

## JOURNAL OF THE HOUSE

## Fifty-second Legislative Assembly

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Bismarck, February 21, 1991  
The House convened at 9:00 a.m., with Speaker R. Anderson presiding.

The prayer was offered by Deacon Robert Schuller, Corpus Christi Catholic Church, Bismarck.

The roll was called and all members were present except Representative Gorman.

A quorum was declared by the Speaker.

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 3016.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)  
MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2005, SB 2033, SB 2058, SB 2078, SB 2094, SB 2099, SB 2200, SB 2205, SB 2272, SB 2282, SB 2294, SB 2403, SB 2422, SB 2424, SB 2434, SB 2458, SB 2493, SB 2499, SB 2505, SB 2506, SB 2507, SB 2508, SB 2519, SB 2520, SB 2543, SB 2549, SB 2556, SB 2570, SCR 4025, SCR 4038.

## MOTIONS

REP. KLOUBEC MOVED that the rules be suspended and that the House consider all amendments on the Sixth order, with the exception of HB 1110, HB 1460, HB 1515, HB 1540 and HB 1579, in one motion, which motion prevailed.

REP. KLOUBEC MOVED that the rules be suspended and that all amendments, with the exception of HB 1110, HB 1460, HB 1515, HB 1540, and HB 1579, on the Sixth order of business to HB 1006, HB 1008, HB 1011, HB 1018, HB 1023, HB 1031, HB 1043, HB 1384, HB 1477, HB 1494, HB 1511, HB 1528, HB 1555, HB 1558, HB 1559, HB 1569, HB 1586, HB 1595, SB 2193, SB 2219, SB 2288 and SB 2425 be adopted, which motion prevailed.

HB 1006, HB 1008, HB 1011, HB 1018, HB 1023, HB 1031, HB 1043, HB 1384, HB 1477, HB 1494, HB 1511, HB 1528, HB 1558, HB 1559, HB 1569, HB 1586, HB 1595, as amended, were automatically placed on the Eleventh order of business.

HB 1555, as amended, was rereferred to the Committee on Appropriations.

SB 2193, SB 2219, SB 2288 and SB 2425, as amended, were placed on the Fourteenth order of business for the succeeding legislative day.

## SIXTH ORDER OF BUSINESS

HB 1110: REP. LARSON (Committee on Human Services and Veterans Affairs)  
MOVED that the amendments on HJ page 683 be adopted and then be placed on the Eleventh order with DO NOT PASS, which motion prevailed on a verification vote.

## MOTION

REP. KLOUBEC MOVED that HB 1110, as amended, be placed at the head of the calendar, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1110: A BILL for an Act to amend and reenact subsection 5 of section 43-12.1-02 and subsection 16 of section 43-12.1-08 of the North Dakota Century Code, relating to definition of the practice of nursing as a registered nurse and the powers and duties of the board of nursing; and to declare an emergency.

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 66 YEAS, 38 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Belter; Berg, G.; Bodine; Boucher; Brokaw; Byerly; Carlisle; Carlson; Coats; DeMers; DeWitz; Erickson; Flaagan; Freier; Gabrielson; Gilmore; Gorder; Grumbo; Hanson; Hausauer; Hokana; Huether; Jacobson; Kaldor; Kerzman; Kolbo; Kretschmar; Kroeber; Laughlin; Linderman; Mahoney; Meyer; Mutzenberger; Myrdal; Nelson; Nicholas; Nowatzki; Oban; Olson, A.; Payne; Peterson; Pyle; Rennerfeldt; Ring; Scherber; Schimke; Schindler; Schneider; Shide; Skar; Skjervan; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Thorpe; Trautman; Urlacher; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

NAYS: Bateman; Berg, R.; Bernstein; Boehm; Brown; Clayburgh; Cleary; Dalrymple; Delzer; Dorso; Enget; Gates; Gerntholz; Goffe; Grosz; Henegar; Howard; Jensen; Kelsch; Kloubec; Kunkel; Larson; Martin; Martinson; Miller; Muhs; Nichols; Olsen, D.; Porter; Price; Ritter; Rydell; Schmidt; Svedjan; Thompson; Timm; Tollefson; Whalen

ABSENT AND NOT VOTING: Gorman; Wald

HB 1110 passed, the title was agreed to, but the emergency clause lost.

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MOTION

REP. KLOUBEC MOVED that after HB 1243 that HB 1321, HB 1385, HB 1468, HB 1476, and HB 1506 be placed at the head of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1168: A BILL for an Act to create and enact a new section to chapter 65-02 of the North Dakota Century Code, relating to requiring the workers compensation bureau to contract for administrative services.

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

ABSENT AND NOT VOTING: Gorman; Stofferahn; Wentz

HB 1168 passed and the title was agreed to.

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HB 1243: A BILL for an Act to create and enact a new section to chapter 65-05 of the North Dakota Century Code, relating to requiring employers to pay certain claims for workers' compensation; and to amend and

reenact section 65-05-01 of the North Dakota Century Code, relating to claims for workers' compensation.

#### 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 91 YEAS, 11 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; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Erickson; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Linderman; Mahoney; Martin; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schindler; Schmidt; Schneider; Shide; Skar; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Thorpe; Tollefson; Trautman; Urlacher; Wardner; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Coats; Enget; Flaagan; Grosz; Kelsch; Laughlin; Martinson; Nichols; Schimke; Skjerven; Timm

ABSENT AND NOT VOTING: Gorman; Stofferahn; Wald; Wentz

HB 1243 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 respectfully requests the return of: SB 2005.

#### SECOND READING OF HOUSE BILLS

HB 1321: A BILL for an Act to create and enact a new section to chapter 65-04 of the North Dakota Century Code, relating to workers' compensation wage rates and the basis on which workers' compensation premium is paid; to amend and reenact sections 65-04-01, 65-04-04, and 65-04-17 of the North Dakota Century Code, relating to the basis for establishing workers' compensation premiums; 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 100 YEAS, 2 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; 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; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; 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; Thorpe; Tollefson; Trautman; Urlacher; Wardner; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Martinson; Timm

ABSENT AND NOT VOTING: Berg, R.; Gorman; Wald; Wentz

HB 1321 passed and the title was agreed to.

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HB 1385: A BILL for an Act to create and enact a new section to chapter 65-05.1 of the North Dakota Century Code, relating to requiring the workers compensation bureau to solicit bids for vocational rehabilitation services.

## 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; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; 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; Thorpe; Timm; Trautman; Urlacher; Wardner; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Tollefson; Wald; Wentz

HB 1385 passed and the title was agreed to.

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## MOTION

REP. KLOUBEC MOVED that the House accede to the Senate request for the return of SB 2005, which motion prevailed.

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

MR. PRESIDENT: The House accedes to the Senate request for the return of: SB 2005.

## HOUSE ENGROSSING REPORT

The following bill was engrossed: HB 1555.

## SECOND READING OF HOUSE BILLS

HB 1468: A BILL for an Act to amend and reenact section 65-01-01 of the North Dakota Century Code, relating to the purposes of the worker's compensation law.

## 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, 49 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bateman; Belter; Berg, R.; Bernstein; Boehm; Brown; Byerly; Clayburgh; Dalrymple; Delzer; DeWitz; Dorso; Enget; Freier; Gates; Gilmore; Grosz; Hausauer; Jacobson; Kloubec; Kretschmar; Kunkel; Larson; Martin; Martinson; Meyer; Muhs; Myrdal; Nicholas; Nichols; Olsen, D.; Olson, A.; Payne; Rennerfeldt; Ritter; Rydell; Schimke; Schindler; Shide; Skjerven; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Whalen; Wilkie; Speaker R. Anderson

NAYS: Aarsvold; Anderson, B.; Berg, G.; Bodine; Boucher; Brokaw; Carlisle; Carlson; Cleary; Coats; DeMers; Erickson; Flaagan; Gabrielson; Gerntholz; Goffe; Gorder; Grumbo; Hanson; Henegar; Hokana; Howard; Huether; Jensen; Kaldor; Kelsch; Kerzman; Kolbo; Kroeber; Laughlin;

Linderman; Mahoney; Miller; Mutzenberger; Nelson; Nowatzki; Oban; Peterson; Porter; Price; Pyle; Ring; Scherber; Schneider; Skar; Snyder; Stofferahn; Thorpe; Williams

ABSENT AND NOT VOTING: Gorman; Schmidt; Wentz

HB 1468 passed and the title was agreed to.

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HB 1476: A BILL for an Act to amend and reenact section 65-04-15 of the North Dakota Century Code, relating to the confidentiality of an employer's workers' compensation reports.

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, 9 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; DeWitz; Dorso; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grumbo; Hanson; Hausauer; Henegar; Hokana; Huether; Jacobson; Jensen; 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.; Payne; Peterson; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Tollefson; Trautman; Urlacher; Wald; Wardner; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Aarsvold; Bernstein; Delzer; Enget; Grosz; Muhs; Olson, A.; Porter; Timm

ABSENT AND NOT VOTING: Gorman; Howard; Wentz

HB 1476 passed and the title was agreed to.

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HB 1506: A BILL for an Act to amend and reenact section 65-04-18 of the North Dakota Century Code, relating to charge for the subsequent injury or aggravation of a previous injury or condition of an employee.

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 105 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Jensen; 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; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman

HB 1506 passed and the title was agreed to.

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MOTION

REP. KLOUBEC MOVED that HB 1265 be placed at the head of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1265: A BILL for an Act to create and enact a new section to chapter 65-05 of the North Dakota Century Code, relating to workers' compensation fee schedules for medical and hospital services and supplies.

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 60 YEAS, 45 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Belter; Bernstein; Boucher; Brokaw; Byerly; Carlson; Coats; Dalrymple; Delzer; DeWitz; Dorso; Enget; Erickson; Freier; Gabrielson; Gerntholz; Grosz; Grumbo; Hanson; Hausauer; Hokana; Huether; Jacobson; Kloubec; Kolbo; Kroeber; Martin; Mutzenberger; Myrdal; Oban; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Schimke; Schindler; Schmidt; Schneider; Shide; Snyder; Soukup; Starke; Stofferahn; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Aarsvold; Bateman; Berg, G.; Berg, R.; Bodine; Boehm; Brown; Carlisle; Clayburgh; Cleary; DeMers; Flaagan; Gates; Gilmore; Goffe; Gorder; Henegar; Howard; Jensen; Kaldor; Kelsch; Kerzman; Kretschmar; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martinson; Meyer; Miller; Muhs; Nelson; Nicholas; Nichols; Nowatzki; Olsen, D.; Olson, A.; Payne; Rydell; Scherber; Skar; Skjerven; St. Aubyn; Svedjan

ABSENT AND NOT VOTING: Gorman

HB 1265 passed and the title was agreed to.

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HB 1020: A BILL for an Act making an appropriation for defraying the expenses of the international peace garden; and to declare an emergency.

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; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; 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: Coats; Gorman; Thorpe

HB 1020 passed, the title was agreed to, and the emergency clause carried.

