

## JOURNAL OF THE HOUSE

## Fifty-second Legislative Assembly

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Bismarck, February 20, 1991

The House convened at 9:00 a.m., with Speaker R. Anderson presiding.

The prayer was offered by Representative Alice Olson.

The roll was called and all members were present except Representatives Gorman, Jensen, and Thorpe.

A quorum was declared by the Speaker.

CORRECTION and REVISION of the JOURNAL (Rep. Schmidt, Chairman)  
 MR. SPEAKER: Your Committee on Correction and Revision of the Journal has carefully reexamined the Journal of the Twenty-ninth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 521, line 36, delete the words "REP. KLOUBEC MOVED that"

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

## MOTIONS

REP. KLOUBEC MOVED that the rules be suspended and that the House consider all amendments on the Sixth order in one motion, which motion prevailed.

REP. KLOUBEC MOVED that the rules be suspended and that all amendments on the Sixth order of business to HB 1020, HB 1060, HB 1061, HB 1227, HB 1232, HB 1265, HB 1300, HB 1321, HB 1363, HB 1385, HB 1420, HB 1443, HB 1491, HB 1522, HB 1524, HB 1525, HB 1544, HB 1563, HB 1571, HB 1575, HB 1589, HB 1590, HB 1594, and HCR 3034 be adopted, which motion prevailed.

HB 1020, HB 1060, HB 1061, HB 1227, HB 1232, HB 1265, HB 1300, HB 1321, HB 1363, HB 1385, HB 1420, HB 1443, HB 1491, HB 1522, HB 1525, HB 1544, HB 1563, HB 1571, HB 1575, HB 1589, HB 1590, HB 1594, and HCR 3034, as amended, were placed automatically on the Eleventh order of business.

HB 1524, as amended, was rereferred to the Committee on Appropriations.

## HOUSE ENGROSSING REPORT

The following bills were engrossed: HB 1002, HB 1013, HB 1017, HB 1139 (emergency clause removed), HB 1219, HB 1221, HB 1251, HB 1266, HB 1270, HB 1327, HB 1328, HB 1383, HB 1433, HB 1478, HB 1483, HB 1500, HB 1513, HB 1530, HB 1552, HB 1560, HB 1566, HB 1568.

## SECOND READING OF HOUSE BILLS

HB 1002: A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch; and to amend and reenact sections 27-02-02 and 27-05-03 of the North Dakota Century Code, relating to the salaries of the judges of the supreme and district courts.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 102 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Deizer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gertholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kolbo;

Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Jensen; Kloubec; Thorpe

HB 1002 passed and the title was agreed to.

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HB 1013: A BILL for an Act making an appropriation for defraying the expenses of the state fair association.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 99 YEAS, 2 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Hanson; Oban

ABSENT AND NOT VOTING: Gorman; Jensen; Kloubec; Meyer; Thorpe

HB 1013 passed and the title was agreed to.

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HB 1017: A BILL for an Act making an appropriation for defraying the expenses of the commissioner of university and school lands; and to provide for an appropriation of funds from the oil and gas impact grant fund.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 102 YEAS, 1 NAY, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar;

Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Nelson

ABSENT AND NOT VOTING: Gorman; Jensen; Thorpe

HB 1017 passed and the title was agreed to.

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HB 1219: A BILL for an Act to amend and reenact sections 54-45-01, 54-45-02, 54-45-03, 65-06.1-01, and 65-06.1-02 of the North Dakota Century Code, relating to the civil air patrol; and to repeal section 54-45-04 of the North Dakota Century Code, relating to the civil air patrol.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 103 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Jensen; Thorpe

HB 1219 passed and the title was agreed to.

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MOTION

REP. TOLLEFSON MOVED that the House waive the reading of the titles to HB 1221, HB 1478, and HB 1500, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1221: A BILL for an Act to create and enact eight new sections to chapter 39-06.2 and a new subdivision to subsection 1 of section 39-06.2-10 of the North Dakota Century Code, relating to alcohol-related offenses in a commercial motor vehicle, implied consent requirements, hearings, sanctions, and judicial appeals, temporary driver permits, and operating a commercial motor vehicle while having an alcohol concentration of four one-hundredths of one percent by weight or greater; and to amend and reenact subsections 4 and 7 of section 39-06-32, subsection 2 of section 39-06.2-04, section 39-06.2-11, and subsection 1 of section 39-20-07 of the North Dakota Century Code, relating to sanctions for violating the implied consent laws of another state stemming from the operation of a commercial motor vehicle in another state, the employer's notification of certain traffic offenses, providing a class D driver's license when a commercial driver's license is suspended, revoked, or disqualified, and alcohol concentration and its application to chapter 39-06.2 of the North Dakota Century Code.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 19 YEAS, 83 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Belter; Berg, R.; Boucher; Brokaw; Carlisle; Cleary; DeMers; Henegar; Kunkel; Laughlin; Linderman; Muhs; Porter; Price; Rydell; Scherber; Snyder; Tollefson; Wentz

NAYS: Aarsvold; Anderson, B.; Bateman; Berg, G.; Bernstein; Bodine; Boehm; Brown; Byerly; Carlson; Clayburgh; Coats; Dalrymple; Delzer; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Larson; Mahoney; Martin; Martinson; Meyer; Miller; Mutzenberger; Myrdal; Nelson; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Pyle; Rennerfeldt; Ring; Ritter; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Trautman; Urlacher; Wald; Wardner; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Jensen; Nicholas; Thorpe

HB 1221 was declared lost.

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HB 1251: A BILL for an Act to amend and reenact section 54-03-01.5 of the North Dakota Century Code, relating to legislative apportionment requirements.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 13 YEAS, 90 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bernstein; Carlisle; Dorso; Gorder; Kloubec; Larson; Payne; Ritter; Rydell; Schmidt; Soukup; Thompson; Whalen

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kolbo; Kretschmar; Kroeber; Kunkel; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Scherber; Schimke; Schindler; Schneider; Shide; Skar; Skjerven; Snyder; St. Aubyn; Starke; Stofferahn; Svedjan; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Jensen; Thorpe

HB 1251 was declared lost.

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HOUSE ENGROSSING REPORT

The following bill was engrossed: HB 1524.

SECOND READING OF HOUSE BILLS

HB 1266: A BILL for an Act to allow governmental units to enter energy efficiency performance-based contracts to provide guaranteed energy savings in buildings owned by governmental units.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 14 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gorder; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nowatzki; Oban; Olsen, D.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schindler; Schmidt; Shide; Skar; Snyder; St. Aubyn; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams

NAYS: Brown; Coats; Enget; Gilmore; Goffe; Grosz; Linderman; Mahoney; Nichols; Schimke; Schneider; Skjerven; Soukup; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Jensen; Olson, A.; Stofferahn; Thorpe

HB 1266 passed and the title was agreed to.

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HB 1270: A BILL for an Act to create and enact a new chapter to title 53 of the North Dakota Century Code, relating to the limitation of liability of an equine activity sponsor or an equine professional; and to provide for application of this Act.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 79 YEAS, 24 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Delzer; DeWitz; Dorso; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Howard; Kelsch; Kerzman; Kloubec; Kolbo; Kroeber; Kunkel; Larson; Laughlin; Linderman; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Porter; Price; Pyle; Rennerfeldt; Ritter; Rydell; Schimke; Schindler; Schmidt; Shide; Skar; Skjerven; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Whalen; Speaker R. Anderson

NAYS: Aarsvold; Anderson, B.; Bodine; Carlson; Coats; Dalrymple; DeMers; Enget; Hokana; Huether; Jacobson; Kaldor; Kretschmar; Mahoney; Nichols; Peterson; Ring; Scherber; Schneider; Snyder; Stofferahn; Wentz; Wilkie; Williams

ABSENT AND NOT VOTING: Gorman; Jensen; Thorpe

HB 1270 passed and the title was agreed to.

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HB 1327: A BILL for an Act to amend and reenact section 6-09.4-06 of the North Dakota Century Code, relating to lending and borrowing powers of the municipal bond bank.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 102 YEAS, 1 NAY, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Freier

ABSENT AND NOT VOTING: Gorman; Jensen; Thorpe

HB 1327 passed and the title was agreed to.

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HB 1328: A BILL for an Act to create and enact a new section to chapter 47-16 of the North Dakota Century Code, relating to renewal of leases of residential real property and presumed lease renewals.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 101 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Hausauer; Jensen; Schmidt; Thorpe

HB 1328 passed and the title was agreed to.

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HB 1383: A BILL for an Act to provide for the creation of an aircraft repair and maintenance lien; and to amend and reenact sections 11-18-14 and 35-21-01 of the North Dakota Century Code, relating to the duties of the county register of deeds and to release of liens.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 79 YEAS, 23 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Goffe; Gorder; Grosz; Grumbo; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kelsch; Kloubec; Kolbo; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Miller; Muhs; Myrdal; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Payne; Porter; Price; Rennerfeldt; Rydell; Schimke; Schindler; Schmidt; Shide; Skar; Skjerven; Snyder; St. Aubyn; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Speaker R. Anderson

**NAYS:** Carlson; Clayburgh; Cleary; Enget; Gilmore; Hanson; Kaldor; Kerzman; Kretschmar; Kroeber; Meyer; Mutzenberger; Nelson; Nichols; Oban; Peterson; Pyle; Ring; Ritter; Scherber; Schneider; Stofferahn; Williams

**ABSENT AND NOT VOTING:** Gorman; Jensen; Soukup; Thorpe

HB 1383 passed and the title was agreed to.

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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 1001, HB 1010, HB 1048, HB 1185, HB 1186, HB 1187, HB 1188, HB 1189, HB 1190, HB 1249, HB 1252, HB 1391, HB 1394, HB 1402, HB 1441, HB 1499, HB 1519, HB 1581.

## SECOND READING OF HOUSE BILLS

HB 1433: A BILL for an Act to amend and reenact subsections 4, 5, 9, and 10 of section 39-01-15 of the North Dakota Century Code, relating to parking privileges for mobility-impaired persons; to provide a penalty; and to provide a continuing appropriation.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 103 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

**ABSENT AND NOT VOTING:** Gorman; Jensen; Thorpe

HB 1433 passed and the title was agreed to.

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HB 1478: A BILL for an Act relating to state meat inspection; to repeal chapter 36-23.1 of the North Dakota Century Code, relating to meat inspection; and to provide an expiration date.

MOTION

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 68 YEAS, 34 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Bodine; Boucher; Brokaw; Carlson; Clayburgh; Cleary; Coats; DeMers; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gilmore; Goffe; Gorder; Grumbo; Hanson; Henegar; Hokana; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kolbo; Kretschmar; Kroeber; Kunkel; Laughlin; Linderman; Mahoney; Martin; Meyer; Muhs; Mutzenberger; Nelson; Nicholas; Nichols; Nowatzki; Oban; Peterson; Porter; Price; Pyle; Ring; Ritter; Scherber; Schimke; Schneider; Skar; Skjerven; Snyder; St. Aubyn; Starke; Stofferahn; Svedjan; Trautman; Urlacher; Wald; Wardner; Wentz; Wilkie; Williams

NAYS: Bateman; Belter; Bernstein; Boehm; Brown; Byerly; Carlisle; Dalrymple; Delzer; DeWitz; Dorso; Gerntholz; Grosz; Hausauer; Howard; Kloubec; Larson; Martinson; Miller; Myrdal; Olsen, D.; Olson, A.; Payne; Rennerfeldt; Rydell; Schindler; Schmidt; Shide; Soukup; Thompson; Timm; Tollefson; Whalen; Speaker R. Anderson

ABSENT AND NOT VOTING: Berg, R.; Gorman; Jensen; Thorpe

HB 1478 passed and the title was agreed to.

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MOTION

REP. KLOUBEC MOVED that the House stand in recess until 10:40 a.m., which motion prevailed.

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

SECOND READING OF HOUSE BILL

HB 1483: A BILL for an Act to amend and reenact subsection 3 of section 43-17-18 of the North Dakota Century Code, relating to the qualifications of foreign medical graduates for a license to practice medicine.

ROLL CALL

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

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Flaagan; Gordner; Gorman; Jensen; Nicholas; Thorpe; Tollefson

HB 1483 passed and the title was agreed to.

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MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)  
MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2007, SB 2065, SB 2188, SB 2221, SB 2275, SB 2284, SB 2354, SB 2361, SB 2459, SB 2504, SB 2528, SB 2539, SB 2542, SB 2559, SB 2566.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)  
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1127.

Page 1, line 1, replace "subsection" with "subsections" and after "1" insert ", 4, and 5"

Page 1, line 2, replace "for" with "and other"

Page 1, line 3, replace "restriction purposes" with "restrictions"

Page 1, line 5, replace "Subsection" with "Subsections" and after "1" insert ", 4, and 5"

Page 1, line 6, replace "is" with "are"

Page 1, after line 10, insert:

4. "Employee" means a person who performs services for an employer, who employs ~~ten~~ one or more individuals, for compensation, whether in the form of wages, salaries, commission, or otherwise. "Employee" does not include a person elected to public office in the state or political subdivision by the qualified voters thereof, or a person chosen by the officer to be on the officer's political staff, or an appointee on the policymaking level or an immediate advisor with respect to the exercise of the constitutional or legal powers of the office. Provided, "employee" does include a person subject to the civil service or merit system or civil service laws of the state government, governmental agency, or a political subdivision.
5. "Employer" means a person within the state who employs ~~ten~~ one or more full-time employees for more than one quarter of the year, and a person wherever situated who employs ~~ten~~ one or more employees whose services are to be partially or wholly performed in the state."

Renumber accordingly

#### SECOND READING OF HOUSE BILLS

HB 1500: A BILL for an Act to create and enact a new subsection to section 38-08-08 of the North Dakota Century Code, relating to the imposition of a risk penalty on leasehold owners who elect not to pay in advance their proportionate share of the costs of drilling an oil or gas well.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 9 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brown; Byerly; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; DeMers; DeWitz; Dorso; Enget; Erickson; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch;

Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Williams

NAYS: Brokaw; Carlson; Delzer; Freier; Kerzman; Nelson; Ring; Wilkie; Speaker R. Anderson

ABSENT AND NOT VOTING: Flaagan; Gorder; Gorman; Jensen; Thorpe

HB 1500 passed and the title was agreed to.

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HB 1513: A BILL for an Act to create and enact a new subsection to section 12.1-27.1-01 and a new section to chapter 12.1-27.2 of the North Dakota Century Code, relating to enhanced penalties for obscenity offenses.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 99 YEAS, 1 NAY, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Ring

ABSENT AND NOT VOTING: Gorder; Gorman; Jensen; Snyder; Thompson; Thorpe

HB 1513 passed and the title was agreed to.

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HB 1530: A BILL for an Act to create and enact a new section to chapter 18-10 of the North Dakota Century Code, relating to firebreaks.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 57 YEAS, 46 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Bodine; Boucher; Brokaw; Carlson; Clayburgh; Cleary; Coats; DeMers; DeWitz; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gilmore; Goffe; Grumbo; Hanson; Hokana; Huether; Jacobson; Kaldor; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mutzenberger; Myrdal; Nelson; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Peterson; Pyle; Ring; Rydell; Scherber; Schindler; Schneider; Skjerven; Snyder; Starke; Stofferahn; Svedjan; Tollefson; Trautman; Wilkie; Williams; Speaker R. Anderson

**NAYS:** Anderson, B.; Bateman; Berg, G.; Berg, R.; Bernstein; Boehm; Brown; Byerly; Carlisle; Dalrymple; Delzer; Dorso; Gerntholz; Gorder; Grosz; Hausauer; Henegar; Howard; Kelsch; Kerzman; Kloubec; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Nicholas; Payne; Porter; Price; Rennerfeldt; Ritter; Schimke; Schmidt; Shide; Skar; Soukup; St. Aubyn; Thompson; Timm; Urlacher; Wald; Wardner; Wentz; Whalen

**ABSENT AND NOT VOTING:** Gorman; Jensen; Thorpe

HB 1530 passed and the title was agreed to.

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**HB 1552:** A BILL for an Act to create and enact a new subsection to section 20.1-02-05 of the North Dakota Century Code, relating to the powers of the game and fish commissioner; and to provide an appropriation.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 65 YEAS, 38 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bateman; Berg, R.; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Cleary; Coats; Delzer; DeWitz; Enget; Erickson; Flaagan; Freier; Gabrielson; Gilmore; Gorder; Grosz; Grumbo; Hausauer; Hokana; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kunkel; Laughlin; Linderman; Mahoney; Meyer; Miller; Muhs; Myrdal; Nelson; Nichols; Olsen, D.; Olson, A.; Peterson; Porter; Price; Rennerfeldt; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Urlacher; Wald; Whalen; Wilkie; Williams; Speaker R. Anderson

**NAYS:** Anderson, B.; Belter; Berg, G.; Bernstein; Carlisle; Carlson; Clayburgh; Dalrymple; DeMers; Dorso; Gates; Gerntholz; Goffe; Hanson; Henegar; Howard; Kretschmar; Kroeber; Larson; Martin; Martinson; Mutzenberger; Nicholas; Nowatzki; Oban; Payne; Pyle; Ring; Ritter; Rydell; Scherber; Skjerven; Snyder; Soukup; St. Aubyn; Trautman; Wardner; Wentz

**ABSENT AND NOT VOTING:** Gorman; Jensen; Thorpe

HB 1552 passed and the title was agreed to.

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**HB 1560:** A BILL for an Act to create and enact two new sections to chapter 20.1-02 of the North Dakota Century Code, relating to the private land habitat improvement program committee.

**MOTION**

REP. R. BERG MOVED the previous question, which motion prevailed.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 59 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Anderson, B.; Bateman; Berg, G.; Berg, R.; Boehm; Boucher; Brokaw; Brown; Coats; Delzer; DeWitz; Erickson; Flaagan; Freier; Gabrielson; Gilmore; Grosz; Hokana; Huether; Jacobson; Kaldor; Kerzman; Kunkel; Laughlin; Meyer; Miller; Muhs; Myrdal; Nelson; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Peterson; Schimke; Schneider; Shide; Skar; Starke; Stofferahn; Urlacher; Wilkie

**NAYS:** Belter; Bernstein; Bodine; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Dalrymple; DeMers; Dorso; Enget; Gates; Gerntholz; Goffe; Gorder; Grumbo; Hanson; Hausauer; Henegar; Howard; Kelsch; Kloubec;

Kolbo; Kretschmar; Kroeber; Larson; Linderman; Mahoney; Martin; Martinson; Mutzenberger; Nichols; Oban; Payne; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schindler; Schmidt; Skjerven; Snyder; Soukup; St. Aubyn; Svedjan; Thompson; Timm; Tollefson; Trautman; Wald; Wardner; Wentz; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Jensen; Thorpe; Whalen

HB 1560 was declared lost.

