Douglas Roberts, United Church of Christ, Bismarck.

The roll was called and all Representatives were present, except Representatives Aarsvold and Starke.

A quorum was declared by the Speaker.

CORRECTION and REVISION of the JOURNAL (Rep. V. Olson, Chairman)

MR. SPEAKER: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Fifty-second Day and finds it to be correct.

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

## HOUSE ENGROSSING REPORT

The following bill and resolution were engrossed: HB 1667, HCR 3019.

## HOUSE ENROLLING REPORT

The following bills were enrolled: HB 1364, HB 1586, HB 1642.

## SPECIAL ORDER OF BUSINESS

REP. KLOUBEC MOVED that the House be on a Special Order of Business, which motion prevailed.

REP. KLOUBEC MOVED that a committee of two be appointed to escort the Honorable Kent Conrad, United States Senator, to the rostrum, which motion prevailed.

SPEAKER KRETSCHMAR APPOINTED Reps. R. Anderson and Stofferahn to such committee, which committee subsequently escorted Sen. Conrad to the rostrum.

REP. KLOUBEC MOVED that the following remarks of the Honorable Kent Conrad, United States Senator, be printed in the Journal, which motion prevailed.

REMARKS BY HONORABLE KENT CONRAD,  
UNITED STATES SENATOR

Mr. Speaker, ladies and gentlemen of the North Dakota Legislature, thank you for inviting me to address you as you tackle the difficult task of setting our state's path for the coming two years.

Last night Earl Strinden called me quite late. Earl said, "I hear you're going to go speak to the North Dakota Legislature." I said, "Yes, I am." He said, "You know, there is a lot of turmoil there this session. You know, you think back when you and I were there, there wasn't this much conflict." I don't quite remember it that way, do you?

After being away for several years I look back with fond memories at my time working with you. I am more convinced than ever that you can be proud of what you do. Every two years, you and your colleagues come together in these chambers to make the laws that will guide North Dakota for the future. You represent different districts with different problems and different priorities. You each come to Bismarck with your own ideas about what needs to be done and how it should be accomplished. The potential for both conflict and cooperation is always present.

From time to time the fur flies, you argue and debate, you have skirmishes and battles, yet every two years the men and women of the North Dakota Legislature cooperate, reach compromises, and forge a consensus. You confront the issues and you settle the debate. That is a real accomplishment.

As a former Tax Commissioner, I fought some of our state's legislative battles. Like you, I have won and I have lost - in the process, I have developed a great respect for North Dakota legislators. That respect has grown since I have become a federal legislator. We could use your spirit in Washington. You face our state's problems head-on. You use honest numbers and honest projections and you balance your budget. It would be nice if the Congress and the President would take a page from your book. I know, I sit on the Senate Budget Committee - and the North Dakota Legislature could teach Washington a few things. In fact, you could teach the whole country valuable lessons about facing facts and getting the job done. As I say, you can be proud of what you do.

I like to think, as we reflect on the tough times North Dakota has had over the last several years, that it is always darkest just before dawn. I believe North Dakota has a bright future. Our state has a great story to tell and real opportunities to tell it. We will only have to wait for tomorrow to see new evidence of that.

Tomorrow, Congressman Dorgan, the Governor's Office, and I will host a Data Day here in Bismarck - a program on attracting new information processing industries to our state - and from all across North Dakota, 100 economic development leaders will come to Bismarck to hear a message and to share a vision.

You all know the story of Hal Rosenbluth and the jobs he brought to Linton, North Dakota. Hal is a travel executive from Philadelphia who decided to help out during last year's drought. He learned that North Dakota was the state hardest hit by drought and in a few weeks he provided new jobs to farm families. He saw the project as a temporary "helping hand". But, those jobs are still here.

Hal Rosenbluth came out of compassion, but his business stayed because he discovered what we have always known. North Dakota has hardworking, efficient, well-educated people and a positive business climate.

For Hal Rosenbluth, doing a good deed was doing good business. There is no reason Hal Rosenbluth's discovery can't spread to others. Tomorrow, Hal Rosenbluth will be here to share the vision and we will be presenting him an award on behalf of all the people of North Dakota, expressing our appreciation.

Businesses that rely on computers and telephones can locate in North Dakota just as well as North Carolina or New York. Smart businessmen like Hal

Rosenbluth are looking more and more to rural America to locate their operations. They can set up shop where the people have a strong work ethic, where families spend time together, where the air and water are clean, where our children are well-educated and safe, where there is room to grow and expand. That's the story that we have to tell. It's a good story and it's the truth. We have got to go out there and tell it.

But, that's not the only part of our story. Tomorrow I will also be attending the dedication of Coastal Biotech right here in Bismarck. Coastal is at the forefront of an exciting new field - cleaning up the wastes through biotechnology.

Over the years the United States has paid a price in polluted land and water for our industrial advances. The work being done at Coastal may provide the keys to repairing some of that damage.

We know that North Dakota is blessed with an abundance of energy and water. Companies like Coastal Biotech are only the beginning. The Dakota Gasification Plant is back in private hands and we expect that transfer will signal a new era of innovation for North Dakota and the nation.

Beyond the production of synthetic natural gas, the byproducts from the Dakota Gasification Plant have great commercial potential and of course the plant itself remains one of the world's premiere examples of synthetic fuels technology.

Our state is not only home to North America's first commercial coal gasification plant but also to the world's top research facility on low-ranked coal. The University of North Dakota's Energy and Mineral Research Center is second to none. North Dakota has billions of tons of lignite coal and UND has the scientific resources to help us use that resource wisely and well.

UND has also put our state at the cutting edge of another exciting and growing field - aviation and aerospace training and technology. The Center for Aerospace Studies is world class. This spring, at my invitation, the ambassador from Indonesia will be coming to visit those outstanding facilities and we hope to pursue a partnership with his country. In addition, later this spring the ambassador from Egypt will also be coming at my invitation to visit in North Dakota. He is looking to close a deal that will bring us together on sunflower production and development.

Beyond the opportunities that exist for us in aerospace, energy, and information services, we must not forget that agriculture is the backbone of North Dakota's economy. While the eighties have not been so kind to agriculture, and last summer's drought was a blow, our farmers will fight back. They always have. They always will.

I serve on the Senate Agriculture Committee and last year we came very close to getting a rural development package on to the Senate floor. I believe the momentum is growing to address the problems facing rural America.

Last week I reintroduced legislation that was part of the original rural development bill - the Agricultural Research Commercialization Corporation - now that's a mouthful, we call it ARCC. The idea behind the commercialization corporation is very simple. The bill is designed to take new ideas for industrial products made from renewable resources grown on our farms and take them to the marketplace. We have very strong bipartisan

support for this legislation. At our announcement, Senators Boschwitz and Bond were there, Harkin and Glenn joined in support with key colleagues from the House of Representatives. The bill has also been endorsed by the National Governors' Association and a host of agricultural entities as well.