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#### MOTION

REP. KLOUBEC MOVED that HB 1158 be placed at the head of the calendar, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1158: A BILL for an Act to create and enact two new sections to chapter 50-06 of the North Dakota Century Code, relating to the lease of real and personal property not necessary for operations and the sale of surplus state hospital lands; to repeal section 54-23-56 of the North Dakota Century Code, relating to the duties of the director of institutions; 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 38 YEAS, 67 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Boucher; Carlson; Clayburgh; Cleary; DeMers; Flaagan; Gabrielson; Gates; Grumbo; Hanson; Henegar; Hokana; Huether; Kerzman; Kolbo; Kretschmar; Kroeber; Larson; Linderman; Miller; Muhs; Mutzenberger; Oban; Olsen, D.; Peterson; Price; Pyle; Ring; Scherber; Schneider; Skar; Snyder; St. Aubyn; Stofferahn; Svedjan; Thorpe; Trautman; Wilkie

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Brokaw; Brown; Byerly; Carlisle; Coats; Dalrymple; Delzer; DeWitz; Dorso; Enget; Erickson; Freier; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Hausauer; Howard; Jacobson; Jensen; Kaldor; Kelsch; Kloube; Kunkel; Laughlin; Mahoney; Martin; Martinson; Meyer; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Olson, A.; Payne; Porter; Rennerfeldt; Ritter; Rydell; Schimke; Schindler; Schmidt; Shide; Skjerven; Soukup; Starke; Thompson; Timm; Tollefson; Urlacher; Wald; Wardner; Wentz; Whalen; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman

HB 1158 was declared lost.

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#### MOTIONS

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.

REP. TOLLEFSON MOVED that the House waive the reading of the titles to HB 1060, HB 1227, HB 1232, HB 1300, and HB 1420, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

HB 1060: A BILL for an Act to create and enact a new subsection to section 23-29-02, four new subsections to section 23-29-04, and ten new sections to chapter 23-29 of the North Dakota Century Code, relating to solid waste management; to amend and reenact subsections 3 and 5 of section 23-20.2-02, section 23-29-03, subsection 8 of section 23-29-04, sections 23-29-05, 23-29-06, 23-29-12, and subsection 1 of section 39-10-59 of the North Dakota Century Code, relating to solid waste management; to repeal sections 23-29-15 and 24-12-03 of the North Dakota Century Code, relating to a short title and to the deposit of garbage; and to provide a penalty.

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 104 YEAS, 0 NAYS, 0 EXCUSED, 2 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; Jensen; 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; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Snyder

HB 1060 passed and the title was agreed to.

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HB 1061: A BILL for an Act to create and enact four new sections to chapter 23-29 of the North Dakota Century Code, relating to solid waste management; and to provide a penalty.

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, 3 NAYS, 0 EXCUSED, 1 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; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; 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; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Delzer; Grosz; Nelson

ABSENT AND NOT VOTING: Gorman

HB 1061 passed and the title was agreed to.

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MOTION

REP. KLOUBEC MOVED that HB 1544 be placed at the head of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1544: A BILL for an Act relating to the siting and modification of certain solid waste disposal facilities.

## MOTION

REP. WILLIAMS 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 21 YEAS, 84 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Boucher; Brokaw; Carlson; Cleary; DeMers; Gabrielson; Goffe; Hokana; Nelson; Pyle; Ring; Ritter; Scherber; Schneider; Skjerven; Snyder; Stofferahn; Thompson; Thorpe; Williams

NAYS: Aarsvold; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Brown; Byerly; Carlisle; Clayburgh; Coats; Dalrymple; Delzer; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gates; Gerntholz; Gilmore; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Howard; Huether; Jacobson; Jensen; 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; Rennerfeldt; Rydell; Schimke; Schindler; Schmidt; Shide; Skar; Soukup; St. Aubyn; Starke; Svedjan; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman

HB 1544 was declared lost.

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## HOUSE ENGROSSING REPORT

The following bills were engrossed: HB 1006, HB 1008, HB 1011, HB 1018, HB 1023, HB 1031, HB 1043, HB 1384, HB 1477, HB 1494, HB 1511, HB 1528, HB 1558, HB 1559, HB 1569, HB 1586, HB 1595.

## SECOND READING OF HOUSE BILLS

HB 1227: A BILL for an Act to create and enact chapter 26.1-36.1, a new subsection to section 26.1-45-05, and sections 26.1-45-05.2, 26.1-45-11, and 26.1-45-12 of the North Dakota Century Code, relating to the regulation of medicare supplement insurance policies and sales, and provisions of long-term care insurance policies; to amend and reenact subdivision 1 of subsection 9 of section 26.1-04-03, sections 26.1-45-01, 26.1-45-04, subsection 2 of section 26.1-45-05, subsection 4 of section 26.1-45-06, sections 26.1-45-07, 26.1-45-09, and 26.1-45-10 of the North Dakota Century Code, relating to medicare supplement policies and the Prohibited Practices Act, noncustodial care coverage and provisions of long-term care insurance policies; to repeal sections 26.1-36-31, 26.1-36-32, 26.1-36-33, 26.1-36-34, 26.1-36-35, 26.1-36-36, 26.1-36-36.1, and 26.1-36-37 of the North Dakota Century Code, relating to the provisions of medicare supplement insurance policies and sales, and provisions of long-term care insurance policies; and to provide a penalty.

## 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 97 YEAS, 3 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Kelsch; Martinson; Olson, A.

ABSENT AND NOT VOTING: Berg, G.; Dalrymple; Gorman; Hausauer; Price; Wald

HB 1227 passed and the title was agreed to.

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HB 1232: A BILL for an Act to create and enact section 19-13.1-14 of the North Dakota Century Code, relating to registration, labeling, and cooperation with other entities under the commercial feed laws; to amend and reenact sections 19-13.1-01, 19-13.1-02, 19-13.1-03, 19-13.1-04, 19-13.1-06, 19-13.1-07, 19-13.1-08, 19-13.1-09, 19-13.1-10, 19-13.1-12, and 19-13.1-13 of the North Dakota Century Code, relating to registration, licensing, labeling, inspection fees, and penalties; to repeal section 19-13.1-05 of the North Dakota Century Code, relating to labeling under the commercial feed laws; and to provide a penalty.

#### 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; Boehm; Boucher; Brokaw; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; DeWitz; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; 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; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Brown; Delzer; Schmidt

ABSENT AND NOT VOTING: Dorso; Gorman; Hausauer; Price

HB 1232 passed and the title was agreed to.

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HB 1300: A BILL for an Act to create and enact a new subsection to section 57-38-01 and a new subdivision to subsection 1 of section 57-38-01.2 of the North Dakota Century Code, relating to definition of qualified investment fund and exemption from income tax liability for distributions of a qualified investment fund; to amend and reenact subsections 3 and 4 of section 57-38-30.3 of the North Dakota Century Code, relating to exclusion from computation of income tax liability of distributions from a qualified investment fund; 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 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; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; 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; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Hausauer; Price

HB 1300 passed and the title was agreed to.

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HB 1363: A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to the amount of tuition charged at the state institutions of higher education.

MOTION

REP. HANSON 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 NOT PASS, the roll was called and there were 43 YEAS, 60 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Berg, R.; Bernstein; Bodine; Brokaw; Carlson; Clayburgh; Cleary; Coats; DeMers; Dorso; Flaagan; Gabrielson; Gilmore; Goffe; Grumbo; Hanson; Hokana; Huether; Kolbo; Kroeber; Laughlin; Linderman; Mahoney; Mutzenberger; Nelson; Oban; Peterson; Porter; Pyle; Ring; Ritter; Rydell; Scherber; Schneider; Skar; Snyder; Stofferahn; Thorpe; Wilkie; Williams

NAYS: Bateman; Belter; Boehm; Boucher; Brown; Byerly; Carlisle; Dalrymple; Delzer; DeWitz; Enget; Erickson; Freier; Gates; Gerntholz; Gorder; Grosz; Henegar; Howard; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kretschmar; Kunkel; Larson; Martin; Martinson; Meyer; Miller; Muhs; Myrdal; Nicholas; Nichols; Nowatzki; Olsen, D.; Olson, A.; Payne; Price; Rennerfeldt; Schimke; Schindler; Shide; Skjerven; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Hausauer; Schmidt

HB 1363 was declared lost.

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MOTION

REP. KLOUBEC MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, that the House stand in recess until 1:30 p.m., which motion prevailed.

REPORTS OF STANDING COMMITTEES

HB 1016: Committee on Appropriations (Rep. Thompson, Chairman) A MAJORITY of your committee (Reps. Thompson, Hausauer, Dalrymple, Gerntholz, Wald, R. Berg, Wentz, Howard, Jensen, Myrdal, Payne, Rydell, Schmidt) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS.

Page 1, line 3, after "transportation" insert "; and to provide a statement of legislative intent"

Page 1, line 7, remove "in the general fund" and remove "and"

Page 1, line 14, replace "67,969,228" with "67,228,301"

Page 1, line 16, replace "47,472,770" with "47,317,225"

Page 1, line 18, replace "252,943,000" with "277,243,000"

Page 1, line 19, replace "8,248,320" with "8,248,327"

Page 1, line 21, replace "all" with "special", after "funds" insert "appropriation", and replace "386,464,321" with "409,867,849"

Page 2, line 8, replace "all" with "special" and after "funds" insert "appropriation"

Page 2, line 15, replace "all" with "special" and after "funds" insert "appropriation"

Page 2, remove line 16

Page 2, line 17, replace "409,545,106" with "432,974,931"

Page 2, remove line 18

Page 2, after line 27, insert:

"SECTION 4. LEGISLATIVE INTENT - VACANCIES. It is the intent of the legislative assembly that the department of transportation may, through savings resulting from employee turnover and vacancies in positions other than engineering, reclassify the vacant positions and hire up to fourteen additional full-time equivalent engineering positions in the division of transportation operations.

SECTION 5. LAKE OAHE BRIDGE PROJECT. The capital improvements line item in subdivision 1 of section 1 of this Act includes \$22,500,000 of federal funds for the Lake Oahe bridge project. The state's matching amount for the project of \$2,250,000 is from funds appropriated from the highway fund included in the capital improvements line item in subdivision 1 of section 1 of this Act and may only be spent when the federal funds are available to be spent for the project.

SECTION 6. FARGO DISTRICT HEADQUARTERS. Notwithstanding section 54-01-05.5 of the North Dakota Century Code, the department of transportation may sell the current Fargo district headquarters in accordance with section 54-01-05.2 of the North Dakota Century Code and may, upon approval of the budget section of the legislative council, purchase land and construct a new headquarters building for the Fargo district in an amount not to exceed \$1,800,000, as included in the capital improvements line item in subdivision 1 of section 1 of this Act."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 801 - DOT TRANSPORTATION OPERATIONS

This amendment makes the following changes to the Transportation Operations Division of the Department of Transportation:

Salaries and wages are reduced by \$79,611 from the highway fund relating to the reduction of the following two FTE positions which have not been filled since 1989:

1 FTE auto service worker in district operations	\$ (40,016)
1 FTE auto service worker in district operations	(39,595)
Total	<u>\$ (79,611)</u>

Salaries and wages are reduced by \$661,316, of which \$251,300 is from the highway fund and \$410,016 is from federal funds, and operating expenses are reduced by \$155,545, of which \$25,665 is from the highway fund and \$129,880 is from federal funds relating to the elimination of 12 of the 14 FTE engineering positions added in the executive budget. Section 4 of the bill adds legislative intent which provides that the department, through employee turnover and vacancies in areas other than engineers, may hire up to 14 additional engineering positions.

The capital improvements line item is increased by \$22,500,000 of federal funds for the Lake Oahe bridge project. The state's matching funds for the project (10 percent or \$2,250,000) are to be from funds appropriated from the highway fund included in the capital improvements line item and may only be spent by the department when the federal funds are available to be spent for the project as provided in Section 5 of the bill.

The capital improvements line item is also increased by \$1,800,000. Section 6 of the bill authorizes the department to sell the Fargo district headquarters. The estimated income from the sale is \$2,500,000, of which \$1,800,000, subject to Budget Section approval, is for the purchase of land and construction of a new headquarters in the Fargo district as provided in Section 6.