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MOTION

REP. KLOUBEC MOVED that the House stand in recess until 1:00 p.m., which motion prevailed.

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

REPORTS OF STANDING COMMITTEES

HB 1008: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 10, replace "435,499" with "386,989"

Page 1, line 11, replace "15,336" with "12,216"

Page 1, line 12, replace "812,958" with "758,708"

Page 1, line 15, replace "1,340,000" with "1,531,000"

Page 1, line 16, replace "3,009,793" with "3,094,913"

Page 1, line 17, replace "2,701,697" with "2,801,697"

Page 1, line 18, replace "308,096" with "293,216"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 412 - AERONAUTICS COMMISSION

This amendment provides for funding the Civil Air Patrol from the grants line item which is increased by \$91,000 from the general fund instead of funding the Civil Air Patrol through the salaries and wages line item which is reduced by \$48,510 from the general fund; the Information Services Division line item which is reduced by \$3,120 from the general fund; and the operating expenses line item is reduced by \$54,250 from the general fund. This provides a net reduction of \$14,880 from the general fund.

This amendment also provides an additional \$100,000 from the aviation fuel tax fund for grants to secondary airports for construction.

HB 1011: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (18 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 6, replace "securities regulatory" with "general"

Page 1, line 12, replace "197,625" with "56,736"

Page 1, line 14, replace "special funds" with "general fund" and replace "700,457" with "559,568"

Reumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 414 - SECURITIES COMMISSION

This amendment changes the source of funding of \$700,457 from the securities regulatory fund to \$559,568 from the general fund. This amendment makes the following changes:

<u>Operating Expenses</u>	<u>Special Fund</u>
Deletes funds for rent expenses billed to special funded agencies	\$ 4,189
Deletes funds allocated for intergovernmental services billed to special funded agencies	14,000
Deletes funds for the services of the assistant Attorney General billed to special funded agencies	122,700
Total decrease in funds	<u>\$140,889</u>

HB 1018: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 11, replace "259,973" with "109,651"

Page 1, line 12, replace "8,303" with "3,503"

Page 1, line 13, replace "336,761" with "23,035"

Page 1, line 15, replace "3,720,936" with "1,720,936"

Page 1, line 16, replace "4,329,173" with "1,860,325"

Page 1, line 17, replace "2,217,798" with "1,755,383"

Page 1, line 18, replace "2,111,375" with "104,942"

Page 1, after line 18, insert:

"SECTION 2. CHILDREN'S SERVICES PROGRAMS. Current service programs for children (families first) provided in regions 3 and 4 shall be transferred to the department of human services and department of public instruction and funded from the general fund and from special funds, derived from federal funds and other income, to the extent necessary to maximize grants available from the Annie E. Casey foundation."

Reumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 324 - CHILDREN'S SERVICES COORDINATING COMMITTEE

This amendment eliminates the families first project administration program including two FTE positions added in the executive budget as follows:

	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
Salaries and wages	\$(6,433)	\$ (48,748)	\$ (95,141)	\$(150,322)
Information services		\$ (2,400)	\$ (2,400)	\$ (4,800)
Operating expenses		\$(208,882)	\$(104,844)	\$(313,726)
Total	\$(6,433)	\$(260,030)	\$(202,385)	\$(468,848)

This amendment removes the \$2,000,000 general fund appropriation in this budget for the following grants to other state agencies for children at risk programs: (It is the intention of the Legislative Assembly that the funding for children at risk programs removed from this budget will be addressed in the budgets of the Department of Human Services and Department of Public Instruction.)

Department of Human Services	
Regional prevention and intervention	\$ 150,000
Day treatment	141,432
Children and adolescents at risk teams	1,129,445
Children's psychiatric team	347,487
Department of Public Instruction	
Day treatment	173,916
Department of Corrections and Rehabilitation	
Day treatment	<u>57,720</u>
Total	\$2,000,000

In addition, a section is added to the bill providing that current children's services programs provided in Region 3 (counties of Ramsey, Cavalier, Towner, Benson, Eddy, and Rolette) and Region 4 (counties of Walsh, Nelson, Pembina, and Grand Forks) be transferred to the Department of Human Services and Department of Public Instruction and funded from the general fund and from federal and other funds to match grants available from the Annie E. Casey Foundation.

HB 1023: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide an appropriation relating to pay equity adjustments; to provide requirements for the expenditure of funds for pay equity adjustments; and to provide for progress reports to the legislative council.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. EMERGENCY COMMISSION - APPROPRIATION - PAY EQUITY. The emergency commission may approve the expenditures of up to \$2,000,000 of special funds derived from federal funds and other income, which are hereby appropriated for pay equity adjustments during the biennium beginning July 1, 1991, and ending June 30, 1993. This additional spending authority may be approved by the emergency commission upon request of state agencies and institutions, only after the office of management and budget has determined that appropriations made by the fifty-second legislative assembly are insufficient to allow such payments.

SECTION 2. PAY EQUITY IMPLEMENTATION FUND. Any moneys in the pay equity implementation fund created by House Bill No. 1035 of the

fifty-first legislative assembly may be disbursed only for pay equity adjustments for persons whose compensation is paid from the state general fund.

**SECTION 3. PAY EQUITY ADJUSTMENTS.** State agencies and institutions may only make pay equity adjustments during the 1991-93 biennium to the extent moneys are available for such adjustments. Any moneys to be spent from the pay equity fund or pursuant to the special fund appropriation provided by section 1 of this Act may be made only after the office of management and budget determines that sufficient funds are available to pay the pay equity adjustment for the remainder of the biennium, and that other appropriations are insufficient to provide for the payment of approved pay equity adjustments including those relating to work hazards.

**SECTION 4. HAZARDOUS CONDITIONS.** The central personnel division may only apply hazardous condition adjustments to positions based on severity of hazard and frequency of exposure to hazard.

**SECTION 5. LEGISLATIVE COUNCIL - PROGRESS REPORTS.** The office of management and budget shall periodically report to the legislative council or its designated committee its progress in determining necessary pay equity adjustments, and its findings resulting therefrom including the cost of full implementation of pay equity recommendations, for the 1993-95 biennium. The legislative council shall report its findings and recommendations together with any legislation required to implement the recommendations, to the fifty-third legislative assembly."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

The amendment provides a \$2,000,000 special fund appropriation for pay equity requirements for the expenditure of the moneys to be spent pursuant to this appropriation, and for the Legislative Council to monitor the study of the implementation of pay equity including hazard factors. Section 1 of the bill as introduced is not necessary since special funded agencies have sufficient funds which can be spent within the limits of current appropriations to make the necessary pay equity adjustments.

HB 1110: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (9 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 5, after "practices" insert "under the supervision of a licensed physician"

Renumber accordingly

HB 1158, as reengrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends DO NOT PASS (20 YEAS, 1 NAYS, 2 ABSENT AND NOT VOTING). HB 1158 was placed on the Eleventh order on the calendar.

HB 1275: Committee on Appropriations (Rep. Thompson, Chairman) recommends DO NOT PASS (21 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1275 was placed on the Eleventh order on the calendar.

HB 1384: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

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

- Page 1, line 6, after the period insert "This Act does not condone, authorize, or approve mercy killing, or permit an affirmative or deliberate act or omission to end life, other than to allow the natural process of dying."
- Page 1, line 7, replace "Defintions" with "Definitions"
- Page 2, line 1, after the first "consent" insert "to", after the second "consent" insert "to", and remove "or"
- Page 2, line 2, after "to" insert ", or request for"
- Page 3, line 10, remove "voluntary"
- Page 3, line 11, replace "any state institution or to a voluntary sterilization" with "a mental health facility, state institution, or security unit of a long-term care facility for a period of more than forty-five days without a mental health proceeding or other court order, or to psychosurgery, abortion, or sterilization, unless the procedure is first approved by court order"
- Page 4, after line 7, insert:
- "SECTION 6. Acceptance of appointment - Withdrawal. To be effective, the agent must accept the appointment in writing. Subject to the right of the agent to withdraw, the acceptance creates a duty for the agent to make health care decisions on behalf of the principal at such time as the principal becomes incapable. Until the principal becomes incapable, the agent may withdraw by giving notice to the principal. After the principal becomes incapable, the agent may withdraw by giving notice to the attending physician. The attending physician shall cause the withdrawal to be recorded in the principal's medical record."
- Page 5, line 18, replace "actively assist in selecting another provider" with "take all reasonable steps to transfer care of the principal to another health care provider"
- Page 6, line 5, replace "a regional" with "an"
- Page 7, line 8, after "faith" insert "and with ordinary care"
- Page 7, line 11, remove "This section does not provide immunity"
- Page 7, remove line 12
- Page 7, line 28, replace "16" with "17" and replace "must" with "may"
- Page 7, line 29, replace "only" with "preferred"
- Page 8, line 2, remove "and must be referred to as such"
- Page 8, remove lines 3 and 4
- Page 8, line 28, after the first "to" insert "request,"
- Page 8, line 29, replace the second "to" with "for"
- Page 9, line 1, after "condition" insert "if you are unable to do so yourself"
- Page 13, line 17, after the period insert "Your agent may withdraw whether or not you are capable of designating another agent."
- Page 15, after line 22, insert:

"10. ACCEPTANCE OF APPOINTMENT OF POWER OF ATTORNEY. I accept this appointment and agree to serve as agent for health care decisions. I understand I have a duty to act consistently with the desires of the principal as expressed in this appointment. I understand that this document gives me authority over health care decisions for the principal only if the principal becomes incapable. I understand that I must act in good faith in exercising my authority under this power of attorney. I understand that the principal may revoke this power of attorney at any time in any manner.

If I choose to withdraw during the time the principal is competent I must notify the principal of my decision. If I choose to withdraw when the principal is incapable of making the principal's health care decisions, I must notify the principal's physician.

\_\_\_\_\_  
(Signature of agent/date)

\_\_\_\_\_  
(Signature of alternate agent/date)

#### SECTION 18. Penalties.

1. A person who, without authorization of the principal, willfully alters or forges a power of attorney or willfully conceals or destroys a revocation with the intent and effect of causing a withholding or withdrawal of life sustaining procedures which hastens the death of the principal is guilty of a class C felony.
2. A person who, without authorization of the principal, willfully alters, forges, conceals, or destroys a power of attorney or willfully alters or forges a revocation of a power of attorney is guilty of a class A misdemeanor.
3. The penalties provided in this section do not preclude application of any other penalties provided by law."

Renumber accordingly

HB 1462, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends DO PASS (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1462 was placed on the Eleventh order on the calendar.

HB 1477: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after the words "A BILL" replace the remainder of the bill with "for an Act to provide for utilization review of health care services; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

#### SECTION 1. Purposes. The purposes of this Act are to:

1. Promote the delivery of quality health care in a cost-effective manner;
2. Foster greater communication and coordination between third-party payors, health care providers, and others conducting utilization review activities;

3. Protect patients, employers, and health care providers by ensuring that utilization review agents are qualified to perform utilization review activities;
4. Ensure that utilization review agents maintain the confidentiality of medical records in accordance with applicable law;
5. Ensure that utilization review agents do not have direct financial incentive to deny medically necessary care; and
6. Protect patients' health care interests through public access to the standards used in utilization review activities.

SECTION 2. Definitions. In this Act, unless the context otherwise requires:

1. "Commissioner" means commissioner of insurance.
2. "Health care services" means acts of diagnosis, treatment, medical or psychiatric evaluation, or chemical dependency or advice, or other acts as may be permissible under the health care licensing statutes of this state.
3. "Utilization review" means a system for reviewing the appropriate and efficient allocation of health care services given or proposed to be given to a patient or a group of patients.
4. "Utilization review agent" means a nonhospital-affiliated person performing a utilization review that is either affiliated with, under contract with, or acting on behalf of:
  - a. An employer of employees in this state; or
  - b. A third party that provides or administers hospital and medical benefits to citizens of this state, including:
    - (1) A health maintenance organization issued a certificate of authority under the laws of this state; and
    - (2) A health insurer, nonprofit health service plan, health insurance service organization, or preferred provider organization or other persons offering health insurance policies, contracts, or benefits in this state.
5. "Utilization review plan" means a description of the standards and procedures governing utilization review activities performed by a utilization review agent.

SECTION 3. Registration. All entities performing utilization review shall file an annual registration with the commissioner on a form supplied by the commissioner. Registration must be made annually on or before March first of each calendar year. The registrant shall sign and verify the registration. The registration must include the following information and meet the following standards:

1. Name, address, telephone number, and normal business hours of the utilization review agent; and the name and telephone number of a person for the commissioner to contact.
2. Standards and review criteria used in evaluating proposed or delivered health care services.

3. The provisions by which a patient or health care provider may seek reconsideration or appeal of an adverse decision by the utilization review agent. A utilization review agent shall maintain and make available a written description of the appeal procedure by which enrollees or the provider of record may seek review of a determination by the utilization review agent. The appeal procedure must provide for the following:
  - a. On appeal, all determinations not to certify an admission, service, or procedure as being necessary or appropriate must be made by a physician.
  - b. A utilization review agent shall complete the adjudication of an appeal of a determination not to certify an admission, service, or procedure no later than thirty days from the date the appeal is filed, and all information necessary to complete the appeal is received.
  - c. A utilization review agent shall provide for an expedited appeals process for an emergency or life-threatening situation. A utilization review agent shall complete the adjudication of an expedited appeal within forty-eight hours of the date the appeal is filed, and all information necessary to complete the appeal is received.
4. The type and qualifications of the personnel employed or under contract to perform the utilization review. A physician making a utilization review determination must have current licenses from a state licensing agency in the United States.
5. The procedures and policies to ensure that a representative of the utilization review agent is reasonably accessible to patients, patients' families, and health care providers. The procedures and policies must provide for:
  - a. A utilization review agent to make staff available by toll-free telephone at least forty hours per week during normal business hours.
  - b. A utilization review agent to have a telephone system capable of accepting or recording incoming telephone calls during other than normal business hours, and to respond to these calls within two working days.
  - c. In the event of medical emergencies, payment not to be denied, on the basis of being medically inappropriate, for treatment rendered during a period when the review agent is not accessible.
  - d. A utilization review agent to allow a minimum of twenty-four hours following an emergency admission, service, or procedure for an enrollee or the enrollee's representative to notify the utilization review agent and request certification or continued treatment for that condition.
6. Verification that all applicable laws to protect the confidentiality of individual medical records are followed.
7. Notification of a determination by the utilization review agent must be mailed or otherwise communicated to the provider of record or the enrollee or other appropriate individual within two business days of the receipt of the request for determination, and the receipt of all information necessary to complete the review.

8. A determination by a utilization review agent as to the necessity or appropriateness of an admission, service, or procedure must be reviewed by a physician or be determined in accordance with standards or guidelines approved by a physician.
9. Notification of a determination not to certify an admission or service or procedure must include:
  - a. The principal reason for the determination; and
  - b. The procedures to initiate an appeal of the determination.
10. A list of the third-party payors for whom the utilization review agent is performing utilization review in this state.
11. Notice of any material changes in the information filed in accordance with this section must be filed with the commissioner within thirty days of the change.

SECTION 4. Prohibited compensation arrangements. No person may be employed or compensated as a utilization review agent under any agreement or contract or compensation of the review agent is contingent in any manner upon the denial or reduction in the payment for health care services.

SECTION 5. Complaints. An aggrieved patient or health care provider may file a complaint with the commissioner alleging that a utilization review agent is not in compliance with this Act or the rules adopted under this Act. Any insurance company, health maintenance organization, nonprofit health service corporation, or other entity subject to title 26.1 employing the services of a noncomplying utilization review agent is subject to chapter 26.1-04.

SECTION 6. Necessity of medical or hospital care presumed. If a reconsideration of an appeal of an adverse determination by an appropriate review agent is not commenced within thirty days, it is presumed that the person was in need of medical and hospital care and that care may not be denied based upon a lack of medical necessity. This presumption may be overcome upon a showing by the entity requesting the utilization review or the utilization review agent by clear and convincing evidence that the reconsideration or appeal could not have been commenced within thirty days.

SECTION 7. Preauthorized services - Not reducible. If a course of treatment had been preauthorized or approved for a patient, the utilization review agent may not reduce the approved insurance coverage for the service delivered to the patient after the preauthorization.

SECTION 8. Confidentiality of records. A utilization review agent may not disclose or publish individual medical records or any other confidential medical information obtained in the performance of utilization review activity without the appropriate patient consent in accordance with law.

SECTION 9. List of utilization certified review agents. The commissioner shall provide a list of utilization review agents registered under this Act to all persons requesting the list.

SECTION 10. Waiver. The commissioner may waive the requirements of this Act for a utilization review agent that operates solely under contracts with the state or federal government for utilization review of patients eligible for hospital services under the North Dakota workers' compensation program, title XVIII of the Social Security Act, title XIX of the Social Security Act, and the Civilian Health and Medical Program of the Uniform Services.

SECTION 11. Penalty. The commissioner may impose a civil penalty not to exceed five hundred dollars per violation against any utilization review agent who violates this Act or rules adopted by the commissioner. Each day of noncompliance constitutes a separate violation. A person who willfully violates this Act or the rules adopted under this Act is guilty of a class B misdemeanor."

Renumber accordingly

HB 1494: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and" and after "appropriation" insert "; and to provide an appropriation"

Page 1, line 8, remove "regulated"

Page 2, line 3, remove "any regulated health profession or"

Page 2, line 4, after "regulated" insert "or which becomes regulated after January 1, 1991, pursuant to this Act"

Page 3, line 22, after the comma insert "or become regulated after January 1, 1991, pursuant to this Act"

Page 4, line 12, remove ", or to any remedial or"

Page 4, remove line 13

Page 4, line 14, remove "January 1, 1991"

Page 5, line 21, replace "After January 1, 1991, the" with "The" and remove "regulated"

Page 14, line 11, replace "The state treasurer shall credit to the fund five percent of all" with "By the first day of November"

Page 14, remove lines 12 through 14

Page 14, line 15, remove "or any board of any regulated health profession. On September 1, 1991,"

Page 14, line 16, after "each" insert "odd-numbered" and replace "determine the percentage of all" with "assess each regulatory entity of a"

Page 14, remove line 17

Page 14, line 18, replace "professions to be credited to the fund, except that the" with "profession an amount not exceeding"

Page 14, line 19, remove "percentage may not exceed" and after "percent" insert "of the certification, registration, and licensure fees estimated to be collected by that regulatory entity during the next biennium to provide for the operation and administration of this Act, and shall deposit the moneys in the fund"

Page 14, after line 20, insert:

"SECTION 11. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$4,000, or so much thereof as may be necessary, to the North Dakota regulation of health professions fund for the purpose of the operation and administration of sections 1 through 9 of this Act for the biennium beginning July 1, 1991, and ending June 30, 1993."