We know that our farmers are the most productive in the world, we know that our researchers do outstanding basic research to find new and innovative uses for farm products. But so far, we have consistently missed opportunities to commercialize those products, taking them from the farm to the factory to the final point of sale. We know how to make biodegradable plastics from corn; we know how to make high quality ink from soybeans; we know how to make nylon motor parts from rapeseed and meadowfoam. Researchers right here in North Dakota have developed a red dye from sunflower that does not cause cancer.

We need to bridge the gap from the test tube to the store shelf - that's what ARCC is designed to do and the bill will establish a public-private partnership to support the commercialization of new nonfood, nonfeed uses of our products. I know that North Dakota with topnotch researchers at our institutions of higher learning can play an important role in that process.

It is sometimes hard to convince my urban colleagues of the need to invest in rural America. But our problems become their problems. The rural economy is linked to the urban economy. We can't afford an economy that has good times on the coasts and hard times in the heartland.

In addition to the ARCC bill, I have been working with the Senate leadership to start a bipartisan rural development task force. The idea is to bring together the committees of Congress that have jurisdiction over rural development and to work together, instead of separately. We did that with the drought bill and the drug bill, and it worked.

The nation's rural areas face a growing set of problems - I don't need to tell you - declining populations, decreased access to health care, a crumbling infrastructure supported by a shrinking tax base, and an out-migration of the bright, young people to the cities that must be stopped. Tinkering with existing programs is not going to do it. We need a comprehensive package to address the challenges, and a bipartisan task force to develop a broad-based initiative is a good beginning.

I think sometimes that we focus too much on our struggles and not enough on our strengths. Times are changing for North Dakota. The real answers to our problems lie right here with us - with you and with me, with our families and friends, with the people of North Dakota. If we are bold and brave and creative and unafraid, if we maintain a positive and energetic attitude, we cannot fail. We have a bright future. Oh yes, there will be a few bumps along the way, even a few flat-out failures, but we have everything we need for our state to prosper and succeed. It's up to us to find those good ideas, to promote them, and to make them happen.

Let me share just one excellent example of just how far we can go when we put our minds to it, just how far the "yes, we can" attitude of the spirit of North Dakota can take us.

A little more than a year ago, a young man in the town of Lehr got the word that a fast-growing Minnesota company was looking to expand. Now, Lehr has 254 people, but Jay Scherbenske did not let that bother him. He got cracking. In the space of a few months he convinced that Minnesota firm Lehr was the place to build its new plant. My office helped them apply for

federal financing, Lehr got the money, and Lehr got the jobs. The new printing plant will mean 60 permanent jobs - 60 jobs in a town with fewer than 300 people. The ripple effect of that new business and employment will strengthen the entire county.

That's a success story - and it happened because Jay Scherbenske and the other people in Lehr that helped him believe in their town and in themselves. They had a good idea and they stuck to it until they convinced everyone involved that it was a good idea and they succeeded.

That is the kind of spirit we need. Let's not ask "why", let's ask "why not". Let's take charge of our own destiny, let's look at our potential, look at our strengths, and say together, "yes, we can".

Thank you very much for your attention, it's always good to be home.

#### MOTION

REP. KLOUBEC MOVED that the Special Order of Business be dissolved, which motion prevailed.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1119, HB 1127, HB 1167, HB 1249, HB 1451, HB 1510, HB 1585.

#### SENATE AMENDMENTS TO ENGROSSED HB 1119

Page 2, after line 4, insert:

"3. The bureau, in cooperation with professional organizations of doctors and health care providers, shall establish a system of peer review to determine reasonableness of fees and payment denials for unjustified treatments, hospitalization, or visits. The doctor or health care provider shall have the right to appeal adverse decisions of the bureau in accordance with the medical aid rules adopted by the bureau."

Page 2, line 5, replace "3." with "4."

Page 2, line 7, replace "4." with "5."

Renumber accordingly

#### SENATE AMENDMENTS TO ENGROSSED HB 1127

Page 1, line 1, replace "six new subsections to" with "a new"

Page 1, line 2, replace "25-04-00.1" with "to chapter 25-04" and replace "the definition of" with "chapter limitations"

Page 1, line 3, remove "developmental disabilities and related terms"

Page 1, remove lines 17 through 22

Page 2, remove lines 1 through 11

Page 4, after line 16, insert:

"SECTION 5. A new section to chapter 25-04 of the North Dakota Century Code is hereby created and enacted to read as follows:

Limitations of this chapter. The provisions of this chapter may not be construed to limit or broaden the plaintiff class as defined by order of the United States district court for the district of North Dakota entered on January 13, 1981, in civil number A1-80-141."

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1167

Page 4, line 14, remove the overstrike over "~~and~~"

Page 4, line 15, remove the overstrike over "~~income~~"

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL HB 1249

Page 1, line 16, after "dollars" insert "and wagers in increments of one dollar must be accepted up to the maximum limit" and remove "The"

Page 1, line 17, remove "licensee or eligible organization may set a minimum wager" and overstrike the period

Re-number accordingly

SENATE AMENDMENTS TO HB 1249

In addition to the amendments to House Bill No. 1249 adopted by the Senate as printed on page 1117 of the Senate Journal, House Bill No. 1249 is further amended as follows:

Page 1, line 16, overstrike "is" and after "~~two~~" insert "may be set by the licensee or eligible organization at not more than"

Re-number accordingly

SENATE AMENDMENTS TO HB 1451

Page 2, line 6, underscore ", unless the board of county commissioners adopts a resolution"

Page 2, underscore lines 7 and 8

Page 2, line 12, after the underscored period insert "Counties having a population of six thousand or less and exercising the option provided in section 5 of this Act, may contract with the state court administrator for the provision of shared funding for register of deeds services."

Re-number accordingly

SENATE AMENDMENTS TO HB 1510

Page 2, overstrike line 16

Re-number accordingly

SENATE AMENDMENTS TO HB 1585

Page 2, line 1, replace the second "distribution" with "sale"

Page 2, after line 26, insert:

"h. A manufacturer or a manufacturer's sales representative or agent."

Page 2, line 28, after "wholesale" insert "drug" and remove "of prescription drugs"

Page 3, line 3, remove "manufacturers' representatives;"

Renumber accordingly

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)  
MR. SPEAKER: The Senate has passed unchanged: HB 1014, HB 1032, HB 1145, HB 1163, HB 1342, HB 1343, HB 1400, HB 1411, HB 1419, HB 1456, HB 1463, HB 1468, HB 1472, HB 1473, HB 1505.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)  
MR. SPEAKER: The Senate has failed to pass: HB 1277.