The funding source for \$26,297 of administrative costs relating to the railroad improvement program is changed from the general fund to the highway fund.

The total change to the DOT-Transportation Operations executive budget recommendation is a reduction of 14 FTE positions, from 1,005.6 FTE to 991.6 FTE; the elimination of the \$26,297 general fund appropriation; an increase of \$1,469,721 from the highway fund, from \$166,033,078 to \$167,502,799; and an increase of federal funds of \$21,960,104, from \$220,404,946 to \$242,365,050.

HB 1016: Committee on Appropriations (Rep. Thompson, Chairman) A MINORITY of your committee (Reps. G Berg, Brokaw, DeMers, Kaldor, Laughlin, Meyer, Nowatzki, Starke, Stofferahn, Wilkie) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS.

Page 1, line 7. remove "in the general fund" and remove "and"

Page 1, line 14. replace "67,969,228" with "67,834,462"

Page 1, line 16, replace "47,472,770" with "47,459,808"

Page 1, line 18, replace "252,943,000" with "277,243,000"

Page 1, line 19, replace "8,248,320" with "8,248,327"

Page 1, line 21, replace "all" with "special", after "funds" insert "appropriation", and replace "386,464,321" with "410,616,593"

Page 2, line 8, replace "all" with "special" and after "funds" insert "appropriation"

Page 2, line 14, replace "9,860,086" with "9,606,219"

Page 2, line 15, replace "all" with "special", after "funds" insert "appropriation", and replace "17,594,841" with "17,340,974"

Page 2, remove line 16

Page 2, line 17, replace "409,545,106" with "433,469,808"

Page 2, remove line 18

Page 2, after line 27, insert:

"SECTION 4. LAKE OAHE BRIDGE PROJECT. The capital improvements line item in subdivision 1 of section 1 of this Act includes \$22,500,000 of federal funds for the Lake Oahe bridge project. The state's matching amount for the project of \$2,250,000 is from funds appropriated from the highway fund included in the capital improvements line item in subdivision 1 of section 1 of this Act and may only be spent when the federal funds are available to be spent for the project.

SECTION 5. FARGO DISTRICT HEADQUARTERS. Notwithstanding section 54-01-05.5 of the North Dakota Century Code, the department of transportation may sell the current Fargo district headquarters in accordance with section 54-01-05.2 of the North Dakota Century Code and may, upon approval of the budget section of the legislative council, purchase land and construct a new headquarters building for the Fargo district in an amount not to exceed \$1,800,000, as included in the capital improvements line item in subdivision 1 of section 1 of this Act."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 801 - DOT TRANSPORTATION OPERATIONS

This amendment makes the following changes to the Transportation Operations Division of the Department of Transportation:

Salaries and wages are reduced by \$79,611 from the highway fund relating to the reduction of the following two FTE positions which have not been filled since 1989:

1 FTE auto service worker in district operations	\$ (40,016)
1 FTE auto service worker in district operations	<u>(39,595)</u>
Total	\$ (79,611)

Salaries and wages are reduced by \$55,155, of which \$20,959 is from the highway fund and \$34,196 is from federal funds, and operating expenses are reduced by \$12,962, of which \$2,139 is from the highway fund and \$10,823 is from federal funds relating to the elimination of one of the 14 FTE engineering positions added in the executive budget.

The capital improvements line item is increased by \$22,500,000 of federal funds for the Lake Oahe bridge project. The state's matching funds for the project (10 percent or \$2,250,000) are to be from funds appropriated from the highway fund included in the capital improvements line item and may only be spent by the department when the federal funds are available to be spent for the project as provided in Section 5 of the bill.

The capital improvements line item is also increased by \$1,800,000. Section 6 of the bill authorizes the department to sell the Fargo district headquarters. The estimated income from the sale is \$2,500,000, of which \$1,800,000, subject to Budget Section approval, is for the purchase of land and construction of a new headquarters in the Fargo district as provided in Section 6.

The funding source for \$26,297 of administrative costs relating to the railroad improvement program is changed from the general fund to the highway fund.

The total change to the DOT-Transportation Operations executive budget recommendation is a reduction of three FTE positions, from 1,005.6 FTE to 1002.6 FTE; the elimination of the \$26,297 general fund appropriation; an increase of \$1,723,588 from the highway fund, from \$166,033,078 to

\$167,756,666; and an increase of federal funds of \$22,454,981, from \$220,404,946 to \$242,859,927.

DEPARTMENT 802 - DOT FLEET SERVICES

This amendment reduces funding from fleet services collections for new vehicle purchases by \$253,867, from \$9,860,086 to \$9,606,219.

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 1021: Committee on Appropriations (Rep. Thompson, Chairman) A MAJORITY of your committee (Reps. Thompson, Gerntholz, Wald, R. Berg, Jensen, Myrdal, Payne, Rydell, Schmidt, Wentz, Hausauer, Dalrymple, Howard) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS.

Page 1, line 2, after the semicolon insert "and"

Page 1, line 3, remove "; and to declare an"

Page 1, line 4, remove "emergency"

Page 1, line 18, replace "245,000" with "220,000"

Page 1, line 19, replace "953,035" with "928,035"

Page 1, after line 19, insert:

"Less estimated income	200,000
Total general fund appropriation	<u>\$ 728,035"</u>

Page 2, line 2, replace "2,136,090" with "2,126,090"

Page 2, line 5, replace "3,770,249" with "3,760,249"

Page 2, after line 5, insert:

"Less estimated income	1,259,759
Total general fund appropriation	<u>\$ 2,500,490"</u>

Page 2, line 10, replace "1,371,378" with "1,361,378"

Page 2, line 12, replace "312,928" with "272,928"

Page 2, line 13, replace "6,820,374" with "6,770,374"

Page 2, after line 13, insert:

"Less estimated income	1,903,828
Total general fund appropriation	<u>\$ 4,866,546"</u>

Page 2, line 18, replace "4,805,424" with "4,762,574"

Page 2, line 19, replace "118,750" with "108,750"

Page 2, after line 19, insert:

"Programming, repairs and maintenance, and facility planning	175,000"
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Page 2, line 20, replace "2,963,146" with "546,096"

Page 2, line 21, replace "18,858,033" with "16,563,133"

Page 2, after line 21, insert:

"Less estimated income	2,569,660
Total general fund appropriation	<u>\$13,993,473"</u>

Page 2, line 26, replace "5,668,700" with "3,668,700"

Page 2, line 29, replace "7,744,664" with "5,744,664"

Page 3, line 3, replace "2,549,863" with "2,547,508"

Page 3, line 5, replace "450,635" with "444,135"

Page 3, line 7, replace "3,061,485" with "3,046,485"

Page 3, after line 7, insert:

"Less estimated income	511,622
Total general fund appropriation	<u>\$ 2,534,863"</u>

Page 3, line 11, replace "all funds" with "general fund appropriation"

Page 3, line 12, replace "27,019,789" with "24,624,889"

Page 3, line 13, replace "14,189,533" with "12,189,533"

Page 3, line 14, replace "41,209,322" with "36,814,422"

Page 3, line 15, replace "APPROPRIATION" with "STATE PENITENTIARY LAND FUND"

Page 3, line 17, remove "hereby appropriated"

Page 3, remove lines 23 through 29

Page 4, remove lines 1 and 2

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

The amendments reduce the total appropriation by \$4,394,900, of which \$2,394,900 is from the general fund and \$2,000,000 is from other funds. The reductions by each agency are as follows:

	GENERAL FUNDS	OTHER FUNDS	ALL FUNDS
Central Office	\$ (25,000)	\$ 0	\$ (25,000)
Juvenile Services	(10,000)	0	(10,000)
Industrial School	(50,000)	0	(50,000)
Penitentiary	(2,294,900)	0	(2,294,900)
Roughrider Industries	0	(2,000,000)	(2,000,000)
Parole and Probation	(15,000)	0	(15,000)
	<hr/>	<hr/>	<hr/>
Total	\$(2,394,900)	\$(2,000,000)	\$(4,394,900)

#### DEPARTMENT 531 - CENTRAL OFFICE

Reduces the institutional medical fees by \$25,000 from the general fund. Provides \$220,000 for institutional medical fees for the 1991-93 biennium.

#### DEPARTMENT 532 - JUVENILE COMMUNITY SERVICES

Reduces operating expenses by \$10,000 from the general fund for funding of the diversified occupations program.

#### DEPARTMENT 533 - STATE INDUSTRIAL SCHOOL

Reduces operating expenses by \$10,000 from the general fund due mainly to estimated enrollment being less than the 80 students provided for in the bill.

Reduces capital improvements by \$40,000 from the general fund to delete funding for asbestos removal/hazardous materials management.

#### DEPARTMENT 534 - STATE PENITENTIARY

Reduces the operating expenses and equipment lines each by \$10,000 from the general fund to provide funding at the level considered necessary during the 1991-93 biennium. Also reduces operating expenses by \$32,850 from the general fund for placing North Dakota prisoners in a federal facility. The executive budget provided \$61,800 for this purpose, \$28,950 remains after the amendments.

Also, a line item of \$175,000 from the general fund is added for educational and vocational programming, repairs and remodeling at the State Farm to reduce exposure to fire hazards, and long-term design and location for minimum security correction facilities.

#### CAPITAL IMPROVEMENTS

In total, capital improvements for the State Penitentiary and State Farm are reduced by \$2,417,050 from the general fund. Funding of \$2,150,000 for the construction of a new facility at the State Farm is deleted. Also, funding of \$267,050 is deleted for the following projects:

Domestic hot water	\$ 60,000
Storm windows	81,000
Reroof vocational education building	6,050
Replacement of lobby doors	7,800
West cell house basement floor	13,000
Electrical outlets in cell houses	85,000
Other various projects	14,200
Total	<u>\$267,050</u>

#### DEPARTMENT 535 - ROUGHRIDER INDUSTRIES

Deletes funding of the \$2,000,000 from other funds for the manufacturing of license plates for the 1991-93 biennium.

#### DEPARTMENT 536 - PAROLE AND PROBATION

Reduces salaries and wages by \$8,500 and operating expenses by \$6,500 from the general fund due mainly to delaying the implementation of one of two intensive supervision programs until the second year of the biennium.

Each subdivision in Section 1 is amended to include the general fund and estimated income appropriation amounts.

Section 2 is amended to remove appropriation language since the appropriation authority is already contained in Section 1.

HB 1021: Committee on Appropriations (Rep. Thompson, Chairman) A MINORITY of your committee (Reps. Stofferahn, Brokaw, DeMers, Laughlin, Meyer, Nowatzki, Wilkie, G. Berg, Kaldor) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS.