Renumber accordingly

HB 1528: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (8 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 12, replace "compile and distribute" with "create a data collection, retention, processing, and reporting system that will allow the distribution of"

Renumber accordingly

HB 1533, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1533 was placed on the Eleventh order on the calendar.

HB 1555: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Committee on Appropriations (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 8, after "defined" insert "health professional"

Page 1, line 11, replace "a" with "an accredited"

Page 1, line 12, after "four-year" insert "allopathic or osteopathic" and replace the comma with a period

Page 1, remove lines 13 through 15

Page 2, line 5, after "with" insert "health professional"

Page 3, line 8, after "defined" insert "health professional"

Page 3, line 10, replace "the" with "a"

Page 4, line 4, after "four-year" insert "allopathic or osteopathic"

Page 4, line 5, replace "which has received" with a semicolon

Page 4, remove lines 6 through 8

Page 4, line 24, after "defined" insert "health professional"

Page 5, remove line 2

Page 5, line 3, replace "f" with "e"

Page 5, line 10, after "with" insert "health professional"

Page 6, line 21, after "with" insert "health professional" and replace "needs" with "need"

Renumber accordingly

HB 1569: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 9, overstrike the period and replace "Before establishing a facility, the" with "in areas of the state where a need exists and no private facilities are available to contract for chemical abuse or dependency treatment services. The"

Page 1, line 13, after the underscored period insert "The department shall contract for these services on the basis of the same unit costs incurred by the department in delivering like services. Each contract entered into pursuant to this section must provide that the private vendor-contractor will accept and treat each chemically dependent or chemical abusing client referred to the vendor pursuant to the contract."

Renumber accordingly

HB 1586: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 43-12.1 of the North Dakota Century Code, relating to a special temporary nursing license by endorsement; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 43-12.1 of the North Dakota Century Code is created and enacted as follows:

Special license by endorsement.

1. The board may issue a temporary license by endorsement to practice as a registered nurse to an applicant from this state if the applicant:
  - a. Has satisfactorily completed an associate degree in a licensed practical nursing program in this state.
  - b. Has been duly licensed as a licensed practical nurse in this state.
  - c. Has completed a screening process as established by the board.
  - d. Has completed a transitional curriculum specified by the board.
  - e. Has successfully passed the registered nurse licensing examination.
  - f. Has accepted employment in North Dakota.
2. Upon receipt of the completed application for a temporary license by endorsement, payment of a fee set by the board, and evidence that the requirements set out in this section have been met, a temporary license by endorsement must be issued by the board.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

HB 1595: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "payments" insert "of an unsolicited premium"

Page 1, line 5, replace "payment" with "an unsolicited premium"

Page 1, line 11, replace "cost of" with "facility premium rate for"

Renumber accordingly

SB 2219: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 3, line 26, remove the overstrike over "~~an amount~~" and remove "a"

Renumber accordingly

#### SECOND READING OF HOUSE BILLS

HB 1566: A BILL for an Act to amend and reenact sections 57-43.1-03.1 and 57-43.1-04 of the North Dakota Century Code, relating to claims for refunds of motor vehicle fuel taxes paid on fuel used for agricultural purposes; to repeal sections 57-43.1-11 and 57-43.1-12 of the North Dakota Century Code, relating to assignment of motor vehicle fuel tax refund claims; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 99 YEAS, 3 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Boehm; Delzer; Grosz

ABSENT AND NOT VOTING: Gorman; Jensen; Stofferahn; Thorpe

HB 1566 passed and the title was agreed to.

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HB 1568: A BILL for an Act to amend and reenact section 39-24-05 of the North Dakota Century Code, relating to the disposition of snowmobile registration and trail tax fees, and providing for an annual transfer of highway tax distribution fund moneys to the snowmobile fund; and to provide an expiration date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 58 YEAS, 44 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Belter; Berg, G.; Bernstein; Bodine; Boucher; Carlisle; Carlson; Cleary; Dalrymple; DeMers; Erickson; Freier; Gates; Gerntholz; Gilmore; Goffe; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Kolbo; Kroeber; Kunkel; Larson; Mahoney; Martin; Martinson; Miller; Muhs; Mutzenberger; Myrdal; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Porter; Price; Pyle; Ring; Rydell; Skar; Snyder;

St. Aubyn; Svedjan; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Wilkie; Williams

**NAYS:** Aarsvold; Bateman; Berg, R.; Boehm; Brokaw; Brown; Byerly; Clayburgh; Coats; Delzer; DeWitz; Dorso; Enget; Flaagan; Gabrielson; Gorder; Grosz; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kretschmar; Laughlin; Linderman; Meyer; Nelson; Nichols; Payne; Peterson; Rennerfeldt; Ritter; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skjervén; Soukup; Starke; Thompson; Whalen; Speaker R. Anderson

**ABSENT AND NOT VOTING:** Gorman; Jensen; Stofferahn; Thorpe

HB 1568 passed and the title was agreed to.

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**HB 1169:** A BILL for an Act to amend and reenact section 54-03-01.5 of the North Dakota Century Code, relating to legislative apportionment requirements.

#### ROLL CALL

The question being on the final passage of the bill, which has been read and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 44 YEAS, 58 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Byerly; Carlisle; Clayburgh; Dalrymple; Dorso; Freier; Gates; Gorder; Hausauer; Henegar; Kelsch; Kloubec; Kretschmar; Kunkel; Larson; Mahoney; Martinson; Miller; Payne; Porter; Price; Rennerfeldt; Rydell; Schmidt; Schneider; Shide; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Wald; Wardner; Wentz; Whalen; Speaker R. Anderson

**NAYS:** Aarsvold; Anderson, B.; Bateman; Boehm; Boucher; Brokaw; Brown; Carlson; Cleary; Coats; Delzer; DeMers; DeWitz; Enget; Erickson; Flaagan; Gabrielson; Gertholz; Gilmore; Goffe; Grosz; Grumbo; Hanson; Hokana; Howard; Huether; Jacobson; Kaldor; Kerzman; Kolbo; Kroeber; Laughlin; Linderman; Martin; Meyer; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Peterson; Pyle; Ring; Ritter; Scherber; Schimke; Schindler; Skar; Skjervén; Snyder; Urlacher; Wilkie; Williams

**ABSENT AND NOT VOTING:** Gorman; Jensen; Stofferahn; Thorpe

HB 1169 was declared lost.

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#### MOTION

REP. TOLLEFSON MOVED that the House waive the reading of the titles to HB 1228, HB 1404, HB 1417, HB 1457, and HB 1503, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

**HB 1228:** A BILL for an Act to amend and reenact sections 4-12.2-01, 4-12.2-04, 4-12.2-04.1, 4-12.2-06, 4-12.2-07, 4-12.2-08, 4-12.2-09, 4-12.2-14, 4-12.2-18, 4-12.2-19, 4-12.2-20, 4-12.2-21, 4-12.2-22, and 4-12.2-24 of the North Dakota Century Code, relating to licensing beekeepers and maintaining bees in this state; to declare an emergency; and to provide a penalty.

#### ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 101 YEAS, 1 NAY, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz;

Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schneider; Shide; Skar; Skjervan; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Schmidt

ABSENT AND NOT VOTING: Gorman; Jensen; Stofferahn; Thorpe

HB 1228 passed, the title was agreed to, and the emergency clause carried.

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HB 1236: A BILL for an Act to create and enact a new subsection to section 57-51-15 and a new section to chapter 57-51 of the North Dakota Century Code, relating to allocation of certain oil and gas gross production tax and oil extraction tax revenues to the petroleum reserve fund; and to amend and reenact section 57-51.1-07 of the North Dakota Century Code, relating to allocation of certain oil extraction tax revenues to the petroleum reserve fund.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 54 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Bateman; Belter; Bernstein; Boehm; Brown; Byerly; Carlisle; Clayburgh; Dalrymple; Delzer; DeWitz; Dorso; Freier; Gorder; Grosz; Hausauer; Henegar; Howard; Kretschmar; Kunkel; Martin; Martinson; Miller; Muhs; Myrdal; Nicholas; Olsen, D.; Olson, A.; Payne; Porter; Price; Rennerfeldt; Schimke; Schindler; Schmidt; Shide; Soukup; Svedjan; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Speaker R. Anderson

NAYS: Aarsvold; Anderson, B.; Berg, G.; Berg, R.; Bodine; Boucher; Brokaw; Carlson; Cleary; Coats; DeMers; Enget; Erickson; Flaagan; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Grumbo; Hanson; Hokana; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kolbo; Kroeber; Larson; Laughlin; Linderman; Mahoney; Meyer; Mutzenberger; Nelson; Nichols; Nowatzki; Oban; Peterson; Pyle; Ring; Ritter; Rydell; Scherber; Schneider; Skar; Skjervan; Snyder; St. Aubyn; Starke; Thompson; Wilkie; Williams

ABSENT AND NOT VOTING: Gorman; Jensen; Kloubec; Stofferahn; Thorpe

HB 1236 was declared lost.

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HB 1247: A BILL for an Act to create and enact a new subsection to section 10-04-05 of the North Dakota Century Code, relating to securities exemptions.

ROLL CALL

The question being on the final passage of the bill, which has been read and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 101 YEAS, 1 NAY, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz;

Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Waid; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Muhs

ABSENT AND NOT VOTING: Gorman; Jensen; Stofferahn; Thorpe

HB 1247 passed and the title was agreed to.

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HB 1284: A BILL for an Act to create and enact a new section to chapter 39-22 of the North Dakota Century Code, relating to prohibiting the sale of motor vehicles on Sundays; to provide a penalty; to provide an effective date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 83 YEAS, 19 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Bernstein; Bodine; Boehm; Boucher; Byerly; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grumbo; Hanson; Hausauer; Hokana; Howard; Huether; Kaldor; Kelsch; Kerzman; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Meyer; Miller; Muhs; Mutzenberger; Nelson; Nicholas; Nichols; Nowatzki; Oban; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ritter; Rydell; Scherber; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Waid; Wardner; Wentz; Whalen; Williams; Speaker R. Anderson

NAYS: Berg, R.; Brokaw; Brown; Carlisle; Carlson; Delzer; DeMers; Grosz; Henegar; Jacobson; Kloubec; Martinson; Myrdal; Olsen, D.; Olson, A.; Ring; Schimke; Urlacher; Wilkie

ABSENT AND NOT VOTING: Gorman; Jensen; Stofferahn; Thorpe

HB 1284 passed, the title was agreed to, and the emergency clause carried.

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HB 1299: A BILL for an Act to amend and reenact section 23-12-10 of the North Dakota Century Code, relating to designation of smoking areas.

MOTION

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

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 36 YEAS, 66 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bateman; Belter; Berg, G.; Bernstein; Boehm; Boucher; Byerly; Carlson; DeWitz; Enget; Freier; Gabrielson; Gates; Hausauer; Kaldor; Kloubec; Kretschmar; Kunkel; Larson; Muhs; Myrdal; Nichols; Olson, A.; Porter;

Rennerfeldt; Ritter; Rydell; Scherber; Schindler; Shide; Skar; St. Aubyn; Svedjan; Tollefson; Wentz; Wilkie

**NAYS:** Aarsvold; Anderson, B.; Berg, R.; Bodine; Brokaw; Brown; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; Dorso; Erickson; Flaagan; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Henegar; Hokana; Howard; Huether; Jacobson; Kelsch; Kerzman; Kolbo; Kroeber; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Mutzenberger; Nelson; Nicholas; Nowatzki; Oban; Olsen, D.; Payne; Peterson; Price; Pyle; Ring; Schimke; Schmidt; Schneider; Skjerven; Snyder; Soukup; Starke; Thompson; Timm; Trautman; Urlacher; Wald; Wardner; Whalen; Williams; Speaker R. Anderson

**ABSENT AND NOT VOTING:** Gorman; Jensen; Stofferahn; Thorpe

HB 1299 was declared lost.

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HB 1338: A BILL for an Act relating to damage or destruction of animal research facilities; and to provide a penalty.

#### ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 77 YEAS, 24 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Dalrymple; Delzer; DeWitz; Dorso; Erickson; Freier; Gabrielson; Gates; Gerntholz; Gorder; Grosz; Grumbo; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kolbo; Kunkel; Larson; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Porter; Price; Pyle; Rennerfeldt; Ritter; Rydell; Schimke; Schindler; Schmidt; Schneider; Shide; Skjerven; Soukup; St. Aubyn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Whalen; Wilkie; Williams; Speaker R. Anderson

**NAYS:** Anderson, B.; Bodine; Carlson; Coats; DeMers; Enget; Flaagan; Gilmore; Goffe; Hanson; Kretschmar; Kroeber; Laughlin; Linderman; Mahoney; Nelson; Nichols; Peterson; Ring; Scherber; Skar; Snyder; Starke; Wentz

**ABSENT AND NOT VOTING:** Gorman; Jensen; Kloubec; Stofferahn; Thorpe

HB 1338 passed and the title was agreed to.

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HB 1346: A BILL for an Act to provide for the establishment of a recycling planning grant program; and to provide an appropriation.

#### ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 22 YEAS, 79 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bodine; Boucher; Brokaw; Carlson; Coats; DeMers; Flaagan; Gabrielson; Gilmore; Hokana; Huether; Kerzman; Kolbo; Laughlin; Mahoney; Peterson; Ring; Ritter; Schneider; Snyder; Wilkie

**NAYS:** Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Boehm; Brown; Byerly; Carlisle; Clayburgh; Cleary; Dalrymple; Delzer; DeWitz; Dorso; Enget; Erickson; Freier; Gates; Gerntholz; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Howard; Jacobson; Kaldor; Kelsch; Kloubec; Kretschmar; Kroeber; Kunkel; Larson; Linderman; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas;

Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Porter; Price; Pyle; Rennerfeldt; Rydell; Scherber; Schimke; Schindler; Schmidt; Shide; Skar; Skjerven; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Whalen; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Jensen; Stofferahn; Thorpe; Wentz

HB 1346 was declared lost.

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HB 1349: A BILL for an Act to amend and reenact sections 11-13-12 and 11-18-02 of the North Dakota Century Code, relating to the auditor's certificate of taxes paid on deeds.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 7 YEAS, 90 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bodine; Flaagan; Gilmore; Hokana; Skar; Whalen

NAYS: Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Freier; Gabrielson; Gates; Gerntholz; Goffe; Gordner; Grosz; Grumbo; Hanson; Hausauer; Henegar; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schneider; Shide; Skjerven; Soukup; St. Aubyn; Starke; Svedjan; Tollefson; Trautman; Urlacher; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Jensen; Schmidt; Snyder; Stofferahn; Thompson; Thorpe; Timm; Wald

HB 1349 was declared lost.

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HB 1350: A BILL for an Act to amend and reenact section 15-40.1-16 of the North Dakota Century Code, relating to state transportation aid payments to school districts.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 13 YEAS, 88 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Bodine; Boehm; Cleary; Coats; Enget; Gabrielson; Gordner; Kelsch; Kerzman; Meyer; Pyle; Scherber; Snyder

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Erickson; Flaagan; Freier; Gates; Gerntholz; Gilmore; Goffe; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Rennerfeldt; Ring; Ritter; Rydell; Schimke; Schindler; Schneider; Shide; Skar; Skjerven; Soukup; St. Aubyn; Starke;

Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Jensen; Schmidt; Stofferahn; Thorpe

HB 1350 was declared lost.

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HB 1360: A BILL for an Act to amend and reenact section 5-02-05 of the North Dakota Century Code, relating to the disposal of alcoholic beverages on certain days.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 50 YEAS, 52 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Berg, R.; Bernstein; Brown; Byerly; Carlson; Clayburgh; Cleary; Dalrymple; DeMers; Dorso; Flaagan; Gabrielson; Gates; Goffe; Hausauer; Hokana; Howard; Jacobson; Kloubec; Kolbo; Kretschmar; Kroeber; Larson; Linderman; Mahoney; Meyer; Mutzenberger; Nichols; Oban; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Scherber; Schimke; Schneider; Snyder; Soukup; St. Aubyn; Svedjan; Thompson; Timm; Wardner; Wentz; Williams

NAYS: Aarsvold; Bateman; Belter; Berg, G.; Bodine; Boehm; Boucher; Brokaw; Carlisle; Coats; Delzer; DeWitz; Enget; Erickson; Freier; Gerntholz; Gilmore; Gorder; Grosz; Grumbo; Hanson; Henegar; Huether; Kaldor; Kelsch; Kerzman; Kunkel; Laughlin; Martin; Martinson; Miller; Muhs; Myrdal; Nelson; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Ritter; Schindler; Schmidt; Shide; Skar; Skjerven; Starke; Tollefson; Trautman; Urlacher; Wald; Whalen; Wilkie; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Jensen; Stofferahn; Thorpe

HB 1360 was declared lost.

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HB 1362: A BILL for an Act to amend and reenact sections 54-44.1-12 and 54-44.1-13.1 of the North Dakota Century Code, relating to restoration of authority to expend funds after an allotment or reduction in spending authority was made to reduce appropriated funds available.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 13 YEAS, 88 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: DeWitz; Gates; Gilmore; Gorder; Kroeber; Kunkel; Miller; Muhs; Myrdal; Olson, A.; Porter; Schindler; Skjerven

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; Dorso; Enget; Erickson; Freier; Gabrielson; Gerntholz; Goffe; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Mutzenberger; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Payne; Peterson; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schmidt; Schneider; Shide; Skar; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Flaagan; Gorman; Jensen; Stofferahn; Thorpe

HB 1362 was declared lost.

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HB 1365: A BILL for an Act to prohibit political subdivisions from establishing rent controls.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 76 YEAS, 25 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Dalrymple; Delzer; DeWitz; Dorso; Erickson; Freier; Gates; Gerntholz; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Howard; Jacobson; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kunkel; Larson; Laughlin; Linderman; Martin; Martinson; Meyer; Miller; Muhs; Myrdal; Nelson; Nicholas; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ritter; Rydell; Schimke; Schindler; Schmidt; Shide; Skjerven; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Speaker R. Anderson

NAYS: Aarsvold; Anderson, B.; Boucher; Carlson; Coats; DeMers; Enget; Gabrielson; Gilmore; Hokana; Huether; Kaldor; Kroeber; Mahoney; Mutzenberger; Nichols; Nowatzki; Oban; Ring; Scherber; Schneider; Skar; Snyder; Wilkie; Williams

ABSENT AND NOT VOTING: Flaagan; Gorman; Jensen; Stofferahn; Thorpe

HB 1365 passed and the title was agreed to.