SIGNING of BILLS and RESOLUTIONS (Roy Gilbreath, Chief Clerk)  
THE CHIEF CLERK ANNOUNCED that the Speaker signed the following enrolled bills: SB 2060, SB 2067, SB 2108, SB 2109, SB 2169, SB 2180, SB 2200, SB 2207, SB 2208, SB 2229, SB 2283, SB 2299, SB 2338, SB 2431, SB 2457.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The Speaker has signed: SB 2060, SB 2067, SB 2108, SB 2109, SB 2169, SB 2180, SB 2200, SB 2207, SB 2208, SB 2229, SB 2283, SB 2299, SB 2338, SB 2431, SB 2457.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1658, HB 1668.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The House has amended and subsequently passed: SB 2043, SB 2098, SB 2192, SB 2193, SB 2523.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The House has passed unchanged: SB 2434, SB 2479.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The House has failed to pass: SB 2506, SB 2509, SCR 4011.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The House has passed unchanged: SB 2071, SB 2117, SB 2118, SB 2122, SB 2123, SB 2191, SB 2323, SB 2337, SB 2367, SB 2405, SB 2450, SB 2476, SB 2492, SB 2507, SCR 4005, SCR 4038.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: In accordance with House Rule 316, the House divided the question on the final passage of SB 2234 into Division A and Division B.

The House failed to pass Division A, passed Division B, and subsequently passed SB 2234, excluding Division A and including Division B, with title amended appropriately, and lines, sections, and pages renumbered accordingly.

This in effect is a House amendment to SB 2234.

## MOTION

REP. KLOUBEC MOVED that the rules be suspended and that the committee reports on SB 2026, SB 2230, SB 2240, SB 2296, SB 2314, SB 2322, SB 2335, SB 2361, SB 2365, and SB 2398 recommending amendments on the Sixth order of business on the legislative calendar of the Fifty-third Day be adopted, which motion prevailed.

## SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to SB 2026 as recommended by the Committee on Appropriations as printed on page 1529 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

SB 2026, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. A. OLSON MOVED that the amendments to SB 2230 as recommended by the Committee on Natural Resources as printed on page 1531 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

SB 2230, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. A. OLSON MOVED that the amendments to Engrossed SB 2240 as recommended by the Committee on Natural Resources as printed on pages 1531-1532 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

Engrossed SB 2240, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. WENTZ MOVED that the amendments to Engrossed SB 2296 as recommended by the Committee on Judiciary as printed on page 1532 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

Engrossed SB 2296, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. TIMM MOVED that the amendments to SB 2314 as recommended by the Committee on Transportation as printed on page 1533 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

SB 2314, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. GATES MOVED that the amendments to SB 2322 as recommended by the Committee on Education as printed on page 1533 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

SB 2322, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. TIMM MOVED that the amendments to Engrossed SB 2335 as recommended by the Committee on Transportation as printed on pages 1533-1534 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

Engrossed SB 2335, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. GATES MOVED that the amendments to Engrossed SB 2361 as recommended by the Committee on Education as printed on page 1534 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS.

Engrossed SB 2361, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. A. OLSON MOVED that the amendments to Engrossed SB 2365 as recommended by the Committee on Natural Resources as printed on page 1534 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

Engrossed SB 2365, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. WENTZ MOVED that the amendments to Engrossed SB 2398 as recommended by the Committee on Judiciary as printed on page 1535 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

Engrossed SB 2398, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. TIMM MOVED that the amendments to Engrossed SB 2128 as recommended by the Committee on Transportation as printed on pages 1530-1531 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion failed.

#### MOTION

REP. TIMM MOVED that Engrossed SB 2128 be rereferred to the Committee on Transportation, which motion prevailed. Pursuant to Rep. Timm's motion, Engrossed SB 2128 was rereferred.

#### SECOND READING OF HOUSE BILL

HB 1667: A BILL for an Act. to amend and reenact sections 40-23-09, 40-23-10, and 40-23.1-07 of the North Dakota Century Code, relating to preparation of assessment lists and methods of notice of assessments of benefits for improvements by special assessment.

#### 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, 0 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Aarsvold; Peterson; Starke; Wald

HB 1667 passed and the title was agreed to.

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#### SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3019: A concurrent resolution for the amendment of sections 3 and 4 of article IV of the Constitution of North Dakota, relating to the terms of legislative assembly members; and to provide an effective date.

#### ROLL CALL

The question being on the adoption of the amended resolution, which has been read, the roll was called and there were 63 YEAS, 39 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, B.; Anderson, R.; Berg, G.; Carlson; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Gunsch; Hanson, L.; Haugen; Hoffner; Hokana; Huether; Jensen; Kloubec; Knell; Kolbo; Kouba; Larson, D.; Laughlin; Marks; Martin; Melby; Mertens; Nelson; Ness; Nicholas; Nowatzki; Oban; Olson, V.; O'Shea; Payne; Ring; Rydell; Scherber; Shockman; Skjervan; Smette; Soukup; Stofferahn; Thompson, V.; Timm; Tokach; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Watne; Wentz; Wilkie; Williams, A.

NAYS: Belter; Berg, R.; Bernstein; Brokaw; Christman; Clayburgh; Enget; Graba; Halmrast; Hanson, O.; Haugland; Hausauer, A.; Hausauer, R.; Howard; Kaldor; Kelly; Kingsbury; Lang; Larson, R.; Lindgren; Martinson; Murphy; Myrdal; Olsen, D.; Olson, A.; Schatz; Schindler; Schmidt; Schneider; Shaft; Shide; Solberg; Sorensen; Stenehjem; Thompson, K.; Tollefson; Whalen; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: Aarsvold; Peterson; Starke; Wald

HCR 3019 was declared adopted on a roll call vote.

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#### MOTION

REP. KLOUBEC MOVED that the House waive the reading of the title to Engrossed SB 2048, which motion prevailed.

#### SECOND READING OF SENATE BILLS

SB 2048: A BILL for an Act to create and enact a new section to chapter 23-06.1 and two new sections to chapter 23-07 of the North Dakota Century Code, relating to testing anatomical gifts for exposure to the human immunodeficiency virus and to testing of inmates, certain convicted individuals, and hospital patients for exposure to the human immunodeficiency virus; and to amend and reenact sections 14-10-17, 19-02.1-19, 23-07-01, 23-07-03, 23-07-07, 23-07-08, 23-07-09, 23-07-21, and 53-03-03 of the North Dakota Century Code, relating to sexually transmitted disease.

## 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, 10 NAYS, 7 ABSENT AND NOT VOTING.

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

NAYS: Hokana; Kaldor; Kolbo; Mertens; Oban; Ring; Scherber; Stofferahn; Thompson, V.; Ulmer

ABSENT AND NOT VOTING: Aarsvold; Gorman; Kloubec; Peterson; Starke; Wald; Whalen

SB 2048 passed and the title was agreed to.

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SB 2153: A BILL for an Act to create and enact a new subsection to section 1-03-01 and a new section to chapter 1-03 of the North Dakota Century Code, relating to designating the day after Thanksgiving as a holiday and the closing of state offices on Christmas Eve; 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 72 YEAS, 27 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Belter; Berg, G.; Brokaw; Carlson; Christman; DeMers, J.; DeMers, P.; Flaagan; Frey; Gates; Gerhardt; Gerl; Gilmore; Goetz; Graba; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kolbo; Kouba; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Mertens; Murphy; Myrdal; Nelson; Ness; Nowatzki; Oban; Olsen, D.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schmidt; Schneider; Shockman; Skjerven; Sorensen; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aas; Anderson, R.; Berg, R.; Bernstein; Clayburgh; Dalrymple; Dorso; Enget; Gerntholz; Gorman; Gunsch; Hanson, O.; Haugen; Kingsbury; Knell; Lang; Melby; Olson, A.; Olson, V.; Schindler; Shaft; Shide; Smette; Solberg; Soukup; Timm; Tokach

ABSENT AND NOT VOTING: Aarsvold; Kloubec; Nicholas; Peterson; Starke; Wald; Whalen

SB 2153 passed and the title was agreed to.