Page 1, line 18, replace "245,000" with "220,000"

Page 1, line 19, replace "953,035" with "928,035"

Page 1, after line 19, insert:

"Less estimated income	200,000
Total general fund appropriation	<u>\$ 728,035"</u>

Page 2, after line 5, insert:

"Less estimated income	<u>1,259,759</u>
Total general fund appropriation	\$ 2,510,490"

Page 2, line 10, replace "1,371,378" with "1,361,378"

Page 2, line 12, replace "312,928" with "272,928"

Page 2, line 13, replace "6,820,374" with "6,770,374"

Page 2, after line 13, insert:

"Less estimated income	<u>1,903,828</u>
Total general fund appropriation	\$ 4,866,546"

Page 2, line 18, replace "4,805,424" with "4,795,424"

Page 2, line 19, replace "118,750" with "108,750"

Page 2, line 20, replace "2,963,146" with "2,374,146"

Page 2, line 21, replace "18,858,033" with "18,249,033"

Page 2, after line 21, insert:

"Less estimated income	<u>2,569,660</u>
Total general fund appropriation	\$ 15,679,373"

Page 2, line 26, replace "5,668,700" with "3,668,700"

Page 2, line 29, replace "7,744,664" with "5,744,664"

Page 3, line 3, replace "2,549,863" with "2,547,508"

Page 3, line 5, replace "450,635" with "444,135"

Page 3, line 7, replace "3,061,485" with "3,046,485"

Page 3, after line 7, insert:

"Less estimated income	<u>511,622</u>
Total general fund appropriation	\$ 2,534,863"

Page 3, line 11, replace "all funds" with "general fund appropriation"

Page 3, line 12, replace "27,019,789" with "26,320,789"

Page 3, line 13, replace "14,189,533" with "12,189,533"

Page 3, line 14, replace "41,209,322" with "38,510,322"

Page 3, line 15, replace "APPROPRIATION" with "STATE PENITENTIARY LAND FUND"

Page 3, line 17, remove "hereby appropriated"

Page 3, line 23, remove "- APPROPRIATION"

Page 3, line 24, replace "2,150,000" with "1,677,000"

Page 3, line 25, after "in" insert "subdivision 4 of" and remove "hereby appropriated to"

Page 3, remove line 26

Page 3, line 27, remove "rehabilitation"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The amendments reduce the total appropriation by \$2,699,000, of which \$699,000 is from the general fund and \$2,000,000 is from other funds. The reductions by each agency are as follows:

	GENERAL FUNDS	OTHER FUNDS	ALL FUNDS
Central Office	\$(25,000)	\$ 0	\$ (25,000)
Industrial School	(50,000)	0	(50,000)
Penitentiary	(609,000)	0	(609,000)
Roughrider Industries	0	(2,000,000)	(2,000,000)
Parole and Probation	(15,000)	0	(15,000)
Total	\$ (699,000)	\$ (2,000,000)	\$ (2,699,000)

DEPARTMENT 531 - CENTRAL OFFICE

Reduces the institutional medical fees by \$25,000 from the general fund. Provides \$220,000 for institutional medical fees for the 1991-93 biennium.

DEPARTMENT 533 - STATE INDUSTRIAL SCHOOL

Reduces operating expenses by \$10,000 from the general fund due mainly to estimated enrollment being less than the 80 students provided for in the bill.

Reduces capital improvements by \$40,000 from the general fund to delete funding for asbestos removal/hazardous materials management.

DEPARTMENT 534 - STATE PENITENTIARY

Reduces the operating expenses and equipment lines each by \$10,000 from the general fund to provide funding at the level considered necessary during the 1991-93 biennium.

CAPITAL IMPROVEMENTS

In total, capital improvements for the State Penitentiary and State Farm are reduced by \$589,000 from the general fund. Funding for the construction of a new facility at the State Farm is reduced by \$473,000, from \$2,150,000 to \$1,677,000. The reduction is due to postponing the construction of the "gym" (\$360,000), postponing the purchase of a standby generator (\$50,000), and reducing the estimated amount necessary for fees by (\$63,000). Also, funding of \$116,000 is deleted for the following projects:

Storm windows	\$ 81,000
Replacement of lobby doors	7,800
West cell house basement floor	13,000
Other various projects	14,200
Total	<u>\$116,000</u>

DEPARTMENT 535 - ROUGHRIDER INDUSTRIES

Deletes funding of the \$2,000,000 from other funds for the manufacturing of license plates for the 1991-93 biennium.

DEPARTMENT 536 - PAROLE AND PROBATION

Reduces salaries and wages by \$8,500 and operating expenses by \$6,500 from the general fund due mainly to delaying the implementation of one of two intensive supervision programs until the second year of the biennium.

Each subdivision in Section 1 is amended to include the general fund and estimated income appropriation amounts.

Sections 2 and 4 are amended to remove appropriation language since the appropriation authority is already contained in Section 1.

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 1079: Committee on Appropriations (Rep. Thompson, Chairman) A MAJORITY of your committee (Reps. Thompson, Hausauer, Dalrymple, Gerntholz, Wald, Payne, Rydell, Schmidt, Wentz, R. Berg, Howard, Myrdal) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS.

Page 1, line 6, remove the second "and" and after "penalty" insert "; to provide an appropriation; and to provide an effective date"

Page 8, after line 20, insert:

"SECTION 5. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$126,000, or so much thereof as may be necessary, to the department of corrections and rehabilitation for the purpose of this Act for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 6. EFFECTIVE DATE. This Act becomes effective on July 1, 1992."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The amendments provide that the effective date of the bill is delayed until the beginning of the second year of the biennium. Also, \$126,000 is appropriated from the general fund to provide funding relating to the impact of mandatory drug sentencing. The funding is adequate for 20 prisoners during the first six months of calendar year 1993 at \$35 per day.

HB 1079: Committee on Appropriations (Rep. Thompson, Chairman) A MINORITY of your committee (Reps. Stofferahn, G. Berg, Brokaw, DeMers, Kaldor, Laughlin, Meyer, Nowatzki, Starke, Wilkie) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS.

Page 1, line 6, remove the second "and" and after "penalty" insert "; and to provide an appropriation"

Page 8, after line 20, insert:

"SECTION 5. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$704,600, or so much thereof as may be necessary, to the department of corrections and rehabilitation for the purpose of this Act for the biennium beginning July 1, 1991, and ending June 30, 1993."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The amendments appropriate \$704,600 from the general fund to provide funding relating to the impact of mandatory drug sentencing. The funding is adequate for 31 prisoners during calendar year 1992 and for 35 prisoners during the first six months of calendar year 1993 at \$40 per day.

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

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

#### MOTION

REP. KLOUBEC MOVED that HB 1515, HB 1579, HB 1540, and HB 1460, which are on the Sixth order, and HB 1514, which is on the Eleventh order, be placed at the head of the calendar, which motion prevailed.

#### SIXTH ORDER OF BUSINESS

REP. LARSON MOVED that the amendments to HB 1515, as recommended by a MAJORITY of the Committee on Human Services and Veterans Affairs, as printed on pages 727-733 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS.

#### RULING BY THE SPEAKER

SPEAKER R. ANDERSON RULED that if the Majority Report proposed amendments to HB 1515 are adopted, the proposed amendments of the Minority Report amendments will not be voted upon; however, if the Majority Report proposed amendments are defeated, the Minority Report proposed amendments will be voted upon.

#### REQUEST

REP. D. OLSEN REQUESTED a recorded roll call vote on the motion to adopt the proposed Majority Report amendments to HB 1515, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the proposed Majority Report amendments to HB 1515, the roll was called and there were 16 YEAS, 88 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Enget; Flaagan; Goffe; Grosz; Kaldor; Kroeber; Linderman; Peterson; Price; Ritter; Rydell; Scherber; Stofferahn; Thorpe; Speaker R. Anderson

NAYS: 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; Erickson; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Gorder; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kelsch; Kerzman; Kolbo; Kretschar; Kunkel; Larson; Laughlin; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Porter; Pyle; Rennerfeldt; Ring; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams

ABSENT AND NOT VOTING: Gorman; Kloubec

The motion to adopt the proposed Majority Report amendments to HB 1515 lost.

#### SIXTH ORDER OF BUSINESS

REP. LARSON MOVED that the amendments to HB 1515, as recommended by a MINORITY of the Committee on Human Services and Veterans Affairs, as printed on pages 733-738 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

#### REQUEST

REP. D. OLSEN REQUESTED a recorded roll call vote on the motion to adopt the proposed Minority Report amendments to HB 1515, which request was granted.

## ROLL CALL

The question being on the motion to adopt the proposed Minority Report amendments to HB 1515, the roll was called and there were 69 YEAS, 36 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeWitz; Dorso; Erickson; Flaagan; Freier; Gerntholz; Gorder; Grosz; Grumbo; Hausauer; Henegar; Howard; Huether; Kelsch; Kerzman; Kretschmar; Kunkel; Laughlin; Mahoney; Martin; Meyer; Miller; Muhs; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Olsen, D.; Olson, A.; Price; Rennerfeldt; Scherber; Schimke; Schindler; Schmidt; Shide; Skar; Skjerven; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Timm; Trautman; Urlacher; Wald; Wardner; Whalen; Wilkie; Speaker R. Anderson

NAYS: Aarsvold; Anderson, B.; Carlson; DeMers; Enget; Gabrielson; Gates; Gilmore; Goffe; Hanson; Hokana; Jacobson; Jensen; Kaldor; Kloubec; Kolbo; Kroeber; Larson; Linderman; Martinson; Mutzenberger; Oban; Payne; Peterson; Porter; Pyle; Ring; Ritter; Rydell; Schneider; Snyder; Stofferahn; Thorpe; Tollefson; Wentz; Williams

ABSENT AND NOT VOTING: Gorman

The motion to adopt the proposed Minority Report amendments to HB 1515 passed.

HB 1515, as amended by the Minority Report, was placed on the Eleventh order for second reading and final passage.

## MOTION

REP. KLOUBEC MOVED that HB 1515, as amended, be deemed properly engrossed and placed at the head of the Eleventh order at this time, for second reading and final passage, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1515: A BILL 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.

## MOTIONS

REP. GATES MOVED the previous question, which motion failed.

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

## ROLL CALL

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

YEAS: Bateman; Belter; Berg, G.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Carlisle; Clayburgh; Cleary; Coats; Delzer; DeWitz; Dorso; Erickson; Flaagan; Freier; Gerntholz; Gorder; Grosz; Grumbo; Hausauer; Henegar; Howard; Kelsch; Kerzman; Kretschmar; Kunkel; Laughlin; Linderman; Mahoney; Martin; Meyer; Miller; Muhs; Myrdal; Nichols; Nowatzki; Olsen, D.; Olson, A.; Price; Scherber; Schimke; Schindler; Schmidt; Shide; Skar; Skjerven; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Whalen; Wilkie; Speaker R. Anderson

NAYS: Aarsvold; Anderson, B.; Berg, R.; Byerly; Carlson; DeMers; Enget; Gabrielson; Gates; Gilmore; Goffe; Hanson; Hokana; Huether; Jacobson; Jensen; Kaldor; Kloubec; Kolbo; Kroeber; Larson; Martinson; Mutzenberger; Nelson; Oban; Payne; Peterson; Porter; Pyle; Rennerfeldt;

Ring; Ritter; Rydell; Schneider; Snyder; Stofferahn; Thorpe; Wentz; Williams

ABSENT AND NOT VOTING: Dalrymple; Gorman; Nicholas

HB 1515 passed and the title was agreed to.

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#### REQUESTS

REP. WENTZ REQUESTED that the remarks of Rep. Jensen be printed in the Journal, which request was granted.

#### REMARKS OF REPRESENTATIVE JENSEN

This bill does not belong before the Legislative Assembly. This is an issue that involves the very foundation of individual liberty and Constitutional guarantees of personal freedom that Americans enjoy.

Let me share two examples of Governmental policy on abortion with you.

In 1966 in Rumania, Nikolae Ceausescu outlawed abortion, banned contraception, forbade sex education. Terrible penalties were imposed on anyone who assisted a woman to obtain or recover from an abortion. Women were given production quotas to bear five children; pregnancy was demanded as a patriotic duty. Only women who had Community Party connections could have a safe and legal abortion. Women who did not become pregnant--even those who were not able to bear children--were required to pay a celibacy tax of up to ten percent of their salaries. Ceausescu decreed that the fetus was "the property of the State." Why did these dictates exist in Rumania from 1966 to Ceausescu's death in December 1989? To increase the Country's army and the work force. The population was ordered to grow by seven million persons.