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HB 1379: A BILL for an Act to provide an appropriation for professional educators' staff development, teacher education program approval, and the first-year teacher-mentor program.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 12 YEAS, 88 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Brokaw; Gabrielson; Gates; Kunkel; Miller; Muhs; Pyle; Ring; Schindler; Wilkie

NAYS: Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Enget; Erickson; Flaagan; Freier; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Rennerfeldt; Ritter; Rydell; Scherber; Schimke; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Dorso; Gorman; Jensen; Stofferahn; Thorpe; Whalen

HB 1379 was declared lost.

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HB 1386: A BILL for an Act to provide for imposition of a temporary increase in the sales and use tax rate upon the occurrence of a deficiency in funds appropriated for state school aid; and to amend and reenact section 15-40.1-05 of the North Dakota Century Code, relating to deficiencies in funds appropriated for state school aid.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 21 YEAS, 80 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Enget; Gabrielson; Gates; Kaldor; Kerzman; Kretschmar; Kroeber; Kunkel; Larson; Meyer; Nichols; Peterson; Pyle; Ritter; Rydell; Scherber; Schimke; Snyder; St. Aubyn; Starke

NAYS: Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Erickson; Flaagan; Freier; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kelsch; Kloubec; Kolbo; Laughlin; Linderman; Mahoney; Martin; Martinson; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Porter; Price; Rennerfeldt; Ring; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Soukup; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Jensen; Stofferahn; Thorpe; Whalen

HB 1386 was declared lost.

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HB 1392: A BILL for an Act to amend and reenact subdivision a of subsection 3 and subdivision a of subsection 4 of section 54-52-17 of the North Dakota Century Code, relating to the normal retirement date and computation of benefits; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 12 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boucher; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; DeWitz; Enget; Erickson; Flaagan; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schindler; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Wilkie; Williams

NAYS: Boehm; Brokaw; Delzer; Dorso; Freier; Grosz; Kloubec; Schimke; Schmidt; Thompson; Timm; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Jensen; Olson, A.; Stofferahn; Thorpe; Whalen

HB 1392 passed and the title was agreed to.

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HB 1399: A BILL for an Act to amend and reenact section 15-34.2-16 of the North Dakota Century Code, relating to school district agreements for the provision of comprehensive transportation services.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 7 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gilmore; Gorder; Grosz; Grumbo; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schindler; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

NAYS: Brokaw; Gerntholz; Goffe; Hanson; Kroeber; Schimke; Schmidt

ABSENT AND NOT VOTING: Gorman; Jensen; Stofferahn; Thorpe; Whalen

HB 1399 passed and the title was agreed to.

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HB 1404: A BILL for an Act to amend and reenact section 54-03-20 of the North Dakota Century Code to eliminate the option of members of the legislative assembly to receive meals reimbursement in lieu of a portion of compensation and to receive monthly amounts as reimbursement for uncompensated expenses rather than as compensation and to create an option for members of the legislative assembly to receive compensation in approximately equal monthly installments spread throughout their terms of office; to provide an effective date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 43 YEAS, 59 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bateman; Berg, G.; Berg, R.; Boucher; Brown; Clayburgh; Coats; DeMers; DeWitz; Flaagan; Freier; Grumbo; Hanson; Hausauer; Hokana; Howard; Huether; Jacobson; Kaldor; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Laughlin; Miller; Muhs; Myrdal; Nowatzki; Pyle; Scherber; Schimke; Schindler; Schneider; Skjerven; Soukup; St. Aubyn; Starke; Svedjan; Tollefson; Whalen; Wilkie

NAYS: Anderson, B.; Belter; Bernstein; Bodine; Boehm; Brokaw; Byerly; Carlisle; Carlson; Cleary; Dalrymple; Delzer; Dorso; Enget; Erickson; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Henegar; Kelsch; Kerzman; Larson; Linderman; Mahoney; Martin; Martinson; Meyer; Mutzenberger; Nelson; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Rennerfeldt; Ring; Ritter; Rydell; Schmidt; Shide; Skar; Snyder; Thompson; Timm; Trautman; Urlacher; Wald; Wardner; Wentz; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Jensen; Stofferahn; Thorpe

HB 1404 was declared lost.

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## THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Marshall Moore

## SECOND READING OF HOUSE BILLS

HB 1408: A BILL for an Act to amend and reenact section 5-02-05 of the North Dakota Century Code, relating to dispensing alcoholic beverages on an election day.

## ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 63 YEAS, 38 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Berg, G.; Berg, R.; Bernstein; Bodine; Boucher; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; DeMers; Dorso; Erickson; Flaagan; Freier; Gabrielson; Gates; Goffe; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Jacobson; Kaldor; Kloubec; Kolbo; Kretschmar; Kroeber; Larson; Linderman; Martinson; Meyer; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olson, A.; Payne; Peterson; Porter; Pyle; Ritter; Rydell; Scherber; Schimke; Schneider; Skjerven; Snyder; Soukup; St. Aubyn; Trautman; Wald; Wardner; Wentz; Whalen; Williams

NAYS: Aarsvold; Bateman; Belter; Boehm; Brokaw; Brown; Dalrymple; Delzer; DeWitz; Enget; Gerntholz; Gilmore; Gorder; Grosz; Huether; Kelsch; Kerzman; Kunkel; Laughlin; Mahoney; Miller; Muhs; Olsen, D.; Price; Rennerfeldt; Ring; Schindler; Schmidt; Shide; Skar; Starke; Svedjan; Thompson; Timm; Tollefson; Urlacher; Wilkie; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Jensen; Martin; Stofferahn; Thorpe

HB 1408 passed and the title was agreed to.

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HB 1417: A BILL for an Act to amend and reenact subdivision a of subsection 1 of section 54-35.2-01 and sections 54-36-01 and 57-59-06 of the North Dakota Century Code, relating to the North Dakota league of cities; and to repeal section 40-01-23 and subsections 74 and 76 of section 40-05-01 of the North Dakota Century Code, relating to city authority regarding community development block grant programs and expenditures for and participation in an organization of city governments.

## ROLL CALL

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

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olson, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Jensen; Martin; Stofferahn; Thorpe; Whalen

HB 1417 was declared lost.

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HB 1418: A BILL for an Act to repeal subsection 18 of section 11-11-14 of the North Dakota Century Code, relating to county authority to participate in the community development block grant program.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 98 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Boucher; Gorman; Hanson; Jensen; Martin; Stofferahn; Thorpe; Whalen

HB 1418 was declared lost.

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HB 1438: A BILL for an Act to create and enact a new section to chapter 54-52 of the North Dakota Century Code, relating to a benefit adjustment for certain retired members of the public employees retirement system; and to provide for application of this Act.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 23 YEAS, 78 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Carlson; DeMers; Enget; Gabrielson; Gilmore; Grumbo; Howard; Jacobson; Kaldor; Kolbo; Kunkel; Mutzenberger; Nowatzki; Oban; Peterson; Pyle; Ring; Ritter; Rydell; Scherber; Soukup; Starke

NAYS: Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeWitz; Dorso; Erickson; Flaagan; Freier; Gates; Gerntholz; Goffe; Gorder; Grosz; Hanson; Hausauer; Henegar; Hokana; Huether; Kelsch; Kerzman; Kloubec; Kretschmar; Kroeber; Larson; Laughlin; Linderman; Mahoney; Martinson; Meyer; Miller; Muhs; Myrdal; Nelson; Nicholas; Nichols; Olsen, D.; Olson, A.; Payne; Porter; Price; Rennerfeldt; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; St. Aubyn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Jensen; Martin; Stofferahn; Thorpe

HB 1438 was declared lost.

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MOTION

REP. KLOUBEC MOVED that HB 1444 be placed at the bottom of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1445: A BILL for an Act to amend and reenact subsection 2 of section 11-10.1-01 and subsection 2 of section 11-10.1-05 of the North Dakota Century Code, relating to the appointment of county directors of tax equalization and assessors for townships and cities.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 7 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schneider; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Aarsvold; Byerly; Delzer; Kaldor; Olson, A.; Schindler; Schmidt

ABSENT AND NOT VOTING: Gorman; Jensen; Martin; Shide; Stofferahn; Thorpe

HB 1445 passed and the title was agreed to.

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MOTION

REP. KLOUBEC MOVED that the House stand in recess for fifteen minutes, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1457: A BILL for an Act to amend and reenact section 6-03-38, subsection 4 of section 6-09-15, sections 7-02-10, 10-19.1-08, 10-24-04, 10-30.1-05, 21-02-11, and 21-03-30, subsection 30 of section 26.1-05-19, subdivision 1 of subsection 1 of section 28-32-01, subsection 9 of section 40-33.3-06, subdivision q of subsection 1 of section 57-38-01.2, subsection 1 of section 57-38-01.3, and subsections 2 and 3 of section 61-28.2-01 of the North Dakota Century Code, relating to the Myron G. Nelson Fund, Incorporated, the entities that may incorporate under the business corporation and nonprofit corporation laws, and the municipal bond bank; to repeal chapters 6-09.2, 6-09.4, 10-30.2, 10-30.3, subsection 14 of section 10-04-05, subsection 15 of section 10-04-06, subsection 7 of section 26.1-05-19, and chapter 54-17.2 of the North Dakota Century Code, relating to the Myron G. Nelson Fund, Incorporated, the statewide nonprofit development corporation, the municipal bond bank, and North Dakota building authority; and to provide for transition.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 102 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz;

Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gordor; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjervem; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Jensen; Stofferahn; Thorpe

HB 1457 was declared lost.

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HB 1458: A BILL for an Act to amend and reenact section 15-40.1-06 of the North Dakota Century Code, relating to support levels for unaccredited elementary schools.

ROLL CALL

The question being on the final passage of the bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 79 YEAS, 23 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; Dorso; Enget; Erickson; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gordor; Grumbo; Hanson; Hausauer; Henegar; Hokana; Huether; Jacobson; Kaldor; Kelsch; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Linderman; Mahoney; Martinson; Miller; Muhs; Mutzenberger; Myrdal; Nicholas; Nichols; Oban; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schneider; Skar; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

NAYS: Brokaw; Brown; Byerly; Delzer; DeWitz; Flaagan; Grosz; Howard; Kerzman; Laughlin; Martin; Meyer; Nelson; Nowatzki; Olsen, D.; Schimke; Schindler; Schmidt; Shide; Skjervem; Urlacher; Wald; Whalen

ABSENT AND NOT VOTING: Gorman; Jensen; Stofferahn; Thorpe

HB 1458 passed and the title was agreed to.

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HB 1463: A BILL for an Act to create and enact a new section to chapter 26.1-04 of the North Dakota Century Code, relating to a judicial remedy for an unfair claim settlement practice by an insurance company.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 17 YEAS, 85 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Carlson; Coats; DeMers; Erickson; Flaagan; Gabrielson; Hanson; Hokana; Kolbo; Mutzenberger; Oban; Peterson; Ring; Schneider; Snyder; Wentz; Williams

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Dalrymple; Delzer; DeWitz; Dorso; Enget; Freier; Gates; Gerntholz; Gilmore; Goffe; Gordor; Grosz; Grumbo; Hausauer; Henegar; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec;

Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Olsen, D.; Olson, A.; Payne; Porter; Price; Pyle; Rennerfeldt; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Shide; Skar; Skjerven; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Whalen; Wilkie; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Jensen; Stofferahn; Thorpe

HB 1463 was declared lost.

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#### MOTION

REP. KLOUBEC MOVED that HB 1468 and HB 1474 be laid over one legislative day, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

HB 1490: A BILL for an Act to create and enact a new section to title 15 of the North Dakota Century Code, relating to participatory school decisionmaking.

#### ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 34 YEAS, 66 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Berg, R.; Bernstein; Bodine; Brokaw; Carlson; Cleary; Coats; DeMers; Erickson; Gabrielson; Gates; Hokana; Huether; Kerzman; Kolbo; Kroeber; Larson; Linderman; Mahoney; Meyer; Mutzenberger; Nowatzki; Oban; Peterson; Porter; Pyle; Ring; Ritter; Rydell; Scherber; Schneider; Snyder; St. Aubyn; Williams

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Boehm; Boucher; Brown; Byerly; Carlisle; Clayburgh; Dalrymple; Delzer; DeWitz; Dorso; Enget; Flaagan; Freier; Gertholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Howard; Jacobson; Kaldor; Kelsch; Kretschmar; Kunkel; Laughlin; Martin; Martinson; Miller; Muhs; Myrdal; Nelson; Nicholas; Nichols; Olsen, D.; Olson, A.; Payne; Price; Rennerfeldt; Schimke; Schindler; Schmidt; Shide; Skar; Skjerven; Soukup; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Speaker R. Anderson

ABSENT AND NOT VOTING: Berg, G.; Gorman; Jensen; Kloubec; Stofferahn; Thorpe

HB 1490 was declared lost.

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HB 1493: A BILL for an Act to create and enact a new section to chapter 15-47 of the North Dakota Century Code, relating to employment recall rights for teachers whose contracts are not renewed due to a reduction in force.

#### ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 36 YEAS, 66 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Berg, G.; Bodine; Boucher; Brokaw; Carlson; Cleary; Coats; DeMers; Enget; Flaagan; Gabrielson; Gilmore; Goffe; Grumbo; Hanson; Hokana; Kelsch; Kolbo; Kroeber; Laughlin; Mahoney; Martinson; Mutzenberger; Nowatzki; Oban; Peterson; Pyle; Ring; Rydell; Scherber; Schneider; Skar; Snyder; Wardner; Williams

**NAYS:** Aarsvold; Bateman; Belter; Berg, R.; Bernstein; Boehm; Brown; Byerly; Carlisle; Clayburgh; Dalrymple; Delzer; DeWitz; Dorso; Erickson; Freier; Gates; Gerntholz; Gorder; Grosz; Hausauer; Henegar; Howard; Huether; Jacobson; Kaldor; Kerzman; Kloubec; Kretschmar; Kunkel; Larson; Linderman; Martin; Meyer; Miller; Muhs; Myrdal; Nelson; Nicholas; Nichols; Olsen, D.; Olson, A.; Payne; Porter; Price; Rennerfeldt; Ritter; Schimke; Schindler; Schmidt; Shide; Skjerven; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wentz; Whalen; Wilkie; Speaker R. Anderson

**ABSENT AND NOT VOTING:** Gorman; Jensen; Stofferahn; Thorpe

HB 1493 was declared lost.

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**HB 1503:** A BILL for an Act to provide for rural enterprise zones; to create and enact three new sections to chapter 6-09, chapters 6-09.13, 6-09.14, and 10-30.4 of the North Dakota Century Code, relating to a state development grant fund, a state development loan fund, on-farm loan programs, business loan programs, and the creation of the science and technology corporation; to amend and reenact sections 4-14.1-03, 6-09-01, 6-09-02.1, 6-09-04, 10-24-40, subsection 6 of section 10-30-04, sections 10-30.2-02, 10-30.2-05, 15-12-25, 21-11-02, 21-11-03, 21-11-04, 21-11-05, 21-11-06, 24-02-37.1, 24-03-21, subsection 6 of section 26.1-05-19, subsection 1 of section 28-32-01, sections 52-01-03, 54-34-06.1, 54-34-12, 54-34-15, 54-36-01, 54-40.1-01, subsection 7 of section 54-40.1-02, sections 54-40.1-05, 54-53-02, 55-06-01, and 55-08-02.1 of the North Dakota Century Code, relating to the Bank of North Dakota assuming the duties of the economic development commission; to repeal sections 54-34-01, 54-34-02, 54-34-03, 54-34-03.1, 54-34-04, 54-34-05.1, 54-34-06, and 54-34-08 of the North Dakota Century Code, relating to the economic development commission; to provide a transition; to provide for transfer of the assets and earnings of the Bank of North Dakota; to provide a continuing appropriation; to provide an appropriation; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 54 YEAS, 48 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Bateman; Belter; Berg, R.; Bernstein; Boehm; Brown; Byerly; Carlisle; Clayburgh; Dalrymple; Delzer; DeWitz; Dorso; Freier; Gates; Gerntholz; Gorder; Grosz; Hausauer; Henegar; Howard; Kelsch; Kloubec; Kretschmar; Kunkel; Larson; Martin; Martinson; Miller; Muhs; Myrdal; Nicholas; Olson, A.; Payne; Porter; Price; Rennerfeldt; Rydell; Schimke; Schindler; Schmidt; Soukup; St. Aubyn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Speaker R. Anderson

**NAYS:** Aarsvold; Anderson, B.; Berg, G.; Bodine; Boucher; Brokaw; Carlson; Cleary; Coats; DeMers; Enget; Erickson; Flaagan; Gabrielson; Gilmore; Goffe; Grumbo; Hanson; Hokana; Huether; Jacobson; Kaldor; Kerzman; Kolbo; Kroeber; Laughlin; Linderman; Mahoney; Meyer; Mutzenberger; Nelson; Nichols; Nowatzki; Oban; Olsen, D.; Peterson; Pyle; Ring; Ritter; Scherber; Schneider; Shide; Skar; Skjerven; Snyder; Starke; Wilkie; Williams

**ABSENT AND NOT VOTING:** Gorman; Jensen; Stofferahn; Thorpe

HB 1503 passed and the title was agreed to.

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HB 1509: A BILL for an Act to amend and reenact section 57-36-25, subsection 1 of section 57-36-26, subsection 1 of section 57-36-28, and section 57-36-32 of the North Dakota Century Code, relating to taxation of tobacco products.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 55 YEAS, 43 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bodine; Boucher; Brokaw; Carlson; Clayburgh; Cleary; Coats; DeMers; DeWitz; Enget; Erickson; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grumbo; Hanson; Huether; Jacobson; Kaldor; Kerzman; Kolbo; Kroeber; Kunkel; Larson; Linderman; Mahoney; Miller; Muhs; Mutzenberger; Myrdal; Nicholas; Nichols; Nowatzki; Oban; Peterson; Pyle; Ring; Ritter; Rydell; Scherber; Schindler; Schneider; Skar; Snyder; St. Aubyn; Starke; Svedjan; Trautman; Wentz; Wilkie

NAYS: Bateman; Belter; Berg, R.; Bernstein; Boehm; Brown; Byerly; Carlisle; Dalrymple; Delzer; Dorso; Flaagan; Freier; Grosz; Hausauer; Henegar; Hokana; Howard; Kelsch; Kretschmar; Laughlin; Martin; Martinson; Meyer; Nelson; Olsen, D.; Olson, A.; Payne; Porter; Price; Rennerfeldt; Schimke; Schmidt; Shide; Skjerven; Soukup; Timm; Tollefson; Urlacher; Wardner; Whalen; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Berg, G.; Gorman; Jensen; Kloubec; Stofferahn; Thompson; Thorpe; Wald

HB 1509 passed and the title was agreed to.