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SB 2173: A BILL for an Act to amend and reenact sections 65-02-08 and 65-10-03 of the North Dakota Century Code, relating to the payment of attorneys' fees by the North Dakota workers compensation bureau; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 97 YEAS, 1 NAY, 8 ABSENT AND NOT VOTING.

YEAS: 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; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Gerl

ABSENT AND NOT VOTING: Aarsvold; Kloubec; Nicholas; Nowatzki; Peterson; Starke; Wald; Whalen

SB 2173 passed and the title was agreed to.

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MOTION

REP. R. ANDERSON MOVED that the House waive the reading of the title to SB 2176, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2176: A BILL for an Act to create and enact sections 19-03.1-36.1, 19-03.1-36.2, 19-03.1-36.3, 19-03.1-36.4, 19-03.1-36.5, 19-03.1-36.6, and 19-03.1-36.7 of the North Dakota Century Code, relating to forfeiture procedures; to amend and reenact subsections 1, 5, and 6 of section 19-03.1-36 of the North Dakota Century Code, relating to forfeitures; 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 100 YEAS, 1 NAY, 5 ABSENT AND NOT VOTING.

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

NAYS: Thompson, K.

ABSENT AND NOT VOTING: Aarsvold; Peterson; Starke; Wald; Whalen

SB 2176 passed, the title was agreed to, and the emergency clause carried.

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#### MOTION

REP. KLOUBEC MOVED that the House waive the reading of the title to Engrossed SB 2248, which motion prevailed.

#### SECOND READING OF SENATE BILLS

SB 2248: A BILL for an Act to amend and reenact sections 57-43.3-01, 57-43.3-03, 57-43.3-05, 57-43.3-06, and 57-43.3-07 of the North Dakota Century Code, relating to aviation fuel; and to repeal section 57-43.3-04 of the North Dakota Century Code, relating to the imposition of a separate and additional tax.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 2 YEAS, 99 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Gerl; Wentz

NAYS: 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; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjervén; Smette; Solberg; Sorensen; Soukup; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Wald; Watne; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: Aarsvold; Peterson; Starke; Vander Vorst; Whalen

SB 2248 lost.

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SB 2254: A BILL for an Act to create and enact a new subsection to section 54-52.1-01, relating to definition of part-time permanent employee; and to amend and reenact section 54-52.1-06 of the North Dakota Century Code, relating to the state's contribution to the uniform group insurance program for a part-time permanent employee.

#### ROLL CALL

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

YEAS: Murphy; Shockman

NAYS: 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; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Skjerven; Smette; Solberg; Sorensen; Soukup; 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

ABSENT AND NOT VOTING: Aarsvold; Kelly; Nicholas; Peterson; Starke; Whalen

SB 2254 lost.

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SB 2256: A BILL for an Act to amend and reenact sections 65-01-02, 65-05-02, 65-05-03, 65-05-12, 65-05-13, 65-05-28, and subsection 2 of section 65-13-10 of the North Dakota Century Code, relating to definitions, unusual stress for mental injury claims, impairment, disability, medical services and impairment awards.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 93 YEAS, 6 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerntholz; Gilmore; 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; Murphy; Myrdal; Nelson; Ness; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Rydell; Schatz; Schindler;

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

NAYS: Carlson; Gerl; Mertens; Ring; Scherber; Schneider

ABSENT AND NOT VOTING: Aarsvold; Goetz; Nicholas; Nowatzki; Peterson; Smette; Starke

SB 2256 passed and the title was agreed to.

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SB 2306: A BILL for an Act to amend and reenact section 30.1-28-11 of the North Dakota Century Code, relating to the appointment of a guardian of an incapacitated person.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 100 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: 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.; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; 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: Aarsvold; Gerl; Haugen; Nicholas; Peterson; Starke

SB 2306 passed and the title was agreed to.

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#### MOTIONS

REP. ULMER MOVED that SB 2308 be rereferred to the Committee on Judiciary, which motion prevailed. Pursuant to Rep. Ulmer's motion, SB 2308 was rereferred.

REP. R. ANDERSON MOVED that SB 2307 be placed at the head of the calendar, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2307: A BILL for an Act to amend and reenact subsection 1 of section 30.1-18-06 of the North Dakota Century Code, relating to the duties of personal representatives of decedents' estates.

## 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, 5 NAYS, 5 ABSENT AND NOT VOTING.

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

NAYS: Flaagan; Melby; Mertens; Thompson, K.; Whalen

ABSENT AND NOT VOTING: Aarsvold; Haugland; Nicholas; Peterson; Starke

SB 2307 passed and the title was agreed to.

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## REQUEST

REP. NICHOLAS REQUESTED that the record show that he intended to vote "yea" on SB 2307, which request was granted.

## SECOND READING OF SENATE BILL

SB 2309: A BILL for an Act to provide for grants to oil and gas development impacted counties and cities; to provide a continuing appropriation; 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 100 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; 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; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; 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: Aarsvold; Brokaw; DeMers, J.; Mertens; Peterson; Starke

SB 2309 passed and the title was agreed to.

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MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)  
MR. SPEAKER: The Senate has passed unchanged: HB 1665.

#### SECOND READING OF SENATE BILLS

SB 2410: A BILL for an Act to provide gender balance in the appointment of members of state boards, commissions, committees, and councils; and to amend and reenact sections 15-39.1-05 and 23-14-04 of the North Dakota Century Code, relating to the appointment of members of the board of trustees of the teachers' fund for retirement and district boards of health.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 74 YEAS, 26 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, B.; Anderson, R.; Berg, G.; Carlson; Clayburgh; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Kolbo; Laughlin; Lindgren; Marks; Martin; Martinson; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; O'Shea; Payne; Ring; Rydell; Scherber; Schindler; Schmidt; Schneider; Shockman; Smette; Solberg; Sorensen; Stenehjem; Stofferahn; Thompson, V.; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Belter; Berg, R.; Bernstein; Christman; Dalrymple; Dorso; Gunsch; Hanson, O.; Knell; Kouba; Lang; Larson, D.; Larson, R.; Melby; Murphy; Olson, V.; Schatz; Shaft; Shide; Skjervan; Soukup; Thompson, K.; Timm; Tokach; Tollefson; Whalen

ABSENT AND NOT VOTING: Aarsvold; Brokaw; Gerl; Peterson; Starke; Wald

SB 2410 passed and the title was agreed to.