In China, government officials are facing the opposite problem. There the population is anticipated to increase by ten percent every seven years. The Government has imposed strict family planning laws. Families are restricted to one child. In this hour, today, two thousand five hundred babies will be born in China and many of those who are female, because of the one child per couple government rule, will be murdered. In 1984 in Chungking the killing of more than two thousand eight hundred female babies was reported.

Local authorities keep dossiers listing women's menstrual cycles. Chinese women in rural areas who bear illegal children (an illegal birth is a second child) are given orders to submit to abortion--repeatedly if necessary. If they do not submit, second and third children are denied land in the village; parents are also forced to give up a portion of their contracted farmland. City dwellers who defy the one child rule are fined, sometimes lose their jobs, lose access to education, housing, and health care. A child-raising tax is imposed on families with more than one child. Furthermore, women are ordered to submit to sterilization. There is a very high failure rate for contraception.

I am sure you would all agree these two situations--Rumania and China--are outrageous. We are all aware of other extensive civil rights abuses and restrictions on personal freedoms in totalitarian regimes. Never mind that one regime outlawed and the other imposed abortion. The point is--in both regimes--the governments curtailed basic human freedoms in any and all forms. Abortion policy is just one example.

This issue does not belong before this assembly. Freedom to choose whether or not to bear a child is an individual right. While it is not explicitly a Constitutional guarantee, the right to physiological autonomy is inherent and the information I have given you on Rumania and China demonstrates this.

The fact that some churches have taken leadership roles in restricting a woman's right to choose to bear or not to bear children contributes greatly to the thought that this now becomes a religious rights issue. How can it be that persons, through the dictates of law, must be made to conform to what

certain churches say about the abortion issue? What has happened to our guarantee of the right to worship according to the dictates of our own consciences?

I challenge you Republicans--who profess to believe that "good government is based on the individual and that each person's ability, dignity, freedom and responsibility must be honored and recognized"--to live up to that expression of your belief. I charge you Democrats--who consistently risk your political reputations in a conservative State by voting your consciences--to once again vote to protect civil liberties. Let us not be seduced by the power we hold as lawmakers into believing that this is the proper concern for government involvement.

Every public leader in America has the moral duty to defend zealously the platform of Constitutional freedoms that we enjoy in this Country and that for over two hundred years has been a shining and productive example for other nations to follow.

As well-intentioned as we all are in our desire to do what we believe is right, as conscious as we all are of our responsibilities to those we represent, we must not overstep our authority; too often we can see and understand only one side of the equation. We cannot be divided in our commitment to uphold the tenets of individual freedom that this Country and our State were built on. I beg you, resist the temptation to impose a particular value system on our people. "One of the indispensable foods for the human soul is liberty. Liberty...consists in the ability to choose." (Simone Weil)

Please vote NO on HB 1515. A NO vote is not a vote for abortion. A NO vote is a YES vote for personal freedom.

REP. NICHOLAS REQUESTED that the record show that he intended to vote "Yea" on HB 1515, which request was granted.

#### SIXTH ORDER OF BUSINESS

HB 1579: REP. LARSON (Committee on Human Services and Veterans Affairs) MOVED that the amendments on HJ page 740 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

#### MOTIONS

REP. KLOUBEC MOVED that HB 1579, as amended at this time, be deemed properly engrossed and placed at the head of the Eleventh order at this time for second reading and final passage, which motion prevailed.

REP. KLOUBEC MOVED that the House waive the reading of the title to HB 1579, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1579: A BILL for an Act to create and enact two new subsections to section 14-02.1-02 and three new sections to chapter 14-02.1 of the North Dakota Century Code, relating to requirement of informed consent for abortions and civil damages for performance of abortions without informed consent; and to amend and reenact subsection 5 of section 14-02.1-02 and subsection 1 of section 14-02.1-03 of the North Dakota Century Code, relating to informed consent for abortions.

#### 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 70 YEAS, 35 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeWitz; Dorso; Erickson; Flaagan; Freier; Gerntholz; Goffe; Gorder; Grumbo; Hausauer; Henegar; Howard; Huether; Kerzman; Kolbo; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Martin; Meyer; Miller; Muhs; Myrdal; Nicholas; Nichols; Nowatzki; Olsen, D.; Olson, A.;

Peterson; Porter; Rennerfeldt; Scherber; Schimke; Schindler; Schmidt; Shide; Skar; Skjerven; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Whalen; Wilkie; Speaker R. Anderson

**NAYS:** Aarsvold; Anderson, B.; Byerly; Carlson; DeMers; Enget; Gabrielson; Gates; Gilmore; Grosz; Hanson; Hokana; Jacobson; Jensen; Kaldor; Kelsch; Kloubec; Larson; Linderman; Martinson; Mutzenberger; Nelson; Oban; Payne; Price; Pyle; Ring; Ritter; Rydell; Schneider; Snyder; Stofferahn; Thorpe; Wentz; Williams

**ABSENT AND NOT VOTING:** Gorman

HB 1579 passed and the title was agreed to.

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#### SIXTH ORDER OF BUSINESS

HB 1540: REP. LARSON (Committee on Human Services and Veterans Affairs) MOVED that the amendments on HJ pages 738-739 be adopted and then be placed on the Eleventh order with DO NOT PASS, which motion prevailed.

#### MOTION

REP. KLOUBEC MOVED that HB 1540, as amended at this time, be deemed properly engrossed and placed at the head of the Eleventh order at this time on the calendar for second reading and final passage, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1540: A BILL for an Act to create and enact a new section to chapter 14-02.1 of the North Dakota Century Code, relating to injunctive relief for the alleged father of an unborn child.

#### 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 25 YEAS, 77 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Bateman; Belter; Bernstein; Boehm; Brokaw; Dalrymple; Delzer; DeWitz; Gorder; Grumbo; Howard; Kerzman; Kretschmar; Martin; Olsen, D.; Schindler; Schmidt; Shide; Skjerven; Soukup; Thompson; Urlacher; Wald; Wardner; Whalen

**NAYS:** Aarsvold; Anderson, B.; Berg, G.; Berg, R.; Bodine; Boucher; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; DeMers; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Grosz; Hanson; Henegar; Hokana; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kloubec; Kolbo; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martinson; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schneider; Skar; Snyder; St. Aubyn; Starke; Stofferahn; Svedjan; Thorpe; Timm; Tollefson; Trautman; Wentz; Wilkie; Williams; Speaker R. Anderson

**ABSENT AND NOT VOTING:** Gorman; Hausauer; Meyer; Olson, A.

HB 1540 was declared lost.

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#### SIXTH ORDER OF BUSINESS

HB 1460: REP. LARSON (Committee on Human Services and Veterans Affairs) MOVED that the amendments on HJ page 726 be adopted and then be placed on the Eleventh order with DO NOT PASS, which motion prevailed.

## MOTION

REP. KLOUBEC MOVED that HB 1460, as amended, be deemed properly engrossed and placed at the head of the Eleventh order at this time for second reading and final passage, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1460: A BILL for an Act relating to the distribution of birth control devices and abortion referrals.

## 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 40 YEAS, 64 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Belter; Berg, R.; Bernstein; Bodine; Boehm; Brokaw; Brown; Carlisle; Cleary; Dalrymple; Delzer; DeWitz; Dorso; Freier; Gorder; Grosz; Grumbo; Howard; Kerzman; Kretschmar; Mahoney; Martin; Meyer; Muhs; Nicholas; Nowatzki; Olsen, D.; Schimke; Schindler; Schmidt; Shide; Skar; Skjerven; Soukup; Thompson; Trautman; Urlacher; Wald; Wardner; Whalen

NAYS: Aarsvold; Anderson, B.; Bateman; Berg, G.; Boucher; Byerly; Carlson; Clayburgh; Coats; DeMers; Enget; Erickson; Flaagan; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Hanson; Hausauer; Henegar; Hokana; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kloubec; Kolbo; Kroeber; Kunkel; Larson; Laughlin; Linderman; Martinson; Miller; Mutzenberger; Myrdal; Nelson; Nichols; Oban; Olson, A.; Payne; Peterson; Porter; Price; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schneider; Snyder; St. Aubyn; Starke; Stofferahn; Svedjan; Thorpe; Timm; Tollefson; Wentz; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Pyle

HB 1460 was declared lost.

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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 2009, SB 2015, SB 2017, SB 2206, SB 2279, SB 2305, SB 2359, SB 2362, SB 2376, SB 2435, SB 2455, SB 2457, SB 2485, SB 2489, SB 2492, SB 2509, SB 2531, SB 2533, SB 2551.

## SECOND READING OF HOUSE BILL

HB 1514: A BILL for an Act to create and enact a new section to chapter 14-02.1 of the North Dakota Century Code, relating to requirements for abortion facilities.

## 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 44 YEAS, 61 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Brokaw; Brown; Carlisle; Coats; Dalrymple; DeWitz; Dorso; Freier; Gerntholz; Gorder; Grumbo; Hausauer; Howard; Kerzman; Kretschmar; Laughlin; Mahoney; Martin; Muhs; Nichols; Nowatzki; Olsen, D.; Olson, A.; Rennerfeldt; Schindler; Schmidt; Shide; Skar; Skjerven; Soukup; Thompson; Timm; Urlacher; Wald; Wardner; Whalen; Wilkie

NAYS: Aarsvold; Anderson, B.; Boucher; Byerly; Carlson; Clayburgh; Cleary; Delzer; DeMers; Enget; Erickson; Flaagan; Gabrielson; Gates; Gilmore; Goffe; Grosz; Hanson; Henegar; Hokana; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kloubec; Kolbo; Kroeber; Kunkel; Larson; Linderman; Martinson; Meyer; Miller; Mutzenberger; Myrdal; Nelson; Nicholas; Oban; Payne; Peterson; Porter; Price; Pyle; Ring; Ritter; Rydell; Scherber;

Schimke; Schneider; Snyder; St. Aubyn; Starke; Stofferahn; Svedjan; Thorpe; Tollefson; Trautman; Wentz; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman

HB 1514 was declared lost.

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MOTION

REP. KLOUBEC MOVED that the House stand in recess until 4:15 p.m., which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1420: A BILL for an Act to create and enact two new sections to chapter 5-01, a new subsection to section 5-01-01, a new subsection to section 5-02-02, two new subsections to section 5-03-01, and a new section to chapter 5-03 of the North Dakota Century Code, relating to violations of alcoholic beverage laws and alcoholic beverage license applicants; to amend and reenact sections 5-01-11, 5-02-10, 5-03-02, 5-03-05, 5-03-06, subsection 3 of section 5-04-01, and section 5-04-14 of the North Dakota Century Code, relating to alcoholic beverage laws; and to provide a penalty.

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; Jensen; 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; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Nicholas; Wentz

HB 1420 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 1443, HB 1563, and HB 1575, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1443: A BILL for an Act to provide for certification of domestic community development corporations and providing income tax credits for the purchase of shares of stock, memberships, payments of dues, or making contributions by individuals and corporations to certified domestic development corporations; to create and enact a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to an income tax credit for purchase of shares of stock, memberships, payments of dues, or making contributions by individuals to certified domestic development corporations; to amend and reenact section 57-38-01.17 of the North Dakota Century Code, relating to income tax credits for purchase of shares of stock, memberships, payments of dues,

or making contributions by individuals and corporations to certified domestic development corporations; 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 104 YEAS, 0 NAYS, 0 EXCUSED, 2 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; Jensen; 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; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Thompson

HB 1443 passed and the title was agreed to.