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HB 1521: A BILL for an Act to create and enact three new sections to chapter 15-21.1 and three new sections to chapter 15-38 of the North Dakota Century Code, relating to sex education instruction and chemical health education instruction in public schools.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 15 YEAS, 86 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Bernstein; Boehm; Brokaw; Delzer; Gorder; Howard; Myrdal; Olsen, D.; Olson, A.; Schimke; Schindler; Shide; Skar; Timm

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bodine; Boucher; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Grumbo; Hanson; Hausauer; Henegar; Hokana; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Nelson; Nicholas; Nichols; Nowatzki; Oban; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schmidt; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Jensen; Schneider; Stofferahn; Thorpe

HB 1521 was declared lost.

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HOUSE ENGROSSING REPORT

The following bills and resolution were engrossed: HB 1020, HB 1060, HB 1061, HB 1227, HB 1232, HB 1265, HB 1300, HB 1321, HB 1363, HB 1385,

HB 1420, HB 1443, HB 1491, HB 1522, HB 1525, HB 1544, HB 1563, HB 1571, HB 1575, HB 1589, HB 1590, HB 1594, HCR 3034.

SECOND READING OF HOUSE BILLS

HB 1523: A BILL for an Act to amend and reenact section 15-27.3-13 of the North Dakota Century Code, relating to teacher negotiations.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 83 YEAS, 18 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boucher; Brokaw; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gerntholz; Gilmore; Goffe; Gorder; Grumbo; Hanson; Hausauer; Henegar; Hokana; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Muhs; Mutzenberger; Myrdal; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Starke; Timm; Trautman; Urlacher; Wardner; Wentz; Whalen; Williams; Speaker R. Anderson

NAYS: Bateman; Boehm; Brown; Delzer; DeWitz; Gates; Grosz; Howard; Kunkel; Miller; Nelson; Nicholas; Soukup; St. Aubyn; Svedjan; Thompson; Tollefson; Wilkie

ABSENT AND NOT VOTING: Gorman; Jensen; Stofferahn; Thorpe; Wald

HB 1523 passed and the title was agreed to.

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HB 1531: A BILL for an Act to create and enact a new section to chapter 15-21 of the North Dakota Century Code, relating to federal or private grants application by the superintendent of public instruction.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 11 YEAS, 89 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Bernstein; Brown; Gorder; Grosz; Howard; Kerzman; Muhs; Myrdal; Porter; Schimke; Skar

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bodine; Boehm; Boucher; Brokaw; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeWitz; DeMers; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Grumbo; Hanson; Hausauer; Henegar; Hokana; Huether; Jacobson; Kaldor; Kelsch; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Mutzenberger; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schindler; Schmidt; Schneider; Shide; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Jensen; Kloubec; Stofferahn; Thorpe; Wald

HB 1531 was declared lost.

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MOTION

REP. TOLLEFSON MOVED that the House waive the reading of the titles to HB 1534 and HB 1576, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1534: A BILL for an Act to amend and reenact sections 40-57.1-01, 40-57.1-02, 40-57.1-03, 40-57.1-04, 40-57.1-04.1, 40-57.1-04.3, 40-57.1-05, 40-57.1-06, and 40-57.1-07 of the North Dakota Century Code, relating to tax exemptions for new and expanding industries; and to repeal section 40-57.1-04.2 of the North Dakota Century Code, relating to the definition of a local development corporation.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 101 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Jensen; Kloubec; Stofferahn; Thorpe

HB 1534 passed and the title was agreed to.

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HB 1537: A BILL for an Act to provide for additional compensation to state employees.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 38 YEAS, 65 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Bodine; Carlson; Clayburgh; Cleary; Coats; DeMers; Enget; Gabrielson; Gilmore; Goffe; Gorder; Hanson; Hausauer; Jacobson; Kaldor; Kolbo; Kroeber; Mahoney; Martinson; Mutzenberger; Nichols; Oban; Peterson; Porter; Price; Pyle; Ring; Ritter; Rydell; Scherber; Skar; Skjerven; Snyder; St. Aubyn; Wardner

NAYS: Bateman; Belter; Berg, R.; Bernstein; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Dalrymple; Delzer; DeWitz; Dorso; Erickson; Flaagan; Freier; Gates; Gerntholz; Grosz; Grumbo; Henegar; Hokana; Howard; Huether; Kelsch; Kerzman; Kloubec; Kretschmar; Kunkel; Larson; Laughlin; Linderman; Martin; Meyer; Miller; Muhs; Myrdal; Nelson; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Payne; Rennerfeldt; Schimke; Schindler; Schmidt; Schneider; Shide; Soukup; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman, Jensen; Thorpe

HB 1537 was declared lost.

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HB 1538: A BILL for an Act to amend and reenact section 35-31-02 of the North Dakota Century Code, relating to filing of agricultural supplier's lien statements.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 71 YEAS, 32 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Belter; Berg, G.; Brokaw; Brown; Byerly; Carlisle; Carlson; Cleary; Coats; Dalrymple; DeMers; DeWitz; Erickson; Flaagan; Gabrielson; Gates; Gerntholz; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Huether; Jacobson; Kelsch; Kloubec; Kolbo; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martinson; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Pyle; Rennerfeldt; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Skar; Skjerven; Snyder; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Wardner; Wentz; Whalen; Williams

NAYS: Aarsvold; Bateman; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Clayburgh; Delzer; Dorso; Enget; Freier; Gilmore; Goffe; Howard; Kaldor; Kerzman; Kretschmar; Martin; Meyer; Nichols; Price; Ring; Shide; Soukup; Timm; Tollefson; Trautman; Urlacher; Wald; Wilkie; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Jensen; Thorpe

HB 1538 passed and the title was agreed to.

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HB 1539: A BILL for an Act relating to health insurance coverage to small employers.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 101 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Miller; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Jensen; Meyer; Muhs; Thorpe

HB 1539 passed and the title was agreed to.

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MOTION

REP. KLOUBEC MOVED that HB 1542 be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1565: A BILL for an Act to amend and reenact section 13-01-15 of the North Dakota Century Code, relating to statements to be furnished by a creditor before imposing late payment charges on accounts receivable.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 102 YEAS, 1 NAY, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Brokaw

ABSENT AND NOT VOTING: Gorman; Jensen; Thorpe

HB 1565 passed and the title was agreed to.

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HB 1567: A BILL for an Act to amend and reenact subdivision d of subsection 1 of section 39-12-04 of the North Dakota Century Code, relating to commercial movement of haystacks or hay bales during daylight hours on any day of the week.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 103 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Jensen; Thorpe

HB 1567 passed and the title was agreed to.

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HB 1572: A BILL for an Act to amend and reenact section 54-44.3-03 of the North Dakota Century Code, relating to membership on the state personnel board by a county commissioner.

## ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 99 YEAS, 4 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

NAYS: Brown; Muhs; Schmidt; Whalen

ABSENT AND NOT VOTING: Gorman; Jensen; Thorpe

HB 1572 passed and the title was agreed to.

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HB 1576: A BILL for an Act to provide legislative intent with respect to the authority of political subdivisions to enter into joint powers agreements; to amend and reenact sections 2-02-01, 5-01-05.4, subsection 13 of section 11-11-14, subsection 9 of section 11-11.1-03, section 11-28.2-04, subsection 2 of section 15-28-03, section 15-59-04, subsection 24 of section 23-18.2-10, subsection 1 of section 23-30-02, sections 40-34-01, 40-34-05, 40-38-01, 40-49-07, subsection 1 of section 40-58-13, sections 54-21.3-05, 54-27-19, 57-15-19.5, subsection 2 of section 57-15-60, and section 58-03-13 of the North Dakota Century Code, relating to specific references to, and authorization for, joint powers agreements and joint activities between political subdivisions; to repeal sections 2-06-03, 11-10.1-07, 11-28-12, 11-28.1-15, 11-33-19, 11-35-01, 15-22-24, 15-47-32, 15-47-40, 15-47-40.1, chapter 18-10, sections 23-11-16, 23-14-01.1, 24-08-10, 24-10-05, 27-07.1-02, 40-22-06, 40-33-22, chapters 40-33.2, 40-33.3, 48-04, 49-17.2, sections 54-40-01, 54-40-02, 54-40-02.1, 54-40-03, 54-40-04, 54-40-05, 54-40-06, 54-40-12, 61-12-31, 61-16.1-11, and 61-19-17 of the North Dakota Century Code, relating to specific references to, and authorization for, joint powers agreements and joint activities between political subdivisions; and to provide an effective date.

## ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 39 YEAS, 64 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bateman; Berg, G.; Bodine; Boehm; Brown; Byerly; Carlisle; Coats; DeWitz; Flaagan; Freier; Gates; Gerntholz; Grumbo; Henegar; Howard; Huether; Kerzman; Kolbo; Kretschmar; Laughlin; Martin; Meyer; Muhs; Nelson; Nicholas; Pyle; Rennerfeldt; Schindler; Schmidt; Skjerven; Soukup; Tollefson; Urlacher; Wald; Wentz; Whalen; Wilkie; Speaker R. Anderson

NAYS: Aarsvold; Anderson, B.; Belter; Berg, R.; Bernstein; Boucher; Brokaw; Carlson; Clayburgh; Cleary; Dalrymple; Delzer; DeMers; Dorso; Enget; Erickson; Gabrielson; Gilmore; Goffe; Gorder; Grosz; Hanson; Hausauer; Hokana; Jacobson; Kaldor; Kelsch; Kloubec; Kroeber; Kunkel; Larson; Linderman; Mahoney; Martinson; Miller; Mutzenberger; Myrdal; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price;

Ring; Ritter; Rydell; Scherber; Schimke; Schneider; Shide; Skar; Snyder; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Trautman; Wardner; Williams

ABSENT AND NOT VOTING: Gorman; Jensen; Thorpe

HB 1576 was declared lost.

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HB 1584: A BILL for an Act to create and enact a new subsection to section 54-09-04 and a new section to chapter 54-09 of the North Dakota Century Code, relating to fees for services performed by the secretary of state and to service of process upon the secretary when an agent cannot be found; and to amend and reenact subsection 5 of section 54-09-04 of the North Dakota Century Code, relating to fees for searching records and archives of the state.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 72 YEAS, 30 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boucher; Brokaw; Byerly; Carlson; Cleary; Coats; Dalrymple; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grumbo; Hanson; Henegar; Hokana; Huether; Jacobson; Kaldor; Kerzman; Kolbo; Kroeber; Larson; Laughlin; Linderman; Mahoney; Meyer; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olson, A.; Peterson; Porter; Price; Pyle; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schneider; Skar; Skjerven; Snyder; Starke; Stofferahn; Tollefson; Trautman; Wardner; Wentz; Wilkie; Williams

NAYS: Bateman; Boehm; Brown; Carlisle; Clayburgh; Delzer; Freier; Grosz; Hausauer; Howard; Kelsch; Kloubec; Kretschmar; Kunkel; Martin; Martinson; Miller; Olsen, D.; Payne; Rennerfeldt; Schmidt; Shide; Soukup; St. Aubyn; Svedjan; Thompson; Timm; Urlacher; Whalen; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Jensen; Thorpe; Wald

HB 1584 passed and the title was agreed to.

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HB 1585: A BILL for an Act to create and enact a new section to title 15 of the North Dakota Century Code, relating to additional teacher contract days; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 5 YEAS, 97 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Gates; Martinson; Meyer; Pyle; Ritter

NAYS: Aarsvold; Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Rennerfeldt; Ring; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide;

Skar; Skjervén; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Bateman; Gorman; Jensen; Thorpe

HB 1585 was declared lost.

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HB 1591: A BILL for an Act to amend and reenact section 50-24.1-02.3 of the North Dakota Century Code, relating to exemption of pre-need funeral plan from eligibility determination.

#### ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 89 YEAS, 12 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; DeWitz; Dorso; Enget; Erickson; Gabrielson; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Scherber; Schindler; Schmidt; Schneider; Skar; Skjervén; Snyder; Soukup; Starke; Stofferahn; Thompson; Timm; Tollefson; Trautman; Urlacher; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Berg, R.; Bernstein; Delzer; Freier; Gates; Larson; Olsen, D.; Rydell; Schimke; Shide; St. Aubyn; Svedjan

ABSENT AND NOT VOTING: Flaagan; Gorman; Jensen; Thorpe; Wald

HB 1591 passed and the title was agreed to.

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HB 1592: A BILL for an Act to create and enact a new chapter to title 43 of the North Dakota Century Code, relating to the state board of architecture, definitions, exemptions, board membership, rules, the practice of architecture, examinations, fees, board powers and duties, license revocation, and penalties; to repeal chapter 43-03 of the North Dakota Century Code, relating to architects and the practice of architecture; and to provide a penalty.

#### ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 23 YEAS, 77 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Bernstein; Boehm; Carlson; Clayburgh; Cleary; Coats; DeMers; Dorso; Gates; Howard; Kelsch; Kerzman; Kretschmar; Nichols; Price; Ritter; Scherber; St. Aubyn; Svedjan; Tollefson; Trautman; Wardner

NAYS: Aarsvold; Bateman; Belter; Berg, G.; Berg, R.; Bodine; Boucher; Brokaw; Brown; Byerly; Carlisle; Dalrymple; Delzer; DeWitz; Enget; Erickson; Flaagan; Freier; Gabrielson; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Huether; Jacobson; Kaldor; Kloubec; Kolbo; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Peterson; Porter; Pyle; Rennerfeldt; Ring; Rydell; Schimke;

Schindler; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; Starke; Stofferahn; Thompson; Timm; Urlacher; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Jensen; Payne; Schmidt; Thorpe; Wald

HB 1592 was declared lost.

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HB 1597: A BILL for an Act to amend and reenact sections 53-06.1-03.2 and 53-06.1-03.3 of the North Dakota Century Code, relating to rent limits for twenty-one and charitable gaming ticket sites.

#### ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 8 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nowatzki; Oban; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ritter; Rydell; Scherber; Schindler; Schneider; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Tollefson; Trautman; Wald; Wardner; Wentz; Whalen; Williams; Speaker R. Anderson

NAYS: Bateman; Nichols; Olsen, D.; Ring; Schimke; Shide; Timm; Wilkie

ABSENT AND NOT VOTING: Gorman; Hausauer; Jensen; Schmidt; Thorpe; Urlacher

HB 1597 passed and the title was agreed to.

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HB 1599: A BILL for an Act to create and enact a new subsection to section 23-11-11 of the North Dakota Century Code, relating to the powers of housing authorities; and to amend and reenact section 54-17-07.6 of the North Dakota Century Code, relating to the acceptance of grants, contributions, loans, and other aid by the state housing finance agency.

#### ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 14 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grumbo; Hanson; Henegar; Howard; Huether; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

NAYS: Brown; Enget; Grosz; Hokana; Jacobson; Meyer; Nicholas; Nichols; Schindler; Schmidt; Stofferahn; Svedjan; Thompson; Whalen

ABSENT AND NOT VOTING: Berg, G.; Gorman; Hausauer; Jensen; Thorpe

HB 1599 passed and the title was agreed to.

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HB 1600: A BILL for an Act to provide for the removal of sediment from state, county, and township ditches; and to repeal section 24-06-26.2 of the North Dakota Century Code, relating to maintenance of township road ditches.

#### ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 13 YEAS, 88 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Carlisle; Gates; Hanson; Henegar; Kaldor; Kretschmar; Laughlin; Scherber; Snyder; St. Aubyn; Wardner; Wentz

NAYS: Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hokana; Howard; Huether; Jacobson; Kelsch; Kerzman; Kloubec; Kolbo; Kroeber; Kunkel; Larson; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjervan; Soukup; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Hausauer; Jensen; Myrdal; Thorpe

HB 1600 was declared lost.

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#### SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3016: A concurrent resolution for the amendment of section 13 of article IV of the Constitution of North Dakota, relating to the effective date of legislation.

#### ROLL CALL

The question being on the final adoption of the resolution, which has been read and has committee recommendation of DO PASS, the roll was called and there were 89 YEAS, 14 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grumbo; Hanson; Hausauer; Henegar; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Skar; Skjervan; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Speaker R. Anderson

NAYS: Boehm; Delzer; Gabrielson; Grosz; Hokana; Martinson; Olsen, D.; Schneider; Shide; Snyder; Stofferahn; Timm; Wilkie; Williams

ABSENT AND NOT VOTING: Gorman; Jensen; Thorpe

HCR 3016 was declared adopted on a roll call vote.

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HCR 3044: A concurrent resolution directing the Legislative Council to study the economic benefits of increases or decreases in wetlands acreages and the effect of the emission of wetlands gases on human health.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS.

HCR 3044 was declared lost on a voice vote.

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HCR 3045: A concurrent resolution directing the Legislative Council to study water quality, with emphasis on the testing for nitrates in ground water.

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

HCR 3045 was declared adopted on a voice vote.

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SECOND READING OF HOUSE BILLS

HB 1305: A BILL for an Act to amend and reenact section 15-40.1-08 of the North Dakota Century Code and section 15-40.1-08 of the North Dakota Century Code as amended by section 3 of chapter 231 of the 1989 Session Laws of North Dakota, relating to per-pupil payments for remedial elementary summer programs.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 26 YEAS, 75 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Berg, G.; Boucher; Brokaw; Carlson; Coats; DeMers; Enget; Gates; Huether; Kaldor; Koibo; Kunkel; Muhs; Mutzenberger; Nelson; Nichols; Nowatzki; Oban; Peterson; Ring; Ritter; Scherber; Skar; Wardner; Wilkie

NAYS: Anderson, B.; Bateman; Belter; Berg, R.; Bodine; Boehm; Brown; Byerly; Carlisle; Clayburgh; Cleary; Dalrymple; Delzer; DeWitz; Dorso; Erickson; Freier; Gabrielson; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Jacobson; Kelsch; Kerzman; Kloubec; Kretschmar; Kroeber; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Myrdal; Nicholas; Olsen, D.; Olson, A.; Payne; Porter; Price; Pyle; Rennerfeldt; Rydell; Schimke; Schindler; Schmidt; Schneider; Shide; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wentz; Whalen; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Bernstein; Flaagan; Gorman; Jensen; Thorpe

HB 1305 was declared lost.

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HB 1354: A BILL for an Act to create and enact a new subsection to section 15-40.2-08 and a new section to chapter 15-40.2 of the North Dakota Century Code, relating to tuition payments in cases of foster care child placements and tuition payments in child placement cases.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 12 YEAS, 90 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Brokaw; Gates; Hanson; Huether; Kroeber; Porter; Schimke; Schindler; Snyder; Wilkie

NAYS: Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hausauer; Henegar; Hokana; Howard; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schmidt; Schneider; Shide; Skar; Skjerven; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Jensen; Nicholas; Thorpe

HB 1354 was declared lost.