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SB 2417: A BILL for an Act to create and enact a new subsection to section 57-02-08 of the North Dakota Century Code, relating to a property tax exemption that may be granted by the governing body of a political subdivision for early childhood service facilities licensed by the state; 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 97 YEAS, 4 NAYS, 5 ABSENT AND NOT VOTING.

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

**NAYS:** Gunsch; Murphy; Tokach; Whalen

**ABSENT AND NOT VOTING:** Aarsvold; Brokaw; Peterson; Starke; Wentz

SB 2417 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. GATES MOVED** that the House do concur in the Senate amendments to HB 1304 as printed on pages 1520-1521 of the House Journal, which motion prevailed.

#### MOTION

**REP. KLOUBEC MOVED** that the rules be suspended and that HB 1304 be deemed properly reengrossed and be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1304:** A BILL for an Act to create and enact a new chapter to title 15 of the North Dakota Century Code, relating to establishing school districts on military installations; to amend and reenact sections 15-27.1-02 and 15-27.1-11 of the North Dakota Century Code, relating to the application of the laws relating to annexation, reorganization, and dissolution of school districts; 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 98 YEAS, 2 NAYS, 6 ABSENT AND NOT VOTING.

**YEAS:** 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; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman;

Ulmer; Urlacher; Vander Vorst; Wald; Watne; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Gilmore; Murphy

ABSENT AND NOT VOTING: Aarsvold; Anderson, R.; Haugen; Peterson; Starke; Wentz

HB 1304 passed, the title was agreed to, and the emergency clause carried.

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MOTION

REP. R. LARSON MOVED that SB 2368, which is on the Fourteenth order, be rereferred to the Committee on Human Services and Veterans Affairs, which motion prevailed. Pursuant to Rep. Larson's motion, SB 2368 was rereferred.

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1383, HB 1643.

MOTIONS

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 1:00 p.m., Wednesday, March 22, 1989, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Education (Rep. Gates, Chairman) to which was referred HB 1663 has had the same under consideration and recommends by a vote of 9 YEAS, 3 NAYS, 4 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create unified school district demonstration projects; to create and enact a new section to chapter 15-40.1 of the North Dakota Century Code, relating to bonus payments for cooperative education programs; to amend and reenact paragraph 2 of subdivision a of subsection 11 of section 15-39.1-04 of the North Dakota Century Code, relating to the members of the teachers' fund for retirement; to provide an appropriation; to provide legislative intent regarding the funding of a portion of the cost of education in the unified school district

demonstration project areas; to provide for a distribution; to provide an expiration date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Paragraph 2 of subdivision a of subsection 11 of section 15-39.1-04 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 2. Unified school district demonstration projects established. The transition officer, under the direction of the board of directors of the North Dakota school boards association, shall establish the boundaries of two unified school district demonstration projects by July 15, 1989. One of the demonstration projects must consist of school districts, the majority of whose property is located west of United States highway 83 and one of the demonstration projects must consist of school districts, the majority of whose property is located east of United States highway 83. School districts desiring to participate in a demonstration project must submit an application to the transition officer by July 1, 1989. The transition officer shall establish the boundaries of each unified school district demonstration project to ensure that no fewer than nine hundred and no more than two thousand four hundred students in grades kindergarten through twelve reside within the demonstration project area. Each unified school district demonstration project must consist of at least six contiguous school districts, and three of the school districts must be school districts operating an approved high school.

SECTION 3. Unified school board. Each unified school district must be governed by a unified school board consisting of one member from each local school board participating in the demonstration project, as designated by the local school board. Unified school board members must be school board members of local public school districts during their term of office on the unified school board. If at any time a unified school board member is unable or unqualified to continue service on the unified school board, the remaining local school board members from the school district in which there is a vacancy shall select another member from their board to serve as the unified school board member. The term of each unified school board member expires at the end of that member's term on the local school board. The initial members of the unified school boards must be selected within thirty days after the boundaries of the demonstration projects are established.

SECTION 4. Unified school district demonstration projects - Planning and organizing - Implementation - Determination of tax levy - Transition.

1. From the effective date of this Act through June 30, 1990, the transition officer, under the direction of the board of directors of the North Dakota school boards association, shall work with the local school boards and the unified school boards to develop a plan for the transition from local school districts to unified school districts. During this period, the local school boards shall be the governing bodies of the school districts within the boundaries of the unified school district demonstration projects and, except as provided in subsection 3, the unified school boards shall serve in an advisory capacity to the local school boards and the transition officer.
2. From July 1, 1990, through June 30, 1991, the transition officer, under the direction of the board of directors of the North Dakota school boards association, the local school boards, and the unified school boards shall implement the plan developed pursuant to this section. The unified school board shall submit the plan to the superintendent of public instruction for review. The superintendent shall review the plan and may make recommendations for changes to the plan to the unified school board and the transition officer. The transition officer and the unified school board must, if the recommendations are approved by the unified school board, implement the recommendations. During this period the unified school boards shall be the governing bodies of the unified school districts and the local school boards shall serve in an advisory capacity to the unified school boards and the transition officer. After June 30, 1990, references to the unified school boards in the demonstration project areas are deemed to mean school boards, references to the unified school districts are deemed to mean school districts, the local school boards of the local school districts within the boundaries of the unified school district demonstration project areas shall be known as local boards, and the local school districts within the boundaries of the unified school districts shall be known as local districts. Board members of local boards shall continue to be elected in the manner provided for the election of other school board members. Unified school board members shall continue to be selected as provided in section 3 of this Act.
3. The unified school board shall determine and levy the amount necessary to meet the expenses of the unified school district for the 1990-91 school year. Tax levies made under this section are subject to the mill levy limitations provided by law.

SECTION 5. Development of plan - Cooperation with other school districts and with colleges or universities.

1. In developing the plan required by section 4 of this Act, consideration must be given to:

- a. Utilizing combined purchasing.
- b. Combining course offerings.
- c. Implementing or utilizing telecommunications to deliver educational courses or programs.
- d. Redistributing staff by, among other things, assigning different roles and duties to teachers and administrators and reducing the number of administrators in the unified school district.
- e. Redesigning bus routes within the unified school district to increase efficiency.
- f. Developing programs for the delivery of special education and related services and vocational education within the unified school district that could be used as models for statewide implementation.
- g. Equalizing mill levies among the local school districts that are members of the unified school district.
- h. Teacher salaries of the teachers employed within the unified school district.

The report required under section 9 of this Act must include the advantages or disadvantages of the programs listed in this section, if utilized or implemented by a unified school district, and of any other programs utilized or implemented by a unified school district.

2. Unified school districts may cooperate with and utilize resources of other school districts and colleges or universities.

SECTION 6. If House Bill No. 1637 is approved by the fifty-first legislative assembly and becomes effective, then 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 program - Bonus payments not available to unified school districts. No unified school district may receive bonus payments under section 1 of House Bill No. 1637.