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HB 1462: A BILL for an Act to amend and reenact section 50-24.1-02.2 of the North Dakota Century Code, relating to community spouse resource allowance.

#### 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 104 YEAS, 0 NAYS, 0 EXCUSED, 2 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; Jensen; 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; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Nicholas

HB 1462 passed and the title was agreed to.

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#### MOTION

REP. ERICKSON MOVED that the House reconsider its action whereby HB 1404 failed to pass, which motion prevailed on a verification vote.

#### SECOND READING OF HOUSE BILL

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 71 YEAS, 34 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bateman; Berg, G.; Berg, R.; Bernstein; Boehm; Boucher; Brown; Byerly; Carlson; Cleary; Coats; Dalrymple; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Goffe; Gorder; Grumbo; Hanson; Hausauer; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kolbo; Kretschmar; Kroeber; Kunkel; Laughlin; Linderman; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Olsen, D.; Olson, A.; Peterson; Price; Pyle; Ring; Ritter; Scherber; Schimke; Schindler; Schneider; Skjerven; Snyder; Soukup; Starke; Svedjan; Thompson; Thorpe; Timm; Trautman; Wald; Wardner; Wentz; Whalen; Wilkie

NAYS: Anderson, B.; Belter; Bodine; Brokaw; Carlisle; Clayburgh; Delzer; Gabrielson; Gates; Gerntholz; Gilmore; Grosz; Henegar; Jensen; Kloubec; Larson; Mahoney; Martin; Martinson; Meyer; Oban; Payne; Porter; Rennerfeldt; Rydell; Schmidt; Shide; Skar; St. Aubyn; Stofferahn; Tollefson; Urlacher; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman

HB 1404 passed, the title was agreed to, and the emergency clause carried.

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#### MOTION

REP. JENSEN MOVED that the House reconsider its action whereby HB 1360 failed to pass, which motion prevailed on a verification vote.

#### SECOND READING OF HOUSE BILL

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 52 YEAS, 53 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Berg, R.; Bernstein; Byerly; Carlson; Clayburgh; Dalrymple; DeMers; Dorso; Erickson; Flaagan; Gabrielson; Gates; Goffe; Hanson; Hausauer; Henegar; Hokana; Jacobson; Jensen; Kloubec; Kolbo; Kretschmar; Kroeber; Larson; Linderman; Mahoney; Martinson; Meyer; Mutzenberger; Myrdal; Nicholas; Oban; Payne; Peterson; Porter; Price; Pyle; Ring; Ritter; Rydell; Scherber; Schimke; Schneider; Snyder; Soukup; St. Aubyn; Svedjan; Thorpe; Timm; Wentz; Williams

NAYS: Aarsvold; Bateman; Belter; Berg, G.; Bodine; Boehm; Boucher; Brokaw; Brown; Carlisle; Cleary; Coats; Delzer; DeWitz; Enget; Freier; Gerntholz; Gilmore; Gorder; Grosz; Grumbo; Howard; Huether; Kaldor; Kelsch; Kerzman; Kunkel; Laughlin; Martin; Miller; Muhs; Nelson; Nichols; Nowatzki; Olsen, D.; Olson, A.; Rennerfeldt; Schindler; Schmidt; Shide; Skar; Skjerven; Starke; Stofferahn; Thompson; Tollefson; Trautman; Urlacher; Wald; Wardner; Whalen; Wilkie; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman

HB 1360 was declared lost.

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MOTIONS

REP. CLAYBURGH MOVED that the House reconsider its action whereby HB 1509 passed, which motion lost on a verification vote.

REP. KUNKEL MOVED that the House reconsider its action whereby HB 1468 passed, which motion lost on a verification vote.

SECOND READING OF HOUSE BILLS

HB 1491: A BILL for an Act to amend and reenact section 26.1-36-37.1 of the North Dakota Century Code, relating to health insurance proof of loss forms and claim payment time limits.

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, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; 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; Jensen; 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; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

NAYS: Bernstein; Wald; Whalen

ABSENT AND NOT VOTING: Gorman

HB 1491 passed and the title was agreed to.

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HB 1522: A BILL for an Act to amend and reenact subsections 11, 12, and 13 of section 26.1-26-42 of the North Dakota Century Code, relating to grounds for revocation of an insurance agent's license.

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, 3 NAYS, 0 EXCUSED, 1 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; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; 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; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Gilmore; Kerzman; Skar

ABSENT AND NOT VOTING: Gorman

HB 1522 passed and the title was agreed to.

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HB 1525: A BILL for an Act for an Act to amend and reenact subsection 19 of section 43-12.1-08 of the North Dakota Century Code, relating to the powers and duties of the board of nursing to issue temporary licenses; and to declare an emergency.

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 100 YEAS, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; 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; Flaagan; Freier; Gabrielson; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; 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; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Bodine; Gates; Nelson; Schmidt; Tollefson

ABSENT AND NOT VOTING: Gorman

HB 1525 passed, the title was agreed to, and the emergency clause carried.

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HB 1533: A BILL for an Act to provide for the rebirth of North Dakota's main streets by the establishment of real estate development corporations to allow cities to attract new businesses by offering favorable real estate lease terms; to provide a transfer; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 73 YEAS, 30 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Clayburgh; Coats; Dalrymple; Delzer; DeWitz; Dorso; Erickson; Flaagan; Freier; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Henegar; Howard; Jensen; Kelsch; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Martin; Martinson; Miller; Muhs; Myrdal; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Rennerfeldt; Ritter; Rydell; Scherber; Schindler; Schmidt; Shide; Skar; Skjerven; Soukup; St. Aubyn; Svedjan; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Speaker R. Anderson

NAYS: Anderson, B.; Bodine; Brokaw; Carlson; Cleary; DeMers; Enget; Gabrielson; Hanson; Hokana; Huether; Jacobson; Kaldor; Kerzman; Linderman; Mahoney; Meyer; Mutzenberger; Nelson; Nichols; Oban; Pyle; Ring; Schimke; Schneider; Snyder; Starke; Stofferahn; Thorpe; Williams

ABSENT AND NOT VOTING: Gorman; Hausauer; Thompson

HB 1533 passed and the title was agreed to.

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HB 1563: A BILL for an Act to create and enact two new sections to chapter 15-40.1 of the North Dakota Century Code, relating to per-pupil payments for the foundation program for schools; to amend and reenact subsections 1 and 2 of section 15-40.1-06, and sections 15-40.1-07.1, 15-40.1-07.2, 15-40.1-07.3, 15-40.1-09, 15-40.2-09, 15-44-03, and 57-15-14 of the North Dakota Century Code, relating to educational support; to repeal subsection 3 of section 15-40.1-06 and sections 15-40.1-07 and 15-40.1-08 of the North Dakota Century Code, relating to the school district equalization factor and per-pupil payments for high school and elementary pupils.

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 20 YEAS, 84 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Berg, G.; Berg, R.; Coats; Enget; Freier; Gates; Gorder; Huether; Jacobson; Kerzman; Kretschmar; Kunkel; Larson; Meyer; Oban; Ritter; Rydell; Scherber; Skjerven; Starke

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Delzer; DeMers; DeWitz; Dorso; Erickson; Flaagan; Gabrielson; Gerntholz; Gilmore; Goffe; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Jensen; Kaldor; Kelsch; Kloubec; Kolbo; Kroeber; Laughlin; Linderman; Mahoney; Martin; Martinson; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt, Ring; Schimke; Schindler; Schmitz; Schneider; Shide; Skar; Snyder; Soukup; St. Aubyn; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen, Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Dalrymple; Gorman

HB 1563 was declared lost.

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HB 1571: A BILL for an Act to create and enact a new section to chapter 4-12.2 of the North Dakota Century Code, relating to revocation of registration of an apiary; 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, 4-12.2-14, 4-12.2-18, 4-12.2-19, 4-12.2-20, 4-12.2-21, and 4-12.2-24 of the North Dakota Century Code, relating to licensure of beekeepers, and registration, identification, and certification of apiaries; to repeal sections 4-12.2-09, 4-12.2-10, 4-12.2-11, 4-12.2-12, and 4-12.2-13 of the North Dakota Century Code, relating to a two-mile radius restriction for apiary locations; and to declare an emergency.

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: Anderson, B.; Belter; Berg, R.; Bernstein; Bodine; Boucher; Brokaw; 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; Jensen; Kaldor; Kelsch; Kloubec; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martinson; 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; Skar; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Trautman; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Aarsvold; Berg, G.; Delzer; Freier; Grosz; Kerzman; Kolbo; Kretschmar; Martin; Meyer; Shide; Skjerven; Tollefson; Urlacher

ABSENT AND NOT VOTING: Bateman; Boehm; Dorso; Gorman; Schmidt

HB 1571 passed, the title was agreed to, and the emergency clause carried.

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#### MOTION

REP. KLOUBEC MOVED that HB 1474 and HB 1275 be placed at the head of the calendar, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

HB 1474: A BILL for an Act to provide a grant program to develop and maintain independent living centers; 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 41 YEAS, 63 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Bodine; Boucher; Brokaw; Carlson; Clayburgh; Cleary; Coats; DeMers; Flaagan; Gabrielson; Gates; Gilmore; Grumbo; Hanson; Hokana; Jensen; Kerzman; Kolbo; Kroeber; Larson; Laughlin; Mahoney; Mutzenberger; Myrdal; Nichols; Oban; Olsen, D.; Olson, A.; Peterson; Pyle; Ring; Rydell; Scherber; Schneider; Skar; Snyder; Svedjan; Thorpe; Trautman; Wentz

NAYS: Aarsvold; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Boehm; Brown; Byerly; Carlisle; Dalrymple; Delzer; DeWitz; Dorso; Enget; Erickson; Freier; Gerntholz; Goffe; Gorder; Grosz; Henegar; Howard; Huether; Jacobson; Kaldor; Kelsch; Kloubec; Kretschmar; Kunkel; Linderman; Martin; Martinson; Meyer; Miller; Muhs; Nelson; Nicholas; Nowatzki; Payne; Porter; Price; Rennerfeldt; Ritter; Schimke; Schindler; Schmidt; Shide; Skjerven; Soukup; St. Aubyn; Starke; Stofferahn; Thompson; Timm; Tollefson; Urlacher; Wald; Wardner; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Hausauer

HB 1474 was declared lost.

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HB 1275: A BILL for an Act to provide an appropriation to the state department of health and consolidated laboratories for a state diabetes control project.

#### ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 10 YEAS, 95 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Cleary; Kelsch; Kolbo; Kretschmar; Olsen, D.; Shide; Skar; St. Aubyn; Svedjan; Urlacher

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; 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; Jensen; Kaldor; Kerzman; Kloubec; Kroeber; Kunkel; Larson; 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; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Skjerven; Snyder; Soukup; Starke; Stofferahn; Thompson; Thorpe; Timm; Tollefson; Trautman; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman

HB 1275 was declared lost.

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REQUEST

REP. KLOUBEC REQUESTED that the record show that the members of the Committee on Appropriations were excused to attend a committee meeting, which request was granted.