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## MOTION

REP. KLOUBEC MOVED that the House stand in recess for ten minutes, which motion prevailed.

## SECOND READING OF HOUSE BILLS

HB 1368: A BILL for an Act to amend and reenact sections 44-08-04, 54-03-20, and 54-06-09 of the North Dakota Century Code, relating to travel expense reimbursement of state employees and lodging reimbursement for members of the legislative assembly.

## ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 10 YEAS, 92 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Goffe; Hanson; Kroeber; Martinson; Oban; Ritter; Rydell; Scherber; Skjerven; Williams

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Gorder; Grosz; Grumbo; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nichols; Nowatzki; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Jensen; Nicholas; Thorpe

HB 1368 was declared lost.

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HB 1388: A BILL for an Act to create and enact four new sections to title 15 of the North Dakota Century Code, relating to the establishment and

implementation of student performance standards and performance assessment methods; to amend and reenact section 15-27.4-01 and subdivision q of subsection 1 of section 28-32-01 of the North Dakota Century Code, relating to public school district compliance with student performance standards and the adoption of rules by the superintendent of public instruction; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 34 YEAS, 66 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Bodine; Boucher; Carlson; Clayburgh; Cleary; Coats; DeMers; Dorso; Gates; Gilmore; Hokana; Huether; Kerzman; Kolbo; Kretschmar; Linderman; Mahoney; Meyer; Mutzenberger; Nelson; Nowatzki; Oban; Porter; Pyle; Ring; Ritter; Schneider; Skar; Snyder; Stofferahn; Wardner

NAYS: Bateman; Belter; Berg, R.; Bernstein; Boehm; Brokaw; Brown; Byerly; Carlisle; Dalrymple; Delzer; DeWitz; Enget; Erickson; Freier; Gabrielson; Gerntholz; Goffe; Grosz; Grumbo; Hanson; Hausauer; Henegar; Howard; Jacobson; Kaldor; Kelsch; Kloubec; Kroeber; Kunkel; Larson; Martin; Martinson; Miller; Muhs; Myrdal; Nicholas; Nichols; Olsen, D.; Olson, A.; Payne; Peterson; Price; Rennerfeldt; Rydell; Scherber; Schimke; Schindler; Schmidt; Shide; Skjerven; Soukup; St Aubyn; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Flaagan; Gorder; Gorman; Jensen; Laughlin; Thorpe

HB 1388 was declared lost.

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HB 1428: A BILL for an Act to amend and reenact subsection 1 of section 14-09-09.7 of the North Dakota Century Code, relating to the establishment of child support guidelines.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 70 YEAS, 30 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Coats; DeWitz; Dorso; Enget; Erickson; Freier; Gabrielson; Gerntholz; Gilmore; Goffe; Grumbo; Hausauer; Hokana; Huether; Kaldor; Kelsch; Kerzman; Kolbo; Kretschmar; Laughlin; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Peterson; Porter; Rennerfeldt; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Stofferahn; Thompson; Timm; Trautman; Urlacher; Wald; Wardner; Whalen; Wilkie

NAYS: Belter; Boucher; Carlson; Cleary; Dalrymple; Delzer; DeMers, Gates; Grosz; Hanson; Henegar; Howard; Jacobson; Kloubec; Kroeber; Kunkel; Larson; Linderman; Price; Pyle; Ring; Ritter; Rydell; Scherber; Starke; Svedjan; Tollefson; Wentz; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Flaagan; Gorder; Gorman; Jensen; Payne; Thorpe

HB 1428 passed and the title was agreed to.

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HB 1498: A BILL for an Act relating to reimbursement to health care providers for charges above the allowable charges paid by an insurer.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 11 YEAS, 89 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Boucher; Coats; Hokana; Huether; Kolbo; Mahoney; Mutzenberger; Oban; Ring; Skjervem; Snyder

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Grosz; Grumbo; Hanson; Hausauer; Henegar; Howard; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Martin; Martinson; Meyer; Miller; Muhs; Myrdal; Nelson; Nicholas; Nichols; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Flaagan; Gorder; Gorman; Jensen; Nowatzki; Thorpe

HB 1498 was declared lost.

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HB 1510: A BILL for an Act to amend and reenact sections 15-21-13.1 and 15-44-09 of the North Dakota Century Code, relating to school districting accounting and reporting systems; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 3 YEAS, 97 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Brokaw; Dalrymple; Muhs

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjervem; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Flaagan; Gorder; Gorman; Jensen; Nowatzki; Thorpe

HB 1510 was declared lost.

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HB 1554: A BILL for an Act to create and enact a new section to chapter 14-15 of the North Dakota Century Code, relating to placement of children for adoption by other than a licensed child-placing agency; and to amend and reenact section 50-12-17 of the North Dakota Century Code, relating to a penalty for unauthorized placement of a child for adoption.

## ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 5 YEAS, 95 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Olsen, D.; Olson, A.; Schmidt; Shide; Wardner

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Oban; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schneider; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Flaagan; Gorder; Gorman; Jensen; Nowatzki; Thorpe

HB 1554 was declared lost.

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## REQUEST

REP. WARDNER REQUESTED that the record show that he meant to vote "Nay" on HB 1388, which request was granted.

## MOTION

REP. KLOUBEC MOVED that HB 1444 be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE AND SENATE CONCURRENT RESOLUTIONS  
ON CONSENT CALENDAR

- HCR 3022: A concurrent resolution directing the Legislative Council to study the effects of compliance with the federal Safe Drinking Water Act on North Dakota and its communities.
- HCR 3023: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of various methods for redesigning the administration of education in North Dakota.
- HCR 3026: A concurrent resolution directing the Legislative Council to study and develop a legislative reapportionment plan or plans.
- HCR 3027: A concurrent resolution directing the Legislative Council to study the current conditions and the feasibility of reducing ground pollution in North Dakota's landfills.
- HCR 3032: A concurrent resolution directing the Legislative Council to study the problems caused by and associated with severed mineral interests.
- HCR 3033: A concurrent resolution urging Congress to provide assistance for the education of all handicapped children, as provided for in Public Law 94-142.
- HCR 3037: A concurrent resolution urging Congress to provide funds to the appropriate agency to construct a bridge over the Missouri River approximately midway between Bismarck, North Dakota, and Mobridge, South Dakota, in the vicinity of Fort Yates and Emmons County, North Dakota.
- HCR 3039: A concurrent resolution directing the Legislative Council to study all aspects of special education.

HCR 3040: A concurrent resolution directing the Legislative Council to study the feasibility of having governmental entities conduct meetings through the use of telecommunications systems.

HCR 3041: A concurrent resolution directing the Legislative Council to study recycling and the use of recycled materials by state agencies and institutions.

HCR 3042: A concurrent resolution directing the Legislative Council to study the problems associated with solid waste management, including the operation and effect of legislation relating to solid waste management, whether the Department of Health and Consolidated Laboratories is the appropriate state agency for solid waste management responsibilities, and the effect of establishing district and state solid waste management plans.

HCR 3043: A concurrent resolution directing the Legislative Council to study the methods and manner in which tax-exempt entities acquire and hold real property, the effect of such acquisition and ownership on local tax bases, and the feasibility and desirability of limiting such acquisition, eliminating or limiting such tax exemptions, or requiring divestiture of such property.

SCR 4004: A concurrent resolution directing the Legislative Council to study, analyze, and evaluate, with assistance of a consultant, public policy as determined by the Legislative Assembly and its relationship to the state's ability to enhance economic development.

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

The resolutions were adopted on a voice vote.

#### MOTIONS

REP. KLOUBEC MOVED that the rules be suspended and that all bills passed yesterday and today, with the exception of HB 1509, be messaged to the Senate immediately, which motion prevailed.

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

REP. KLOUBEC MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House be on the Ninth order of business, and at the conclusion of the Ninth order, the House be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the House stand adjourned until 9:00 a.m., Thursday, February 21, 1991, which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

HB 1006: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 3, after the semicolon insert "to provide an appropriation from the solid waste management fund:"

Page 1, line 14, replace "18,886,564" with "18,921,264"

Page 1, line 16, replace "20,812,309" with "20,895,109"

Page 1, line 17, replace "750,900" with "728,400"

Page 1, line 18, replace "9,322,504" with "9,247,504"

Page 1, after line 19, insert:

"Diabetes control project	35,000
Vaccination program	150,000"

Page 1, line 21, replace "52,833,064" with "53,038,064"

Page 1, line 22, replace "38,720,105" with "39,090,105"

Page 2, line 1, replace "14,112,959" with "13,947,959"

Page 2, line 2, replace "APPROPRIATION" with "ABANDONED MOTOR VEHICLE DISPOSAL FUND" and replace "appropriated" with "included"

Page 2, line 3, remove "is hereby appropriated to"

Page 2, line 4, after "laboratories" insert "may spend"

Page 2, after line 6, insert:

"SECTION 3. SOLID WASTE MANAGEMENT FUND. The estimated income line item included in section 1 of this Act includes \$220,000 which the department of health and consolidated laboratories may spend from the solid waste management fund for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 4. VACCINATION PROGRAM FUNDING. The estimated income and vaccination program line items in section 1 of this Act include \$150,000 from other sources. The state department of health and consolidated laboratories is to explore any opportunities to obtain funds from other sources for the continuation of the free vaccination program to be offered through physicians practicing in the state to the extent that such funds are obtained."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### DEPARTMENT 301 - HEALTH AND CONSOLIDATED LABORATORIES

This amendment makes the following general fund changes:

Salaries and wages - Reduction for savings from vacant positions	\$ (25,000)
Equipment reduction	(25,000)
Grants - Reduce emergency medical technicians grants from \$500,000 to \$400,000	(100,000)
Reduce general fund grants to local health districts from \$770,000 to \$695,000	(75,000)
Operating expenses - Add funds for health task force	25,000
Diabetes control project - Add funds for project	35,000
Net general fund reduction	\$ (165,000)

A solid waste management initiative is added in the amount of \$220,000 from the solid waste management fund to be established in House Bill No. 1061. Section 3 is added to allow the department to spend from this fund. The initiative consists of the following:

Salaries and wages	\$ 59,700
Operating expenses	57,800
Equipment	2,500
Grants	100,000
Total	\$220,000

These amendments also add a vaccination program line item appropriating up to \$150,000 from special funds for free vaccination program with a related

section stating the department is authorized to seek funds from other sources for the funding of free vaccinations to be provided children by physicians.

HB 1031: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (18 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 14, after "made" insert "on or after July 1, 1985, and" and remove ", and"

Page 1, remove line 15

Page 1, line 16, remove "than five years at the time of sale"

Page 2, line 13, after "existing" insert "allowable"

Page 2, line 15, overstrike "and"

Page 2, line 16, overstrike the period and insert immediately thereafter "; and"

Page 2, after line 16, insert:

"g. Utilize reimbursement to the extent allowed by the most current provisions of 42 U.S.C. 1396 a (a) 13(C)."

Page 2, replace lines 21 and 22 with:

"b. Allowable costs recognized under the provisions of 42 U.S.C. 1396 a (a) 13(C)."

Re-number accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

This amendment results in recognizing property costs for facilities purchased between July 1, 1985, to January 1, 1991, and limits the cost basis to the lowest of actual purchase price, fair market value, or allowable costs recognized under federal law.

HB 1043, as reengrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 21, replace "commissioner of insurance" with "legislative council"

Page 2, line 24, replace "commissioner" with "legislative council"

Page 2, line 25, remove "of insurance"

Page 2, line 26, replace "commissioner" with "council"

Page 2, line 29, replace "commissioner" with "council"

Page 3, line 3, replace "commissioner" with "council"

Page 3, line 4, after the third "the" insert "appropriate committee of the"

Page 3, line 9, replace "commissioner of insurance" with "legislative council"

Re-number accordingly

HB 1460: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 5, remove "or agent"

Page 1, line 6, remove "without first obtaining the written permission of the"

Page 1, line 7, remove "pupil's parent or guardian" and after the period insert "This section does not apply to that employee's own child or children."

Page 1, line 8, remove "or agent"

Re-number accordingly

HB 1511: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 9 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to direct the department of human services to negotiate a new lease; to authorize the industrial commission, acting as the state building authority, to issue loan notes to make funds available for the acquisition of lands and the construction and equipping of a regional human service center facility or the purchase of an existing facility; to provide for the termination of a current lease; to provide an appropriation; to provide for an effective date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. CANCELLATION AND RENEGOTIATION OF LEASE.

1. The department of human services shall furnish to the landlord, on or before April 1, 1991, written notice of cancellation of the real estate lease, entered into between red river human services foundation and the state of North Dakota, department of human services, designated as contract number 05-123, relating to the premises and office space in the former first national bank and trust company building located at 15 Broadway, Fargo, North Dakota, and currently used to house the southeast human service center. In order to permit the department of human services to cancel that lease, under the cancellation terms provided for in that lease, insufficient funds have been provided by legislative appropriation for rent of human service facilities within North Dakota during the entire biennial period ending June 30, 1993.
2. The department of human services shall attempt to negotiate a new lease with the red river human services foundation to be executed and effective no later than Friday, November 1, 1991. The lease to be negotiated must be based on the model lease used by the department as the basis for its leases for other regional human service center sites, specifically running for a term ending at the end of each fiscal biennium subject to renewal by the department. The negotiation required by this subsection must be based on a detailed accounting report to be furnished to the department of human services by red river human services foundation. The detailed accounting report must be verified by a certified public accountant and showing, in detail, for the most recent fiscal year of the foundation, all foundation expenditures,

salaries paid to all foundation employees, all foundation revenues detailed by revenue source, a listing of all outstanding debt, and a listing of the amounts of any allocable foundation costs allocated to each foundation activity.

**SECTION 2. PROJECT AUTHORIZATION - APPROPRIATION.** The industrial commission, acting as the state building authority, shall determine whether it is more cost effective to purchase an existing building or construct a new facility for the regional human service center in or near the city of Fargo. The industrial commission shall arrange for the funding of the purchase of an existing facility or for the acquisition of land and the erection of improvements, including furniture and equipment, on that land for the purpose of housing that regional human service center, hereby declared to be in the public interest, through the issuance of loan notes, under North Dakota Century Code chapter 54-17.2, during the period beginning November 1, 1991, and ending June 30, 1993. The industrial commission may offer loan notes issued under this section for sale only to the Bank of North Dakota at a price that is as representative as possible of the current market interest rates for comparable loan notes purchased by the Bank of North Dakota. The proceeds of the loan notes and other available funds are hereby appropriated during the biennium beginning July 1, 1991, and ending June 30, 1993, for the acquisition of suitable real property or the construction of improvements, or both, including furniture and equipment, for that human service center. The construction and acquisition funds may not exceed \$2,475,000.

The industrial commission shall issue loan notes authorized under this section with the condition that the payments need not begin until July 1, 1993. This authority of the industrial commission to issue loan notes ends on June 30, 1993, but the industrial commission may continue to exercise all other powers granted to it under chapter 54-17.2 and this Act, and to comply with any covenants entered into before that date.

**SECTION 3. CONTINGENT EFFECTIVE DATE.** If the department of human services is able to negotiate a lease pursuant to subsection 2 of section 1 of this Act which is satisfactory to the executive director of the department and the attorney general, then section 2 of this Act is of no force and effect. The executive director and the attorney general shall approve and find satisfactory any lease that provides profit to the landlord of three percent or less per year. By November 1, 1991, the attorney general shall certify to the industrial commission that a satisfactory lease has been negotiated and executed pursuant to subsection 2 of section 1 of this Act or that such is not the case.

**SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure."

ReNUMBER accordingly

HB 1514: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends DO NOT PASS (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1514 was placed on the Eleventh order on the calendar.

HB 1515: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) A MAJORITY of your committee (Reps. Larson, Henegar, Price, Trautman, Cleary, Gilmore, Mutzenberger, Peterson, Scherber) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to title 50 of the North Dakota Century Code, relating to benefits for pregnant women; to amend and reenact sections 14-02.1-01, 14-02.1-02, 14-02.1-03, subsection 2 of section 14-02.1-03.1, and sections 14-02.1-04 and 14-02.1-12 of the

North Dakota Century Code, relating to abortions and the Human Life Protection Act; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 14-02.1-01 of the North Dakota Century Code is amended and reenacted as follows:

14-02.1-01. Purpose Legislative findings and purposes. The purpose of this chapter is to protect unborn human life and maternal health within present constitutional limits. It reaffirms the tradition of the state of North Dakota to protect every human life whether unborn or aged; healthy or sick.

1. The legislative assembly finds that:

- a. Unborn children are human beings, and abortion is the taking of the life of an unborn child who is a member of the human race;
- b. The most basic of all human rights is the right to life. It has properly been called "the right to have rights". Therefore, the first obligation of any legitimate government is to protect the lives of those human beings within its jurisdiction;
- c. This state has a compelling interest in protecting the lives of unborn children throughout pregnancy;
- d. This state has a compelling interest in protecting the lives of women, and specifically the lives of pregnant women;
- e. This state affirms the longstanding tradition in American law of prosecuting those who perform illegal abortions, and not the pregnant women who undergo them;
- f. Alternatives are available in this state to support women with unplanned and difficult pregnancies and to enable them to give birth, including publicly funded services, high-risk pregnancy and pediatric services, as well as privately funded alternative agencies, such as crisis pregnancy centers and adoption agencies.

2. Based on the findings in subsection 1, it is the purpose of this Act to protect the lives of unborn children; prevent arbitrary, invidious, and unconstitutional discrimination against unborn children; protect pregnant women's lives by permitting those medical procedures necessary to preserve their lives; encourage childbirth for pregnant women; and reasonably regulate abortion in conformance with current decisions of the United States supreme court.

SECTION 2. AMENDMENT. Section 14-02.1-02 of the North Dakota Century Code is amended and reenacted as follows:

14-02.1-02. Definitions. As used in this chapter:

1. "Abortion" means the termination of human pregnancy with an intention other than to produce a live birth or to remove a dead embryo or fetus the use of any instrument with the intent to terminate the pregnancy of a woman known to be pregnant, except to save the life or preserve the health of an unborn child to remove a dead unborn child or to deliver an unborn child prematurely, by accepted medical procedures, in order to preserve the health of the mother. However, the

termination of a human pregnancy with an intention to produce a live birth is not an abortion.