SECTION 7. Transition officer. The board of directors of the North Dakota school boards association shall employ a transition officer to assist in the planning, organizing, and implementation of the transition from local school districts to unified school districts in the demonstration project areas. The transition officer shall be governed by the board of directors of the North Dakota school boards association.

SECTION 8. Unified school district demonstration projects - Telecommunications - Priority. The superintendent of public instruction or any other state agency distributing state aid to school districts for the purpose of developing and implementing telecommunications for educational purposes shall give priority in the

distribution of such aid to the unified school districts in the demonstration project areas established pursuant to this Act.

SECTION 9. Report to the legislative council and the legislative assembly. The transition officer shall report to a legislative council interim committee on education at the committee's first meeting after July 1, 1990, or at other times if requested by the committee, regarding the status of the unified school district demonstration projects and to the legislative assembly at the organizational session in 1990 regarding the status of the demonstration projects and the feasibility of implementing a unified school district system statewide.

SECTION 10. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$200,000, or so much thereof as may be necessary, to the superintendent of public instruction for the purpose of planning and organizing the unified school district demonstration projects and the sum of \$480,000, or so much thereof as may be necessary, to the superintendent of public instruction, for the purpose of funding a portion of the cost of education in the unified school district demonstration project areas for the period beginning on the effective date of this Act and ending June 30, 1991.

SECTION 11. LEGISLATIVE INTENT. It is the intent of the legislative assembly that each unified school district receive one hundred dollars per pupil in average daily membership in the unified school district during the 1990-91 school year.

SECTION 12. DISTRIBUTION AND ADMINISTRATION OF FUNDS. The superintendent of public instruction shall upon receipt of an acceptable plan in accord with rules pursuant to this Act, at the request and upon submission of vouchers and other appropriate documentation by the transition officer and approved by the transition officer's governing board, certify for payment the money appropriated under section 10 of this Act as appropriate for the administration of this Act.

SECTION 13. EXPIRATION DATE. This Act is effective through June 30, 1991, and after that date is ineffective.

SECTION 14. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

HB 1663 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred HB 1664 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 3 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 "to" insert "create and enact a new subsection to section 32-12.1-02 of the North Dakota Century Code, relating to a definition of state agency; and to"

Page 1, after line 5, insert:

"SECTION 1. A new subsection to section 32-12.1-02 of the 1987 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

"State agency" means an agency, board, commission, bureau, office, department, and institution of state government."

Page 2, line 27, overstrike ", bureau,"

Page 2, line 28, overstrike "or department"

Re-number accordingly

HB 1664 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred HB 1671 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1671 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred HB 1672 has had the same under consideration and recommends by a vote of 13 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

HB 1672 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred HB 1673 has had the same under consideration and recommends by a vote of 12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1673 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 Engrossed SB 2008 has had the same under consideration and recommends by a vote of 21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SB 2008 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred Engrossed SB 2014 has had the same under consideration and recommends by a vote of 18 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 15, replace "1,405,640" with "1,327,990"

Page 1, line 17, replace "1,864,733" with "1,787,083"

Page 1, line 19, replace "609,359" with "531,709"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 709 - COUNCIL ON THE ARTS

The grants line item is reduced from the engrossed bill as follows:

	GENERAL FUND
Community programs	\$ (50,000)
Touring	<u>(27,650)</u>
Total general fund reduction	\$ (77,650)

This amendment provides for increases in the grants line item in excess of the executive budget as follows:

	GENERAL FUND	FEDERAL FUNDS	TOTAL
Arts in education	\$ 10,000	\$	\$ 10,000
Rural arts initiative	<u>50,000</u>	<u>50,000</u>	<u>100,000</u>
Total	\$ 60,000	\$ 50,000	\$ 110,000

SB 2014 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 SB 2023 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 PASS.

SB 2023 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education (Rep. Gates, Chairman) to which was referred Reengrossed SB 2037 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 2, remove ", a new section to chapter 15-59.2"

Page 1, line 5, remove ", sharing of costs by school districts of"

Page 1, line 6, remove "special education programs"

Page 1, line 7, after the semicolon insert "and"

Page 1, line 8, remove "15-59-02.1"

Page 1, line 9, remove "; and to provide an appropriation"

Page 5, remove lines 17 through 29

Page 6, remove lines 1 through 28

Page 7, remove lines 1 through 29

Page 8, remove lines 1 through 15 .

Page 11, remove lines 10 through 14

Page 11, remove lines 20 through 25

Re-number accordingly

Reengrossed SB 2037 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 Engrossed SB 2089 has had the same under consideration and recommends by a vote of 22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SB 2089 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred SB 2110 has had the same under consideration and recommends by a vote of 10 YEAS, 1 NAY, 5 ABSENT AND NOT VOTING that the same DO PASS.

SB 2110 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was rereferred SB 2129 has had the same under consideration and recommends by a vote of 14 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 4, line 13, after "may" insert ", after public notice and hearing,"

Page 4, line 16, after the underscored period insert "The insurance commissioner may not implement a fee increase pursuant to this section to enhance or in any manner add funds to the legislative appropriation for the insurance department."

Re-number accordingly

SB 2129 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred Engrossed SB 2145 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

Engrossed SB 2145 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 rereferred SB 2152 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 15, overstrike "Municipalities" and insert immediately thereafter "Cities"

Page 4, line 3, after "election" insert "or, in the case of school districts, upon petition of at least thirty-five percent of the qualified electors voting at the preceding school board election"

Renumber accordingly

SB 2152 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation (Rep. Timm, Chairman) to which was referred Engrossed SB 2172 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 20, replace "current lessee of" with "property must first be offered for public purposes"

Page 1, remove line 21

Page 1, line 22, remove "described in the lease"

Page 2, line 3, remove the overstrike over "~~for~~"

Page 2, line 4, remove the overstrike over "public purposes", remove "as described in subsection 1", remove the overstrike over the comma, and remove "by"

Page 2, line 5, after "way" insert "lessee operators of grain and potato warehouses located on the property" and remove the overstrike over "~~shall~~"

Page 2, line 6, remove the overstrike

Page 2, line 7, remove the overstrike over "~~acquire the~~" and remove "lessee of the"

Page 2, line 8, after "property" insert "described in their lease", remove the overstrike over the period, overstrike the comma, and replace "adjoining" with "Adjoining agricultural"

Renumber accordingly

Engrossed SB 2172 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation (Rep. Timm, Chairman) to which was referred Engrossed SB 2187 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 49-11-24, 49-11-28, 49-11-29, and 49-11-30 of the North Dakota Century Code, relating to fencing on railroad rights of way and maintenance of cattleguards and gates.

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

SECTION 1. AMENDMENT. Section 49-11-24 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-11-24. Railroad right of way to be fenced - Fences.