SECOND READING OF HOUSE BILL

HB 1575: A BILL for an Act to amend and reenact section 39-04-19, subsection 2 of section 57-43.1-02, section 57-43.1-03.1, and subsection 2 of section 57-43.2-02 of the North Dakota Century Code, relating to motor vehicle registration fees, tax reductions for fuels that contain a qualifying blend of alcohol, and reductions of refunds of motor vehicle fuels taxes on fuel used for agricultural purposes; to suspend subsection 2 of section 57-43.1-02 and subsection 2 of section 57-43.2-02 of the North Dakota Century Code, relating to tax reductions for fuels that contain a qualifying blend of alcohol; to provide an appropriation; and to provide an effective date and 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 79 YEAS, 3 NAYS, 23 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Bernstein; Bodine; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Delzer; DeWitz; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Henegar; Hokana; Huether; Jacobson; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Linderman; Mahoney; Martin; Martinson; Miller; Muhs; Mutzenberger; Nelson; Nicholas; Nichols; Olsen, D.; Olson, A.; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Scherber; Schindler; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Svedjan; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wardner; Whalen; Williams; Speaker R. Anderson

NAYS: Dorso; Oban; Schimke

EXCUSED: Berg, G.; Berg, R.; Brokaw; Dalrymple; DeMers; Gerntholz; Hausauer; Howard; Jensen; Kaldor; Laughlin; Meyer; Myrdal; Nowatzki; Payne; Rydell; Schmidt; Starke; Stofferahn; Thompson; Wald; Wentz; Wilkie

ABSENT AND NOT VOTING: Gorman

HB 1575 passed and the title was agreed to.

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MOTION

REP. FLAAGAN MOVED that HB 1589 be laid over, which motion failed.

## SECOND READING OF HOUSE BILLS

HB 1589: 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 PASS, the roll was called and there were 29 YEAS, 53 NAYS, 23 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Carlson; Coats; Enget; Flaagan; Freier; Goffe; Grumbo; Hokana; Kerzman; Kloubec; Kretschmar; Linderman; Mutzenberger; Nelson; Nicholas; Nichols; Oban; Peterson; Porter; Pyle; Scherber; Skjerven; St. Aubyn; Svedjan; Thorpe; Trautman; Whalen; Speaker R. Anderson

NAYS: Aarsvold; Bateman; Belter; Bernstein; Bodine; Boehm; Boucher; Brown; Byerly; Carlisle; Clayburgh; Cleary; Delzer; DeWitz; Dorso; Erickson; Gabrielson; Gates; Gilmore; Gorder; Grosz; Hanson; Henegar; Huether; Jacobson; Kelsch; Kolbo; Kroeber; Kunkel; Larson; Mahoney; Martin; Martinson; Miller; Muhs; Olsen, D.; Olson, A.; Price; Rennerfeldt; Ring; Ritter; Schimke; Schindler; Schneider; Shide; Skar; Snyder; Soukup; Timm; Tollefson; Urlacher; Wardner; Williams

EXCUSED: Berg, G.; Berg, R.; Brokaw; Dalrymple; DeMers; Gerntholz; Hausauer; Howard; Jensen; Kaldor; Laughlin; Meyer; Myrdal; Nowatzki; Payne; Rydell; Schmidt; Starke; Stofferahn; Thompson; Wald; Wentz; Wilkie

ABSENT AND NOT VOTING: Gorman

HB 1589 was declared lost.

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HB 1590: A BILL for an Act relating to the establishment of alternative health care services pilot projects.

## 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 82 YEAS, 0 NAYS, 23 EXCUSED, 1 ABSENT AND NOT VOTING.

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

EXCUSED: Berg, G.; Berg, R.; Brokaw; Dalrymple; DeMers; Gerntholz; Hausauer; Howard; Jensen; Kaldor; Laughlin; Meyer; Myrdal; Nowatzki; Payne; Rydell; Schmidt; Starke; Stofferahn; Thompson; Wald; Wentz; Wilkie

ABSENT AND NOT VOTING: Gorman

HB 1590 passed and the title was agreed to.

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HB 1594: A BILL for an Act to create and enact subsection 5 of section 26.1-39-16 of the North Dakota Century Code, relating to nonrenewal of property and casualty insurance policies and refusing to insure property risks.

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 22 YEAS, 60 NAYS, 23 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Boucher; Carlson; Flaagan; Gabrielson; Grumbo; Hanson; Hokana; Kerzman; Kolbo; Kroeber; Linderman; Mutzenberger; Nelson; Oban; Peterson; Pyle; Ring; Schneider; Snyder; Thorpe

NAYS: Bateman; Belter; Bernstein; Bodine; Boehm; Brown; Byerly; Carlisle; Clayburgh; Cleary; Coats; Delzer; DeWitz; Dorso; Enget; Erickson; Freier; Gates; Gilmore; Goffe; Gorder; Grosz; Henegar; Huether; Jacobson; Kelsch; Kloubec; Kretschmar; Kunkel; Larson; Mahoney; Martin; Martinson; Miller; Muhs; Nicholas; Nichols; Olsen, D.; Olson, A.; Porter; Price; Rennerfeldt; Ritter; Scherber; Schimke; Schindler; Shide; Skar; Skjerven; Soukup; St. Aubyn; Svedjan; Timm; Tollefson; Trautman; Urlacher; Wardner; Whalen; Williams; Speaker R. Anderson

EXCUSED: Berg, G.; Berg, R.; Brokaw; Dalrymple; DeMers; Gerntholz; Hausauer; Howard; Jensen; Kaldor; Laughlin; Meyer; Myrdal; Nowatzki; Payne; Rydell; Schmidt; Starke; Stofferahn; Thompson; Wald; Wentz; Wilkie

ABSENT AND NOT VOTING: Gorman

HB 1594 was declared lost.

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SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3034: A concurrent resolution urging continued funding for library resources and services dedicated to the needs of blind and physically handicapped persons.

The question being on the final adoption of the amended resolution, which has been read.

Engrossed HCR 3034 was declared adopted on a voice vote.

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SECOND READING OF HOUSE BILLS

HB 1324: A BILL for an Act to amend and reenact subdivision b of subsection 14 of section 65-01-02 of the North Dakota Century Code, relating to exemption of certain real estate brokers and real estate salespersons from mandatory contribution participation under the workers compensation laws.

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 82 YEAS, 0 NAYS, 23 EXCUSED, 1 ABSENT AND NOT VOTING.

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

EXCUSED: Berg, G.; Berg, R.; Brokaw; Dalrymple; DeMers; Gerntholz; Hausauer; Howard; Jensen; Kaldor; Laughlin; Meyer; Myrdal; Nowatzki; Payne; Rydell; Schmidt; Starke; Stofferahn; Thompson; Wald; Wentz; Wilkie

ABSENT AND NOT VOTING: Gorman

HB 1324 passed and the title was agreed to.

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HB 1444: A BILL for an Act to provide property tax relief through payments to counties and proportionate reductions in county levies; to provide an appropriation; and to provide a contingent 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 6 YEAS, 76 NAYS, 23 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Carlisle; Freier; Grosz; Kretschmar; Martin; Martinson

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Bernstein; Bodine; Boehm; Boucher; Brown; Byerly; Carlson; Clayburgh; Cleary; Coats; Gelzer; DeWitz; Dorso; Enget; Erickson; Flaagan; Gabrielson; Gates; Gilmore; Goffe; Gordner; Grumbo; Hanson; Henegar; Hokana; Huether; Jacobson; Kelsch; Kerzman; Kloubec; Kolbo; Kroeber; Kunkel; Larson; Linderman; Mahoney; Miller; Muhs; Mutzenberger; Nelson; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Scherber; Schimke; Schindler; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Svedjan; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wardner; Whalen; Williams; Speaker R. Anderson

EXCUSED: Berg, G.; Berg, R.; Brokaw; Dalrymple; DeMers; Gerntholz; Hausauer; Howard; Jensen; Kaldor; Laughlin; Meyer; Myrdal; Nowatzki; Payne; Rydell; Schmidt; Starke; Stofferahn; Thompson; Wald; Wentz; Wilkie

ABSENT AND NOT VOTING: Gorman

HB 1444 was declared lost.

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MOTIONS

REP. KLOUBEC MOVED that House Rule 330, paragraph 2, which deals with House bills being rereferred to the Committee on Appropriations, and Joint Rule 203 which speaks to Crossover and all bills and resolutions being sent to the other House be suspended until the Thirty-sixth Legislative Day.

REP. KLOUBEC MOVED that the rules be suspended and that all bills acted upon today that passed be messaged to the Senate immediately, which motion prevailed.

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 1324, HB 1575, HB 1590, HCR 3034.

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 1020, HB 1060, HB 1061, HB 1168, HB 1227, HB 1232, HB 1243, HB 1265, HB 1300, HB 1321, HB 1385, HB 1404, HB 1420, HB 1443, HB 1462, HB 1468, HB 1476, HB 1491, HB 1506, HB 1509, HB 1522, HB 1525, HB 1533, HB 1571.

MOTIONS

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

REP. KLOUBEC MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House be on the Ninth order of business, and at the conclusion of the Ninth order, the House be on the Thirteenth order of business, and at the conclusion of the Thirteenth order,

the House stand adjourned until 9:00 a.m., Friday, February 22, 1991, which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

HB 1524, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (22 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1524 was placed on the Eleventh order on the calendar.

HB 1555, 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 1555 was placed on the Eleventh order on the calendar.

#### FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Reps. Oban, Myrdal, Gates and Sens. Freborg, Wogsland introduced:

HCR 3058: A concurrent resolution directing the Legislative Council to study the use of flexible curricula in North Dakota high schools and the team approach to course selections.

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

Reps. G. Berg, Nicholas, Stofferahn and Sens. Langley, Vosper, Wogsland introduced:

HCR 3059: A concurrent resolution directing the Legislative Council to study the introduction of nonnative fish species into this state and the interbasin transfer of water, fish species, and aquatic plant species between or among drainage basins located in this state.

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

Reps. Rennerfeldt, Byerly, B. Anderson and Sens. David, Graba introduced:

HCR 3060: A concurrent resolution directing the Legislative Council to study the need for a long-term energy policy for North Dakota.

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

Reps. Oban, Rydell, Scherber and Sens. Heinrich, Thane, Stenehjem introduced:

HCR 3061: A concurrent resolution directing a Legislative Council study of the entire range of issues arising from the current methods and philosophy governing state employees' compensation.

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

Reps. Rennerfeldt, R. Berg and Sens. Nelson, Meyer introduced:

HCR 3062: A concurrent resolution directing the Legislative Council to study the feasibility of establishing a collection and disposal program for agricultural pesticides, hazardous household chemicals, and their containers.

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

#### FIRST READING OF SENATE BILLS

SB 2009: A BILL for an Act making an appropriation for defraying the expenses of the soil conservation committee and centennial trees program; and to provide a statement of intent.

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

SB 2015: A BILL for an Act making an appropriation for defraying the expenses of the state game and fish department.

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

SB 2017: A BILL for an Act making an appropriation for defraying the expenses of the various divisions of the state water commission; providing for an appropriation of funds from the resources trust fund; and to create and enact a new section to chapter 61-02 of the North Dakota Century Code, relating to repayment of loan proceeds and reimbursement of federal funds.

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

SB 2033: A BILL for an Act to create and enact a new section to chapter 50-01.1 of the North Dakota Century Code, relating to financial incentives provided by the department of human services for creating multicounty social service districts; to amend and reenact sections 50-01.1-01, 50-01.1-02, 50-01.1-03, and 50-01.1-04 of the North Dakota Century Code, relating to multicounty social service districts; and to provide an appropriation from the state aid distribution fund.