2. "Abortion facility" means a clinic, ambulatory surgical center, physician's office, or any other place or facility in which abortions are performed, other than a hospital. For purposes of this Act, an abortion clinic is one operated substantially for the performance of abortions and performs thirty or more abortions per month any two months of a calendar year or which holds itself out to the public as an abortion provider or applies for a license as an abortion provider.
3. "Conception" means the fusion of a human spermatozoan with a human ovum.
4. "Hospital" means an institution licensed by the state department of health and consolidated laboratories under chapter 23-16, and any hospital operated by the United States or this state.
- ~~4.~~ 5. "Infant born alive" or "live born child" means a born child which exhibits either heartbeat, spontaneous respiratory activity, spontaneous movement of voluntary muscles or pulsation of the umbilical cord if still attached to the child.
- ~~5.~~ 6. "Informed consent" means voluntary consent to abortion by the woman upon whom the abortion is to be performed only after full disclosure to her by the physician who is to perform the abortion of as much of the following information as is reasonably chargeable to the knowledge of the physician in his professional capacity:
  - a. According to the best judgment of her attending physician, she is pregnant.
  - b. The number of weeks elapsed from the probable time of the conception of her unborn child, based upon the information provided by her as to the time of her last menstrual period or based upon a history and physical examination and appropriate laboratory tests.
  - c. The probable anatomical and physiological characteristics of the unborn child at the time the abortion is to be performed.
  - d. The immediate and long-term physical dangers of abortion, psychological trauma resulting from abortion, sterility and increases in the incidence of premature births, tubal pregnancies and stillbirths in subsequent pregnancies, as compared to the dangers in carrying the pregnancy to term.
  - e. The particular risks associated with her own pregnancy and the abortion technique to be performed.
  - f. Alternatives to abortion such as childbirth and adoption and information concerning public and private agencies that will provide the woman with economic and other assistance and encouragement to carry her child to term including, if the woman so requests, a list of the agencies and the services available from each.
  - g. In cases where the fetus may reasonably be expected to have reached viability and thus be capable of surviving outside of her womb, the attending physician shall inform

the woman of the extent to which he is legally obligated to preserve the life and health of her viable unborn child during and after the abortion.

In addition, the physician may inform the woman of any other material facts or opinions or provide any explanation of the above information which, in the exercise of ~~his~~ the physician's best medical judgment, is reasonably necessary to allow the woman to give her informed consent to the proposed abortion, with full knowledge of its nature and consequences.

Informed consent shall be evidenced by a written statement, in the form prescribed by the state department of health and consolidated laboratories and approved by the attorney general, signed by the physician and the woman upon whom the abortion is to be performed, in which statement the physician certifies that ~~he has made the~~ full disclosure has been made as provided above; and in which statement the woman upon whom the abortion is to be performed acknowledges that the above disclosures have been made to her and that she voluntarily consents to the abortion.

Informed consent shall not be required in the event of a medical emergency when the woman is incapable of giving her consent if a licensed physician certifies the abortion is necessary to prevent her death.

- 6- 7. "Licensed physician" means a person who is licensed to practice medicine or osteopathy under chapter 43-17, or a physician practicing in the armed services of the United States, or in the employ of the United States.
8. "Pregnant" or "pregnancy" means that female reproductive condition of having an unborn child in the mother's body, beginning with conception.
9. "Unborn child" means an individual organism of the species homo sapiens from conception until birth.
- 7- 10. "Viable" means the ability of a fetus to live outside the mother's womb, albeit with artificial aid.

SECTION 3. AMENDMENT. Section 14-02.1-03 of the North Dakota Century Code is amended and reenacted as follows:

14-02.1-03. Consent to abortion - Notification requirements.

1. ~~No~~ A physician ~~shall~~ may not perform an abortion unless prior to ~~such performance the abortion~~ the physician certified in writing that the woman gave her informed consent fully and without coercion, after the attending physician had informed the woman of the information contained in section 14-02.1-02 not more than thirty days nor less than forty-eight hours prior to her consent to the abortion and shall certify in writing the pregnant woman's marital status and age based upon proof of age offered by her. Prior to the period of pregnancy when the fetus may reasonably be expected to have reached viability, no abortion ~~shall~~ may be performed upon an unemancipated minor unless the attending physician certifies in writing that each of the parents of the minor ~~requesting the abortion~~ has been provided by the physician in person with the information provided for in section 14-02.1-02 at least twenty-four hours prior to the minor's consent to the ~~performance of~~ abortion or unless the attending physician certifies in writing that ~~he~~ the physician has caused materials of section 14-02.1-02 to be posted by certified mail to each of the parents of the minor separately to the

last known addresses at least forty-eight hours prior to the minor's consent to the ~~performance~~ of abortion. When a parent of the minor has died or rights and interests of such parent have been legally terminated, this subsection shall apply to the sole remaining parent. When both parents have died or where the rights and interests of both parents have been legally terminated, this subsection ~~shall apply~~ applies to the guardian or other person standing in loco parentis.

2. ~~Subsequent to the period of pregnancy when the fetus may reasonably be expected to have reached viability, no abortion; other than an abortion necessary to preserve her life, or because the continuation of her pregnancy will impose on her a substantial risk of grave impairment of her physical or mental health, may be performed upon any woman in the absence of:~~
  - a. ~~The written consent of her husband unless her husband is voluntarily separated from her; or~~
  - b. ~~The written consent of a parent, if living, or the custodian or legal guardian of the woman; if the woman is unmarried and under eighteen years of age.~~
3. ~~No executive officer, administrative agency, or public employee of the state of North Dakota or any local governmental body has power to issue any order requiring an abortion, nor shall any such officer or entity coerce any woman to have an abortion, nor shall any other person coerce any woman to have an abortion.~~

SECTION 4. AMENDMENT. Subsection 2 of section 14-02.1-03.1 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. Any pregnant woman under the age of eighteen or next friend ~~shall be~~ is entitled to apply to the juvenile court for authorization to obtain an abortion without parental consent. Proceedings on such application ~~shall must~~ must be conducted in the juvenile court of the county of the minor's residence before a juvenile judge or referee, if authorized by the juvenile court judge in accordance with the provisions of chapter 27-05, except that the parental notification requirements of chapter 27-20 ~~shall are not be~~ are not applicable to proceedings under this section. All applications in accordance with this section ~~shall must~~ must be heard by a juvenile judge or referee within forty-eight hours, excluding Saturdays and Sundays, of receipt of the application. The purpose of the hearing before the juvenile judge or referee ~~shall be~~ is to determine:
  - a. Whether or not the minor is sufficiently mature and well informed with regard to the nature, effects, and possible consequences of both having an abortion and bearing her child to be able to choose intelligently among the alternatives.
  - b. If the minor is not sufficiently mature and well informed to choose intelligently among the alternatives without the advice and counsel of her parents or guardian, whether or not it would be in the best interests of the minor to notify her parents or guardian of the proceedings and call in the parents or guardian to advise and counsel the minor and aid the court in making its determination and to assist the minor in making her decision.

- c. If the minor is not sufficiently mature and well informed to choose intelligently among the alternatives and it is found not to be in the best interests of the minor to notify and call in her parents or guardian for advice and counsel, whether an abortion or some other alternative would be in the best interests of the minor, with abortion being considered only as a last resort.

SECTION 5. AMENDMENT. Section 14-02.1-04 of the North Dakota Century Code is amended and reenacted as follows:

14-02.1-04. Limitations on the performance of abortions - Penalty.

1. ~~No An abortion shall be done may not be performed by any person other than a licensed physician using medical standards applicable to all other surgical procedures.~~
2. ~~After the first twelve weeks of pregnancy but prior to the time at which the fetus may reasonably be expected to have reached viability, no abortion may be performed in any facility other than a licensed hospital. Except as provided in subsection 3, no person may perform an abortion upon a pregnant woman unless her attending physician reasonably determines, in the physician's medical judgment, that the woman's life would be endangered if the unborn child were carried to full term and records, either before or after the abortion, the basis for the physician's determination in the woman's medical record.~~
3. ~~After the point in pregnancy where the fetus may reasonably be expected to have reached viability, no abortion may be performed except in a hospital, and then only if in the medical judgment of the physician the abortion is necessary to preserve the life of the woman or if in the physician's medical judgment the continuation of her pregnancy will impose on her a substantial risk of grave impairment of her physical or mental health.~~

~~An abortion under this subsection may only be performed if the above-mentioned medical judgment of the physician who is to perform the abortion is first certified by him in writing, setting forth in detail the facts upon which he relies in making this judgment and if this judgment has been concurred in by two other licensed physicians who have examined the patient. The foregoing certification and concurrence is not required in the case of an emergency where the abortion is necessary to preserve the life of the patient. An abortion is also authorized if:~~

- a. The pregnancy resulted from gross sexual imposition, sexual imposition, or sexual abuse of a ward, as those offenses are defined in chapter 12.1-20.
  - b. The pregnancy resulted from incest, as that offense is defined in chapter 12.1-20.
  - c. The attending or referring physician, in consultation with another physician, determined that the child would be born with profound and irremediable physical or mental disability. The determination must be one that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.
4. Any licensed physician who performs an abortion without complying with the provisions of this section is guilty of a

class A misdemeanor. In addition to any other penalty, upon notice and hearing, if the evidence supports the allegation that a physician has not complied with this section in performing abortions, the physician's license must be revoked for at least one year.

5. It ~~shall be~~ is a class B felony for any person, other than a physician licensed under chapter 43-17, to perform an abortion in this state.

SECTION 6. AMENDMENT. Section 14-02.1-12 of the North Dakota Century Code is amended and reenacted as follows:

14-02.1-12. Short title. This chapter may be cited as the North Dakota ~~Abortion Control~~ Human Life Protection Act.

SECTION 7. A new section to title 50 of the North Dakota Century Code is created and enacted as follows:

Benefits for pregnant women. The department shall pay a benefit during the first six months of pregnancy to the mother of an unborn child who would otherwise be eligible for a benefit under chapter 50-09. The benefit paid under this section must be equal to the benefit available under chapter 50-09. An applicant for a benefit under this section shall provide medical verification of her pregnancy. If the applicant is unable to provide the verification, the department shall provide a medical examination to verify the pregnancy."

Renumber accordingly

HB 1515: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) A MINORITY of your committee (Reps. D. Olson, Delzer, St. Aubyn, Svedjan) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 14-02.1-01, 14-02.1-02, 14-02.1-03, subsection 2 of section 14-02.1-03.1, and sections 14-02.1-04 and 14-02.1-12 of the North Dakota Century Code, relating to abortions and the Human Life Protection Act; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 14-02.1-01 of the North Dakota Century Code is amended and reenacted as follows:

14-02.1-01. Purpose Legislative findings and purposes. The purpose of this chapter is to protect unborn human life and maternal health within present constitutional limits. It reaffirms the tradition of the state of North Dakota to protect every human life whether unborn or aged; healthy or sick.

1. The legislative assembly finds that:

- a. Unborn children are human beings, and abortion is the taking of the life of an unborn child who is a member of the human race;
- b. The most basic of all human rights is the right to life. It has properly been called "the right to have rights". Therefore, the first obligation of any legitimate government is to protect the lives of those human beings within its jurisdiction;
- c. This state has a compelling interest in protecting the lives of unborn children throughout pregnancy;

- d. This state has a compelling interest in protecting the lives of women, and specifically the lives of pregnant women;
- e. This state affirms the longstanding tradition in American law of prosecuting those who perform illegal abortions, and not the pregnant women who undergo them;
- f. Alternatives are available in this state to support women with unplanned and difficult pregnancies and to enable them to give birth, including publicly funded services, high-risk pregnancy and pediatric services, as well as privately funded alternative agencies, such as crisis pregnancy centers and adoption agencies.
2. Based on the findings in subsection 1, it is the purpose of this Act to protect the lives of unborn children; prevent arbitrary, invidious and unconstitutional discrimination against unborn children; protect pregnant women's lives by permitting those medical procedures necessary to preserve their lives; encourage childbirth for pregnant women; and reasonably regulate abortion in conformance with current decisions of the United States supreme court.

SECTION 2. AMENDMENT. Section 14-02.1-02 of the North Dakota Century Code is amended and reenacted as follows:

14-02.1-02. Definitions. As used in this chapter:

1. "Abortion" means the termination of human pregnancy with an intention other than to produce a live birth or to remove a dead embryo or fetus the use or prescription of any instrument, medicine, drug, or any other substance or device with the intent to terminate the pregnancy of a woman known to be pregnant, except to save the life or preserve the health of an unborn child, to produce a live birth, to remove a dead unborn child by accepted medical procedures, or to deliver an unborn child prematurely in order to preserve the health of either the mother or the unborn child. However, the termination of a woman's pregnancy with the intent to produce a live birth is not an abortion.
2. "Abortion facility" means a clinic, ambulatory surgical center, physician's office, or any other place or facility in which abortions are performed, other than a hospital. For purposes of this Act, an abortion clinic is one operated substantially for the performance of abortions and performs thirty or more abortions per month any two months of a calendar year or which holds itself out to the public as an abortion provider or applies for a license as an abortion provider.
3. "Conception" means the fusion of a human spermatozoon with a human ovum.
4. "Hospital" means an institution licensed by the state department of health and consolidated laboratories under chapter 23-16, and any hospital operated by the United States or this state.
- ← 5. "Infant born alive" or "live born child" means a born child which exhibits either heartbeat, spontaneous respiratory activity, spontaneous movement of voluntary muscles or pulsation of the umbilical cord if still attached to the child.

- 5- 6. "Informed consent" means voluntary consent to abortion by the woman upon whom the abortion is to be performed only after full disclosure to her by the physician who is to perform the abortion of as much of the following information as is reasonably chargeable to the knowledge of the physician in his professional capacity:
- a. According to the best judgment of her attending physician, she is pregnant.
  - b. The number of weeks elapsed from the probable time of the conception of her unborn child, based upon the information provided by her as to the time of her last menstrual period or based upon a history and physical examination and appropriate laboratory tests.
  - c. The probable anatomical and physiological characteristics of the unborn child at the time the abortion is to be performed.
  - d. The immediate and long-term physical dangers of abortion, psychological trauma resulting from abortion, sterility and increases in the incidence of premature births, tubal pregnancies and stillbirths in subsequent pregnancies, as compared to the dangers in carrying the pregnancy to term.
  - e. The particular risks associated with her own pregnancy and the abortion technique to be performed.
  - f. Alternatives to abortion such as childbirth and adoption and information concerning public and private agencies that will provide the woman with economic and other assistance and encouragement to carry her child to term including, if the woman so requests, a list of the agencies and the services available from each.
  - g. In cases where the fetus may reasonably be expected to have reached viability and thus be capable of surviving outside of her womb, the attending physician shall inform the woman of the extent to which he is legally obligated to preserve the life and health of her viable unborn child during and after the abortion.

In addition, the physician may inform the woman of any other material facts or opinions or provide any explanation of the above information which, in the exercise of his the physician's best medical judgment, is reasonably necessary to allow the woman to give her informed consent to the proposed abortion, with full knowledge of its nature and consequences.

Informed consent shall be evidenced by a written statement, in the form prescribed by the state department of health and consolidated laboratories and approved by the attorney general, signed by the physician and the woman upon whom the abortion is to be performed, in which statement the physician certifies that ~~he has made the~~ full disclosure has been made as provided above; and in which statement the woman upon whom the abortion is to be performed acknowledges that the above disclosures have been made to her and that she voluntarily consents to the abortion.

Informed consent shall not be required in the event of a medical emergency when the woman is incapable of giving her consent if a licensed physician certifies the abortion is necessary to prevent her death.

- 6- 7. "Licensed physician" means a person who is licensed to practice medicine or osteopathy under chapter 43-17, or a physician practicing in the armed services of the United States, or in the employ of the United States.
8. "Pregnant" or "pregnancy" means that female reproductive condition of having an unborn child in the mother's body, beginning with conception.
9. "Unborn child" means an individual organism of the species homo sapiens from conception until birth.
- 7- 10. "Viable" means the ability of a fetus to live outside the mother's womb, albeit with artificial aid.

SECTION 3. AMENDMENT. Section 14-02.1-03 of the North Dakota Century Code is amended and reenacted as follows:

14-02.1-03. Consent to abortion - Notification requirements.

1. ~~No A physician shall may not perform an abortion unless prior to such performance the abortion the physician certified in writing that the woman gave her informed consent fully and without coercion, after the attending physician had informed the woman of the information contained in section 14-02.1-02 not more than thirty days nor less than forty-eight hours prior to her consent to the abortion and shall certify in writing the pregnant woman's marital status and age based upon proof of age offered by her. Prior to the period of pregnancy when the fetus may reasonably be expected to have reached viability, no abortion shall may be performed upon an unemancipated minor unless the attending physician certifies in writing that each of the parents of the minor requesting the abortion has been provided by the physician in person with the information provided for in section 14-02.1-02 at least twenty-four hours prior to the minor's consent to the performance of abortion or unless the attending physician certifies in writing that he the physician has caused materials of section 14-02.1-02 to be posted by certified mail to each of the parents of the minor separately to the last known addresses at least forty-eight hours prior to the minor's consent to the performance of abortion. When a parent of the minor has died or rights and interests of such parent have been legally terminated, this subsection shall apply to the sole remaining parent. When both parents have died or where the rights and interests of both parents have been legally terminated, this subsection shall apply applies to the guardian or other person standing in loco parentis.~~
2. ~~Subsequent to the period of pregnancy when the fetus may reasonably be expected to have reached viability, no abortion, other than an abortion necessary to preserve her life, or because the continuation of her pregnancy will impose on her a substantial risk of grave impairment of her physical or mental health, may be performed upon any woman in the absence of:~~
  - a: ~~The written consent of her husband unless her husband is voluntarily separated from her; or~~
  - b: ~~The written consent of a parent, if living, or the custodian or legal guardian of the woman, if the woman is unmarried and under eighteen years of age.~~
- 3- No executive officer, administrative agency, or public employee of the state of North Dakota or any local governmental body has power to issue any order requiring an

abortion, nor ~~shall~~ may any such officer or entity coerce any woman to have an abortion, nor shall any other person coerce any woman to have an abortion.