1. Every person, company, or corporation owning or operating any line of railroad or railway within this state shall construct a fence on each side of its right of way and shall maintain such fence and keep it in good repair. Such fence shall be constructed within six months after the completion of the railroad or railway owner or lessee of land abutting any operating railroad's right of way who has a legal fence, as defined in section 47-26-01, along all sides of the land except the side abutting the right of way may make a written request of the owners or operators of the railroad to construct a fence along the right of way. Upon receipt of the request, the owners or operators shall erect, within a reasonable time, a legal fence along the right of way to confine livestock as required by section 36-11-01. The owners or operators shall maintain the fence so long as the owner or lessee maintains the fence around the other sides of the enclosure in good repair.
2. Where the railroad has a fence along its right of way, the owners or operators of the railroad shall maintain the fence without necessity of a request by the owner or lessee so long as the owner or lessee maintains a fence around the other sides of the enclosure in good repair.
3. Except for the penalty and liability imposed by sections 49-11-29 and 49-11-30, the failure to comply with the requirements of this section is not, in itself, evidence of negligence and the fact that this section has been violated is not admissible in any other action.

SECTION 2. AMENDMENT. Section 49-11-28 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-11-28. ~~Cattle guards and swinging~~ Swinging gates - When railroad required to maintain. ~~Every person, company, or corporation owning or operating any line of railroad within this state shall:~~

- 1- ~~Construct and maintain suitable and safe cattle guards on both sides of all public crossings; and~~
- 2- ~~Construct and maintain suitable and safe swinging gates on both sides of all private crossings~~ Upon the written request of the owner or lessee of land abutting the railroad's right of way, the owners or operators of a railroad shall construct and maintain suitable and safe swinging gates on any side of a private crossing enclosed by the railroad under section 49-11-24. The request must be made at the same time a request is made under subsection 1 of section 49-11-24.

SECTION 3. AMENDMENT. Section 49-11-29 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-11-29. Failure to construct fence, cattle guard, or swinging gate - Penalty. Any person owning or operating any line of railroad within this state and refusing or neglecting to comply with any of the provisions of sections 49-11-24 through 49-11-28 shall be is guilty of a class A misdemeanor. A prosecution or conviction under sections 49-11-24 through 49-11-28 shall does not relieve such person from liability for the maiming or killing of livestock on such the right of way by reason of his that person's negligence.

SECTION 4. AMENDMENT. Section 49-11-30 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-11-30. Failure of railroad to fence - Damage to owner of stock - How collected. Any corporation operating a railroad and failing to fence the same against livestock running at large and failing to maintain proper and sufficient cattle guards at all points where the duty to fence or maintain cattle guards exists, shall be is liable to the owner of any stock killed or injured by reason of the want of such fence or cattle guard for the full amount of the damages sustained by the owner, unless the injury was occasioned by the grossly negligent act of the owner of the stock or his the owner's agent. To recover the same, it shall be necessary for the owner of the stock to must prove only the loss of or injury to his the owner's property. Notice in writing that a loss or injury has occurred, accompanied by an affidavit thereof, shall must be served upon an officer of the corporation or upon a station or ticket agent employed by said the corporation in the county where such the loss or injury occurred. If the corporation fails or neglects to pay such damage the damages within ninety days after the notice is served on it, the owner shall be is entitled to recover from the corporation double the amount of damages actually sustained by him the owner, and twenty-five dollars as an attorney's fee when it shall be is adjudged by a court of competent jurisdiction that the claimant is entitled to the amount claimed."

Reumber accordingly

Engrossed SB 2187 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred Engrossed SB 2238 has had the same under consideration and recommends by a vote of 8 YEAS, 5 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

Engrossed SB 2238 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred Engrossed SB 2242 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 2, remove "; and to provide a penalty"

Page 1, line 6, after "32-12.1" insert "or any state agency that unites with another state agency, political subdivision, or both, to self-insure against their legal liabilities"

Page 2, line 5, remove "A government self-insurance pool shall obtain excess insurance or"

Page 2, remove line 6

Page 2, line 7, remove "the commissioner of insurance."

Page 2, line 9, after "assets" insert "unless the pool obtains excess insurance or reinsurance with insurance companies approved for such business by the commissioner of insurance"

Page 4, remove lines 20 through 26

Page 5, remove lines 6 through 13 and lines 22 through 28

Page 6, remove lines 1 through 12

Reumber accordingly

Engrossed SB 2242 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education (Rep. Gates, Chairman) to which was referred Engrossed SB 2260 has had the same under consideration and recommends by a vote of 9 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 3, line 11, replace "may" with "shall"

Reumber accordingly

Engrossed SB 2260 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation (Rep. Timm, Chairman) to which was referred Reengrossed SB 2270 has had the same under consideration and recommends by a vote of 8 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 24-02 of the North Dakota Century Code, relating to formation, composition, and duties of the special road advisory committee; and to amend and reenact section 24-02-37 of the North Dakota Century Code, relating to investment of the state highway fund and the use of income generated for roads benefiting recreational, tourist, and historical areas.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 24-02-37 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-02-37. State highway fund - How expended Priorities for expenditure - Use of investment income for roads benefiting recreational, tourist, and historical areas. The state highway fund, created by law and not otherwise appropriated and allocated, ~~shall~~ must be applied and used for the purposes ~~herein~~ named and in this section, as follows:

1. Except for investment income as provided in subsection 3, the fund must be applied in the following order of priority:
  - ~~1-~~ a. The cost of maintaining the state highway system.
  - ~~2-~~ b. The cost of construction and reconstruction of highways in the amount necessary to match in whatever proportion may be required, federal aid granted to this state by the United States government for road purposes in North Dakota.
  - ~~3-~~ c. Any portion of the highway fund not allocated as provided in ~~subsections~~ subdivisions ~~a and b~~ a and b may be expended for the construction of state highways without federal aid or may be expended in the construction, improvement, or maintenance of such state highways.
2. All funds heretofore appropriated or hereafter appropriated or transferred to the department, whether earmarked or designated for special projects or special purposes or not, shall be placed or transferred into a single state highway fund in the office of the state treasurer and any claims for money expended by the department upon warrants prepared and issued by the ~~department of accounts and purchases~~ office of management and budget and signed by the state auditor under the provisions of this title shall be paid out of the state highway fund by the state treasurer; provided, however, that the commissioner shall keep and maintain complete and accurate records showing that all expenditures have been made in accordance with legislative appropriations and authorizations.
3. The state treasurer shall invest the moneys in the state highway fund and shall deposit any income derived from the investment of that fund in a special fund to be known as the special road fund. Moneys in the special road fund may be used, within the limits of legislative appropriation, exclusively for the construction and maintenance of access roads to and roads within recreational, tourist, and historical areas as designated by the commissioner with the advice of the special road advisory committee. Requests by political subdivisions or state agencies for funding from the special road fund must be made to the commissioner on forms designated by the commissioner. The commissioner may require the political subdivision or state agency to contribute to the cost of the project as a condition of any expenditure authorized from the special road fund.

SECTION 2. A new section to chapter 24-02 of the North Dakota Century Code is hereby created and enacted to read as follows:

Special road advisory committee. The special road advisory committee consists of one member of the senate transportation committee appointed by the president of the senate and one member of the house of representatives transportation committee appointed by the speaker of the house and also the game and fish commissioner, the director of state parks and recreation, the director of the economic development commission, and the highway commissioner. The committee shall meet at

the call of the highway commissioner, who will serve as chairman, to review requests for funding from the special road fund and to advise the highway commissioner regarding funding requested projects. All final decisions regarding funding requested projects are in the sole discretion of the highway commissioner. The members of the commission who are members of the legislative assembly shall be compensated by the department, from moneys appropriated from the special road fund, for attendance at committee meetings at the rate provided in section 54-35-10 and paid for expenses incurred in attending the meetings in the amounts provided by law for other state officers."

Renumber accordingly

Reengrossed SB 2270 was placed on the Sixth 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 2304 has had the same under consideration and recommends by a vote of 15 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 2, line 12, overstrike "and has contracted with the board of county"

Page 2, overstrike lines 13 and 14

Page 2, line 15, overstrike "provided"

Page 2, line 16, replace "and similar senior groups" with "or comparable representative groups in counties or cities that do not have a council on aging"

Renumber accordingly

SB 2304 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred SB 2319 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING that the same DO PASS.

SB 2319 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was rereferred Engrossed SB 2320 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 6, line 13, after "Act" insert "on an ongoing basis during the interims between the 1989, 1991, 1993, and 1995 legislative sessions"

Page 6, line 14, after "in" insert "1990, 1992, and"

Page 8, line 27, remove the overstrike over "~~if a telecommunications company offers both regulated services~~"

Page 8, line 28, remove the overstrike over "~~and services that are unregulated~~" and remove the overstrike over "~~, the~~"

Page 8, remove the overstrike over line 29

Page 9, remove the overstrike over lines 1 and 2

Page 9, line 3, remove the overstrike over "~~the commission in enforcing this section~~" and remove "~~as exempted by action of the~~"

Page 9, line 4, remove "commission pursuant to section 49-21-02.1"

Page 9, line 5, remove "incremental"

Renumber accordingly

Engrossed SB 2320 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred SB 2375 has had the same under consideration and recommends by a vote of 9 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

SB 2375 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred Engrossed SB 2393 has had the same under consideration and recommends by a vote of 12 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 1, line 13, replace "twenty percent of the employer's contribution rate" with "two-hundredths of one percent of the employer's taxable wages"

Page 2, remove lines 3 through 11

Page 2, line 15, remove "However, for each year"

Page 2, remove lines 16 through 19

Page 3, remove lines 13 through 21

Renumber accordingly

Engrossed SB 2393 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred Engrossed SB 2411 has had the same under consideration and recommends by a vote of 11 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 26.1-04-03 of the

North Dakota Century Code, relating to payment of claims for damages to motor vehicles.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 26.1-04-03 of the 1987 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Payment of claims for damages to motor vehicles. If a motor vehicle is damaged and the insured does not intend to repair the motor vehicle, the insurer must pay to the insured the full cost of repairing the damage to the motor vehicle, less sales tax and less the cost of any previous damage to the motor vehicle. However, this subsection does not prohibit an insurer from paying to the insured of the motor vehicle the actual cash value of the motor vehicle prior to it being damaged and taking possession of the motor vehicle as salvage in lieu of paying the cost of repairs."

Renumber accordingly

Engrossed SB 2411 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Natural Resources (Rep. A. Olson, Chairman) to which was referred Engrossed SB 2419 has had the same under consideration and recommends by a vote of 11 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 1, line 1, replace the comma with "and"

Page 1, line 2, remove ", and a new subsection to section 61-20-06"

Page 1, line 3, after "wells" insert "; and to amend and reenact sections 61-20-06 and 61-20-07 of the North Dakota Century Code, relating to the plugging of abandoned water wells"

Page 1, underscore lines 7 and 8

Page 1, line 9, underscore "plug, or cut off and seal or plug the well upon", remove the second "the", and underscore "order of the state"

Page 1, line 10, underscore "engineer", after "engineer" insert "issued", underscore "after", replace "consultation with" with "approval of", and underscore "the board of county commissioners of the"

Page 1, underscore lines 11 through 15

Page 1, line 16, underscore "the state", replace "water commission" with "engineer", and underscore "that the well is not abandoned."

Page 1, underscore lines 19 through 22

Page 2, underscore lines 1 and 2

Page 2, line 3, underscore "unless the owner certifies to the state", replace "water commission" with "engineer", and underscore "that the well is not"

Page 2, underscore line 4

Page 2, replace lines 5 through 9 with:

"SECTION 3. AMENDMENT. Section 61-20-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-20-06. Duties of state ~~water commission~~ engineer. The state ~~water commission~~ engineer shall advise the citizens of the state as to the practicability of measures affecting the underground waters of this state. The state ~~water commission~~ engineer shall:

1. Counsel and consult with the owner and assist ~~him~~ the owner to work out the most desirable control and use of ~~his~~ that person's well.
2. Select at least three representative flowing wells in each county having that number, and as many more as it may deem advisable.
3. Cause the record of their flows and pressures to be taken, from time to time, to learn as much as possible of the decline, fluctuations, and permanence of the artesian supply.
4. Plan and conduct such other investigations as it may find advisable to ascertain the best method of prolonging the utility of the same.
5. Keep a record of the location, size, depth, flow, size of flow, character of water, construction, and history of all artesian wells of the state, and keep it on file for public reference.
6. Secure the enforcement of all laws pertaining to artesian and phreatic waters of the state.
7. Publish from time to time, as it may deem advantageous, bulletins containing information concerning the artesian wells and phreatic waters of the state.
8. Advise the owner of land on which an abandoned artesian or flowing well is located, of appropriate measures or procedures to seal, plug, or cut off and seal or plug the well.

The state ~~water commission~~ engineer may make such additional reasonable rules and regulations governing such wells as ~~it~~ the state engineer shall determine.

SECTION 4. AMENDMENT. Section 61-20-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-20-07. Enforcement of chapter by state ~~water commission~~ engineer - Appeal. The provisions of this chapter ~~shall~~ must be

enforced by the state ~~water commission engineer~~. An appeal from the ~~commission's state engineer's~~ ruling may be taken under the provisions of chapter 28-32."

Renumber accordingly

Engrossed SB 2419 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred Engrossed SB 2422 has had the same under consideration and recommends by a vote of 13 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

Engrossed SB 2422 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred Engrossed SB 2451 has had the same under consideration and recommends by a vote of 12 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

Engrossed SB 2451 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred Engrossed SB 2465 has had the same under consideration and recommends by a vote of 9 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

Engrossed SB 2465 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred Engrossed SB 2473 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, remove "to require the use of a pupil's legal surname in schools;"

Page 1, line 2, remove "and"

Page 1, remove lines 5 through 12

Renumber accordingly

Engrossed SB 2473 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred Engrossed SB 2502 has had the same under consideration and recommends by a vote of 10 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SB 2502 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred SB 2527 has had the same under consideration and recommends by a vote of 9 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

SB 2527 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation (Rep. Hausauer, Chairman) to which was referred Engrossed SCR 4033 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

Engrossed SCR 4033 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