SECTION 4. AMENDMENT. Subsection 2 of section 14-02.1-03.1 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. Any pregnant woman under the age of eighteen ~~or next friend shall be~~ is entitled to apply to the juvenile court of her place of domicile or permanent residence, or in the place of domicile of her parents for authorization to obtain an abortion without parental consent. Proceedings on such application ~~shall~~ must be conducted in the juvenile court of the county of the minor's residence of her place of domicile or permanent residence, or in the place of domicile of her parents before a juvenile judge or referee, if authorized by the juvenile court judge in accordance with the provisions of chapter 27-05, except that the parental notification requirements of chapter 27-20 ~~shall are not be~~ applicable to proceedings under this section. All applications in accordance with this section ~~shall~~ must be heard by a juvenile judge or referee within forty-eight hours, excluding Saturdays and Sundays, of receipt of the application. The purpose of the hearing before the juvenile judge or referee ~~shall be is~~ to determine:
  - a. Whether or not the minor is sufficiently mature and well informed with regard to the nature, effects, and possible consequences of both having an abortion and bearing her child to be able to choose intelligently among the alternatives.
  - b. If the minor is not sufficiently mature and well informed to choose intelligently among the alternatives without the advice and counsel of her parents or guardian, whether or not it would be in the best interests of the minor to notify her parents or guardian of the proceedings and call in the parents or guardian to advise and counsel the minor and aid the court in making its determination and to assist the minor in making her decision.
  - c. If the minor is not sufficiently mature and well informed to choose intelligently among the alternatives and it is found not to be in the best interests of the minor to notify and call in her parents or guardian for advice and counsel, whether an abortion or some other alternative would be in the best interests of the minor, with abortion being considered only as a last resort.

SECTION 5. AMENDMENT. Section 14-02.1-04 of the North Dakota Century Code is amended and reenacted as follows:

14-02.1-04. Limitations on the performance of abortions - Penalty.

1. ~~No~~ An abortion ~~shall be done~~ may not be performed by any person other than a licensed physician using medical standards applicable to all other surgical procedures.
2. ~~After the first twelve weeks of pregnancy but prior to the time at which the fetus may reasonably be expected to have reached viability, no abortion may be performed in any facility other than a licensed hospital.~~ Except as provided in subsection 3, no person may perform an abortion upon a pregnant woman unless her attending physician reasonably

determines, in the physician's medical judgment, that the woman's life would be endangered if the unborn child were carried to full term and records, either before or after the abortion, the basis for the physician's determination in the woman's medical record.

3. After the point in pregnancy where the fetus may reasonably be expected to have reached viability, no abortion may be performed except in a hospital, and then only if in the medical judgment of the physician the abortion is necessary to preserve the life of the woman or if in the physician's medical judgment the continuation of her pregnancy will impose on her a substantial risk of grave impairment of her physical or mental health.

An abortion under this subsection may only be performed if the above-mentioned medical judgment of the physician who is to perform the abortion is first certified by him in writing, setting forth in detail the facts upon which he relies in making this judgment and if this judgment has been concurred in by two other licensed physicians who have examined the patient. The foregoing certification and concurrence is not required in the case of an emergency where the abortion is necessary to preserve the life of the patient. An abortion is also authorized if:

- a. The pregnancy resulted from gross sexual imposition, sexual imposition, or sexual abuse of a ward, as those offenses are defined in chapter 12.1-20, and the offense was reported to a law enforcement agency within twenty-one days after the offense or within fifteen days after the time the victim becomes capable of reporting the offense.
  - b. The pregnancy resulted from incest, as that offense is defined in chapter 12.1-20, and both the offense and the identity of the perpetrator are reported to a law enforcement agency before the pregnancy is terminated.
4. Any licensed physician who performs an abortion without complying with the provisions of this section is guilty of a class A misdemeanor. In addition to any other penalty, upon notice and hearing, if the evidence supports the allegation that a physician has not complied with this section in performing abortions, the physician's license must be revoked for at least one year.
  5. It shall be a class B felony for any person, other than a physician licensed under chapter 43-17, to perform an abortion in this state.

SECTION 6. AMENDMENT. Section 14-02.1-12 of the North Dakota Century Code is amended and reenacted as follows:

14-02.1-12. Short title. This chapter may be cited as the North Dakota ~~Abortion Control~~ Human Life Protection Act."

Renumber accordingly

The reports of the majority and the minority were placed on the Sixth order of business on the calendar for the succeeding legislative day.

HB 1540: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 12, after the period insert "In cases where the court grants the temporary restraining order or injunction, the court shall also order that the father be financially responsible for all expenses incurred by the woman incident to her pregnancy."

Re-number accordingly

HB 1558: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (20 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, replace "providing" with "to provide mandatory fees upon conviction for certain offenses, deposit of the fees in the domestic violence prevention fund, and grants from the fund; and to provide" and remove "to the state department of"

Page 1, remove line 2

Page 1, line 3, remove "domestic violence prevention fund"

Page 1, after line 4, insert:

"SECTION 1. Mandatory fee imposed upon conviction of criminal offense - Deposit in domestic violence prevention fund. In addition to any other penalty provided by law, a person convicted of an offense pursuant to sections 12.1-17-01, 12.1-17-01.1, 12.1-17-02, chapter 12.1-20, or section 14-09-28 shall pay a fee of fifty dollars to be deposited to the credit of the domestic violence prevention fund. In addition to any other penalty provided by law, a person convicted of any other felony or misdemeanor shall pay a fee of fifteen dollars to be deposited to the credit of the domestic violence prevention fund. The clerk of court in each jurisdiction shall forward the fees collected to the state department of health and consolidated laboratories together with a report of the number of convictions and fees assessed for each category of offense."

Page 1, line 5, replace "appropriated out" with "transferred from"

Page 1, line 6, remove "of"

Page 1, line 7, replace "\$2,000,000" with "\$300,000"

Page 1, remove line 8

Page 1, line 9, replace the first "for" with ". There is hereby appropriated out of any moneys in the domestic violence prevention fund, not otherwise appropriated, the sum of \$600,000, or so much thereof as may be necessary, to the state department of health and consolidated laboratories for the purpose of administering"

Re-number accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

Grants must be distributed based on need and local fundraising efforts.

HB 1559, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (14 YEAS, 8 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 3, remove "and" and after "appropriation" insert "; and to provide an effective date"

Page 16, line 27, replace "The funds provided in this section, or so" with "There is"

Page 16, line 28, remove "much thereof as may be necessary, are"

Page 16, line 29, after the second comma insert "the sum of \$10,000, or so much thereof as may be necessary,"

Page 17, line 1, remove "board of higher education and the"

Page 17, remove lines 4 through 6

Page 17, after line 6, insert:

"SECTION 20. EFFECTIVE DATE. Sections 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18 of this Act become effective May 1, 1993."

Renumber accordingly

HB 1579: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 3, line 13, replace "or" with an underscored comma and after "physician" insert ", or by the physician's agent"

Page 7, line 7, after the period insert "Notification by the attending physician is not required if the minor elects not to allow the notification of one or both parents or her guardian and the abortion is authorized by the juvenile court in accordance with section 14-02.1-03.1."

Renumber accordingly

SB 2193: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 9, replace "subsection" with "subsections", after "1" insert "and 2", and remove "interest-bearing accounts at the Bank of North"

Page 1, line 10, replace "Dakota. The moneys in these accounts" with "special funds in the state treasury. These funds"

Renumber accordingly

SB 2288, as engrossed: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (11 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 11, replace "twenty-five" with "fifty"

Page 2, line 3, replace "one hundred" with "twenty"

Page 2, line 19, after "operation" insert "in North Dakota"

Renumber accordingly

SB 2425, as engrossed: Committee on Industry, Business, and Labor (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING) The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 15, after the period insert "A nurse authorized to transmit a prescription drug order may only transmit an order for a refill of that drug."

Page 1, line 22, replace "drugs" with "a prescription drug refill"

ReNUMBER accordingly

#### FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Reps. Henegar, Martin introduced:

HCR 3050: A concurrent resolution directing the Legislative Council to study the statutes and rules concerning the propagation of captive wildlife and exotic wildlife in North Dakota and the authority of the Game and Fish Commissioner and the Board of Animal Health to regulate this industry.

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

Reps. Delzer, Gilmore, St. Aubyn and Sens. Freborg, Mathern, Wogsland introduced:

HCR 3050: A concurrent resolution directing the Legislative Council to study laws governing licensing and regulation of various occupations and professions.

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

Rep. Skjerven introduced:

HCR 3051: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of community ownership and control or privatization of the state higher education institutions.

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

Rep. Clayburgh introduced:

HCR 3052: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of implementing a one-call excavation notice system.

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

Rep. Oban introduced:

HCR 3053: A concurrent resolution directing the Legislative Council to study various methods of delivering medical care to students with disabilities.

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

Reps. Oban, Kelsch, Gilmore and Sens. Heinrich, Holmberg introduced:

HCR 3054: A concurrent resolution directing the Legislative Council to study the current and future role of the North Dakota early childhood tracking system.

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

Rep. Skjerven introduced:

HCR 3055: A concurrent resolution directing the Legislative Council to study the enrollment of North Dakota students in public schools or institutions of bordering states.

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

Reps. Tollefson, Hanson introduced:

HCR 3056: A concurrent resolution directing the Legislative Council to study the equity and advisability of the present method of issuance of gratis hunting permits.

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

Rep. Kretschmar introduced:

HCR 3057: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of requiring a unified budget.

Was read the first time and referred to the Joint Constitutional Revision Committee.

#### FIRST READING OF SENATE BILLS

**SB 2007:** A BILL for an Act to provide for an appropriation for defraying the expenses of the adjutant general; to provide for an appropriation of funds from the national guard tuition trust fund; and to provide legislative intent.

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

**SB 2038:** A BILL for an Act to provide for implied consent to chemical testing for purposes of determining intoxication while being afield with a gun or other firearm or bow and arrow; to create and enact a new subsection to section 20.1-02-15.1 of the North Dakota Century Code, relating to the powers of the game and fish commissioner, deputy commissioner, and game wardens; to amend and reenact sections 20.1-01-02 and 20.1-01-06 of the North Dakota Century Code, relating to being afield with a gun or other firearm or bow and arrow while intoxicated; and to provide a penalty.

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

**SB 2065:** A BILL for an Act to create and enact three new sections to chapter 53-06.1 of the North Dakota Century Code, relating to the establishment of a state gaming commission; to amend and reenact sections 53-06.1-01, 53-06.1-02, 53-06.1-02.1, 53-06.1-03, 53-06.1-06, 53-06.1-06.1, subsection 1 of section 53-06.1-07, section 53-06.1-08, subsection 1 of section 53-06.1-11, sections 53-06.1-11.1, 53-06.1-12, 53-06.1-12.1, 53-06.1-12.2, 53-06.1-13, 53-06.1-14, 53-06.1-15, 53-06.1-15.1, 53-06.1-16, 53-06.1-16.2, 53-06.1-17, subsection 1 of section 54-07-01.2, subsection 8 of section 57-39.2-01, and subsections 6 and 7 of section 57-40.2-01 of the North Dakota Century Code, relating to definitions, the conducting of games of chance and parimutuel horse racing, and sales and use taxes; and to repeal sections 53-06.2-02, 53-06.2-03, 53-06.2-13, subsection 42 of section 57-39.2-04, and subsection 24 of section 57-40.2-04 of the North Dakota Century Code, relating to the North Dakota racing commission and sales and use tax exemptions for electronic games of chance.

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

**SB 2066:** A BILL for an Act to create and enact a new section to chapter 32-08.1 of the North Dakota Century Code, relating to the prehearing attachment of property; and to amend and reenact section 32-08.1-02, subsection 1 of section 32-08.1-03, and section 32-08.1-17 of the North Dakota Century Code, relating to the issuance of writs of attachment.

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

**SB 2188:** A BILL for an Act to provide for the establishment of a program to carry out the provisions of the Emergency Planning and Community Right-to-Know Act of 1986, expanded duties of the division of emergency management, a facility fee system, a state and local hazardous chemicals fund or account, and the expenditure of special funds; and to provide a penalty.

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

**SB 2221:** A BILL for an Act to create and enact a new section to chapter 36-01 of the North Dakota Century Code, relating to definitions; and to amend and reenact sections 36-01-08, 36-01-12, 36-01-13, 36-01-14, 36-01-17, and 36-01-19 of the North Dakota Century Code, relating to duties of the state board of animal health, powers of the state board of animal health over contagious and infectious diseases, diseased animals to be reported to the board, protest of killing of diseased animals, oaths and examinations, and the emergency fund in case of epizootic.

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

**SB 2275:** A BILL for an Act to create and enact sections 51-18-04.1, 51-18-04.2, and 51-18-04.3 and two new sections to chapter 51-18 of the

North Dakota Century Code, relating to telepromoting transactions; to amend and reenact sections 51-15-04, 51-15-05, 51-15-06.1, 51-15-07, 51-15-08, 51-15-11, 51-18-01, and 51-18-08 of the North Dakota Century Code relating to the authority of the attorney general, enforcement of remedies, the definition of a telepromoter, and exceptions from regulation of home solicitation sales; and to provide a penalty.

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

SB 2276: A BILL for an Act to create and enact a new section to chapter 40-57.1 of the North Dakota Century Code, relating to penalties for bad faith use of tax exemptions for new industries; to amend and reenact sections 40-57.1-01, 40-57.1-02, 40-57.1-03, 40-57.1-04, 40-57.1-04.1, 40-57.1-04.3, 40-57.1-06, 40-57.1-07, and 40-57.1-08 of the North Dakota Century Code, relating to property, sales, and income tax exemptions for new industries; to repeal section 40-57.1-05 of the North Dakota Century Code, relating to discretion of the state board of equalization to reconsider applications for tax exemptions for new industries; and to provide for transition.

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

SB 2284: A BILL for an Act to authorize the director of the department of human services to transfer title and convey certain land at the state developmental center at Grafton to the city of Grafton; and to provide an appropriation.

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

SB 2335: A BILL for an Act to create and enact a new section to chapter 27-08.1 of the North Dakota Century Code, relating to dismissal of a case without prejudice; and to amend and reenact subsection 1 of section 27-08.1-01 and section 27-08.1-03 of the North Dakota Century Code, relating to the jurisdictional limit and amount of counterclaims in small claims courts.

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

SB 2341: A BILL for an Act to authorize the department of human services to contract with insurers to provide health insurance coverage; and to provide an effective date.

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

SB 2345: A BILL for an Act to amend and reenact sections 32-19-30, 35-22-07, subsection 2 of section 57-27-02, sections 57-28-06, 57-28-07, and 57-28-14 of the North Dakota Century Code, relating to publication of street addresses as well as legal descriptions when published notice is required or allowed for real estate foreclosures, notices of tax sale, or notices of redemption; and to provide an effective date.

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

SB 2354: A BILL for an Act to amend and reenact subsection 1 of section 53-06.2-02 of the North Dakota Century Code, relating to membership of the racing commission; and to provide for transition.

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

SB 2361: A BILL for an Act to amend and reenact sections 54-03-02 and 54-03-02.1 of the North Dakota Century Code, relating to reconvened regular sessions of the legislative assembly in even-numbered years for budget adjustment purposes.

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

SB 2381: A BILL for an Act to amend and reenact section 53-04-02 of the North Dakota Century Code, relating to license fees for amusement game operators.

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

SB 2430: A BILL for an Act to amend and reenact sections 12.1-04-06, 12.1-04-07, 12.1-04-08, and subsection 3 of section 25-04-05.1 of the North Dakota Century Code, relating to the temporary detention of a criminal defendant, psychiatric reports, suspension or dismissal of criminal proceedings, and transfer of developmentally disabled persons; and to repeal section 25-04-07 of the North Dakota Century Code, relating to developmentally disabled defendants.

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

SB 2433: A BILL for an Act to amend and reenact subsection 3 of section 12.1-22-03 and section 20.1-01-17 of the North Dakota Century Code, relating to criminal trespass posting requirements and posting requirements to prohibit hunting.

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

SB 2440: A BILL for an Act to provide for the registration of a sexual offender's address upon release from incarceration; and to provide a penalty.

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

SB 2446: A BILL for an Act to create and enact a new section to chapter 12.1-31 of the North Dakota Century Code, relating to the sale of tobacco products through vending machines to persons under the age of eighteen; to amend and reenact section 12.1-31-03 and subsection 1 of section 27-08.1-01 of the North Dakota Century Code, relating to sale of tobacco products through vending machines to persons under the age of eighteen and the purchase of tobacco products by minors and to the jurisdiction of small claims courts; and to provide a penalty.

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

SB 2459: A BILL for an Act to establish a North Dakota motion picture development office.

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

SB 2504: A BILL for an Act to create and enact a new section to chapter 30.1-21 of the North Dakota Century Code, relating to closing decedent's estates

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

SB 2528: A BILL for an Act to amend and reenact subsections 1 and 10 of section 53-06.2-01, subsection 7 of section 53-06.2-04, sections 53-06.2-05, 53-06.2-06, 53-06.2-10.1, and 53-06.1-11 of the North Dakota Century Code, relating to the definitions of breeders' fund and purse fund for parimutuel horse racing, duties and powers of the North Dakota racing commission, organizations eligible to conduct racing and simulcast parimutuel wagering, and payoff formulas for parimutuel wagering.

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

SB 2539: A BILL for an Act to create and enact a new section to chapter 39-06.1 of the North Dakota Century Code, relating to alternative disposition of traffic offenses.

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

SB 2542: A BILL for an Act to amend and reenact sections 4 and 5 of chapter 198 of the 1989 Session Laws of North Dakota, relating to home-based instruction.

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

SB 2559: A BILL for an Act to amend and reenact section 15-10-02 of the North Dakota Century Code, relating to the membership of the state board of higher education.

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

SB 2566: A BILL for an Act to create and enact a new subsection to section 15-51-11 of the North Dakota Century Code, relating to power of the city of Fargo board of education to levy taxes.  
Was read the first time and referred to the Committee on Finance and Taxation.

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 1009, HB 1014, HB 1019, HB 1027, HB 1098, HB 1103, HB 1111, HB 1139, HB 1177, HB 1193, HB 1194, HB 1261, HB 1333, HB 1395, HB 1414, HB 1439, HB 1471, HB 1472, HB 1475, HB 1516, HB 1517, HB 1543, HB 1578.

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 1002, HB 1013, HB 1017, HB 1219, HB 1228, HB 1247, HB 1266, HB 1270, HB 1284, HB 1285, HB 1327, HB 1328, HB 1338, HB 1365, HB 1383, HB 1392, HB 1399, HB 1408, HB 1428, HB 1433, HB 1445, HB 1458, HB 1478, HB 1483, HB 1500, HB 1503, HB 1513, HB 1523, HB 1530, HB 1534, HB 1538, HB 1539, HB 1552, HB 1565, HB 1566, HB 1567, HB 1568, HB 1572, HB 1584, HB 1591.

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 1597, HB 1599, HCR 3045.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3022, HCR 3023, HCR 3026, HCR 3027, HCR 3032, HCR 3033, HCR 3037, HCR 3039, HCR 3040, HCR 3041, HCR 3042, HCR 3043.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The House has passed unchanged: SCR 4004.

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

ROY GILBREATH, Chief Clerk