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

SB 2058: A BILL for an Act to create and enact section 4-14.1-03.1, chapters 6-09.13, 6-09.14, sections 10-30.3-10, 10-30.3-11, 10-30.3-12, and chapters 10-30.4 and 54-34.3 of the North Dakota Century Code, relating to the agricultural utilization commission, on-farm loan programs, business loan programs, the creation of the primary sector development fund, the creation of the science and technology corporation, and the establishment of a department of economic development and finance; to amend and reenact sections 4-14.1-01, 4-14.1-02, 4-14.1-03, 6-09-02, subsection 1 of section 6-09-15, sections 6-09-15.5, 6-09.10-03, 10-24-40, subsection 6 of section 10-30-04, sections 10-30.2-02, 10-30.2-05, 10-30.3-01, 10-30.3-02, 10-30.3-03, 10-30.3-05, 10-30.3-07, 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 54-40.1-04, 54-40.1-05, 54-53-02, 55-06-01, and 55-08-02.1 of the North Dakota Century Code and section 8 of House Bill No. 1046, as approved by the fifty-second legislative assembly, relating to the duties of the agricultural utilization commission, the duties of the agricultural mediation service, creation of the economic development finance corporation, the operation of the Bank of North Dakota, references to the economic development commission, the duties of regional councils, and the appropriation to the regional rural development revolving loan fund; 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, section 1 of chapter 112 of the 1989 Session Laws and sections 1, 2, and 3 of House Bill No. 1046, as approved by the fifty-second legislative assembly, relating to the economic development commission, the transfer of the Bank of North Dakota's profits into the beginning farmer revolving loan fund, and the rural development revolving loan fund; to require collocation of economic development entities; to provide for a transition; to provide for an allocation of the earnings of the Bank of North Dakota; to provide an appropriation; to provide for appropriation reductions; and to declare an emergency.

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

SB 2078: A BILL for an Act to amend and reenact section 1 of chapter 667 of the 1989 Session Laws of North Dakota, section 21-10-01 of the North Dakota Century Code as amended by section 4 of chapter 667 of the 1989 Session Laws of North Dakota, section 21-10-02.1 of the North Dakota Century Code as amended by section 6 of chapter 667 of the 1989 Session Laws of North Dakota, and section 54-52-04 of the North Dakota Century Code as amended by section 11 of chapter 667 of the 1989 Session Laws of North Dakota, relating to the establishment of the North Dakota state retirement and investment office; and to repeal section 15 of chapter 667 of the 1989 Session Laws of North Dakota, relating to the elimination of an expiration date.

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

SB 2094: A BILL for an Act to create and enact a new subsection to section 54-52-04 of the North Dakota Century Code, relating to the powers and duties of the public employees retirement board to purchase annuities for employees of development foundations associated with public institutions of higher education who become ineligible to continue in the public employees retirement system.

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

SB 2099: A BILL for an Act to create and enact two new sections to chapter 54-16 of the North Dakota Century Code, relating to the allocation of funds and the authorization of the exchange of goods and services by the emergency commission.

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

SB 2200: A BILL for an Act to create and enact two new sections to chapter 54-52.3 of the North Dakota Century Code, relating to confidentiality of information concerning a public employee's participation in the pretax benefits program and deposit of moneys collected under the pretax benefits program; to amend and reenact section 54-52.3-03 of the North Dakota Century Code, relating to the defrayal of expenses associated with the pretax benefits program; and to provide a continuing appropriation.

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

SB 2205: A BILL for an Act to amend and reenact sections 15-63-01, 54-36-01, 54-36-02, 54-36-03, and 54-36-05 of the North Dakota Century Code, relating to the state board for Indian scholarships and the Indian affairs commission.

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

SB 2206: A BILL for an Act relating to duties of the commissioner of labor; to create and enact a new section to chapter 65-01, four new sections to chapter 65-02, and a new section to chapter 65-04 of the North Dakota Century Code, relating to a fiscal impact statement, the establishment of a workers' compensation arbitration panel, and contributions by employees; to amend and reenact sections 19-20.2-07, 21-03-32, 21-10-01, subsection 6 of section 23-01.1-02, subdivision b of subsection 2 of section 26.1-23-08, sections 28-32-08, 28-32-14, 37-11-02, subsection 5 of section 43-07-01, sections 43-07-04, 43-07-25, subsection 3 of section 51-04-08, sections 52-01-02, 52-01-03, 52-02-01, 52-08-03, subsection 1 of section 54-06-04, sections 54-16-10, 54-56-01, subsection 4 of section 57-38-57, section 57-39.2-23, subsections 6 and 11 of section 65-01-02, sections 65-01-09, 65-01-10, 65-02-06, 65-02-07, 65-04-04, 65-04-10, 65-04-15, 65-04-27.1, 65-04-29, 65-05.1-02, 65-06-05, 65-06.1-04, 65-08-02, 65-11-04.1, 65-11-06, subsection 4 of section 65-12-02, subsection 4 of section 65-12-03, sections 65-12-04.1, 65-12-08, 65-12-12, and subsection 1 of section 65-13-03 of the North Dakota Century Code, relating to job service North Dakota and the workers compensation bureau; to repeal sections 65-02-01, 65-02-01.1, and 65-02-02 of the North Dakota Century Code, relating to the workers compensation bureau; and to provide an effective date.

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

SB 2272: A BILL for an Act to amend and reenact section 57-15-56 of the North Dakota Century Code, relating to state matching funds for services and programs for senior citizens; and to provide an appropriation from the state aid distribution fund.

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

SB 2279: A BILL for an Act to amend and reenact subsections 4 and 5 of section 38-08-04, sections 57-51.1-01, 57-51.1-02, and 57-51.1-03 of the North Dakota Century Code, relating to definitions for purposes of the oil extraction tax, conditions affecting the rate of the oil extraction tax, and conditions affecting exemptions to the oil extraction tax.

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

SB 2282: A BILL for an Act to provide for a North Dakota corn utilization council; to provide for an assessment on corn production; to provide a penalty; and to provide an appropriation.  
Was read the first time and referred to the Committee on Agriculture.

SB 2294: A BILL for an Act providing an appropriation to the agricultural experiment station to purchase Hastings hall from the state seed department.  
Was read the first time and referred to the Committee on Appropriations.

SB 2305: A BILL for an Act to create and enact a new section to chapter 57-51 of the North Dakota Century Code, relating to applications for resources trust fund funding of certain water-related projects; to amend and reenact subsections 4 and 5 of section 38-08-04, sections 57-51-01, 57-51-02, and 57-51-15 of the North Dakota Century Code, relating to definitions for purposes of the gross production tax, the rate of the gross production tax, and the apportionment of the gross production tax; to repeal chapter 57-51.1 of the North Dakota Century Code, relating to the oil extraction tax; and to provide an effective date.  
Was read the first time and referred to the Committee on Finance and Taxation.

SB 2359: A BILL for an Act relating to the establishment of a livestock water assistance program.  
Was read the first time and referred to the Committee on Agriculture.

SB 2362: A BILL for an Act to amend and reenact sections 57-51.1-02 and 57-51.1-03 of the North Dakota Century Code, relating to the rate of the oil extraction tax, the new well exemption to the oil extraction tax, and the work-over exemption to the oil extraction tax; and to declare an emergency.  
Was read the first time and referred to the Committee on Finance and Taxation.

SB 2403: A BILL for an Act to amend and reenact sections 16.1-04-02, 16.1-13-27, and 48-02-19 of the North Dakota Century Code, relating to physically disabled accessibility requirements for public buildings and facilities and voting places.  
Was read the first time and referred to the Committee on Political Subdivisions.

SB 2422: A BILL for an Act to amend and reenact subsection 1 of section 57-40.6-02 of the North Dakota Century Code, relating to the excise tax that counties or cities may impose on telephone access lines.  
Was read the first time and referred to the Committee on Finance and Taxation.

SB 2424: A BILL for an Act to create and enact a new section to chapter 16.1-01 of the North Dakota Century Code, relating to voter lists.  
Was read the first time and referred to the Committee on Political Subdivisions.

SB 2434: A BILL for an Act to amend subsection 5 of section 11-16-05 of the North Dakota Century Code, relating to restrictions on the powers of state's attorney.  
Was read the first time and referred to the Committee on Judiciary.

SB 2435: A BILL for an Act to amend and reenact subsection 3 of section 16.1-05-01 and subsections 2 and 3 of section 16.1-05-04 of the North Dakota Century Code, relating to election officers.  
Was read the first time and referred to the Committee on Political Subdivisions.

SB 2455: A BILL for an Act to amend and reenact subsection 4 of section 48-02-04 and section 48-02-05.1 of the North Dakota Century Code.

relating to bid requirements and acceptance for building and repair contracts and contents of bid advertisements and awarding contracts.

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

SB 2457: A BILL for an Act to create and enact a new section to chapter 50-11.1 and a new section to chapter 50-25.1 of the North Dakota Century Code, relating to criminal history record investigations of prospective child care providers and the establishment of a carecheck registry and a child abuse information index; to amend and reenact sections 14-09-22, 50-11.1-07, subsection 1 of section 50-25.1-03, and section 50-25.1-05.2 of the North Dakota Century Code, relating to penalties for child abuse, background investigations, release of information maintained by child care providers, persons required to report suspected child abuse, and entry of child abuse reports in a child abuse information index; to provide a penalty; and to provide an effective date.

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

SB 2458: A BILL for an Act to create and enact two new sections to chapter 4-38 of the North Dakota Century Code, relating to organic foods; to amend and reenact sections 4-38-02 and 4-38-03 of the North Dakota Century Code, relating to organic foods; and to provide a penalty.

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

SB 2485: A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to medical assistance coverage for services provided by psychologists; and to provide an effective date.

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

SB 2489: A BILL for an Act to amend and reenact section 1-03-01 of the North Dakota Century Code, relating to holidays; and to repeal section 1-03-09 of the North Dakota Century Code, relating to Martin Luther King Day.

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

SB 2492: A BILL for an Act to amend and reenact subsection 19 of section 43-12.1-08 of the North Dakota Century Code, relating to the powers and duties of the board of nursing to issue temporary licenses; and to declare an emergency.

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

SB 2493: A BILL for an Act to amend and reenact subdivision b of subsection 1 of section 11-18-05 of the North Dakota Century Code, relating to recording fees charged by the register of deeds.

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

SB 2499: A BILL for an Act to amend and reenact section 36-01-01 of the North Dakota Century Code, relating to the state board of animal health; and to provide for transition.

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

SB 2505: A BILL for an Act to amend and reenact section 1 of chapter 367 of the 1963 Session Laws of North Dakota, relating to the deed to property formerly owned by the state at Bathgate, North Dakota; and to provide for issuance of a new deed for the property.

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

SB 2506: A BILL for an Act to amend and reenact sections 15-47-06, 16.1-07-05, subsection 1 of section 16.1-07-08, and subsection 1 of

section 16.1-07-08.1, and section 40-21-13 of the North Dakota Century Code, relating to absentee ballots; and to declare an emergency.  
Was read the first time and referred to the Committee on Political Subdivisions.

SB 2507: A BILL for an Act to amend and reenact subsection 2 of section 54-52.1-03.3 of the North Dakota Century Code, relating to calculation of the allowable monthly credit toward hospital and medical benefits coverage under the retiree health benefits fund.  
Was read the first time and referred to the Committee on State and Federal Government.

SB 2508: A BILL for an Act to amend and reenact subdivision c of subsection 2 of section 16.1-11-11 and section 40-21-07 of the North Dakota Century Code, relating to signature requirements for nomination petitions.  
Was read the first time and referred to the Committee on Political Subdivisions.

SB 2509: A BILL for an Act to provide for infrastructure construction, improvement, rehabilitation, operation, or management by private operators and to provide for development agreements between government authorities and private operators.  
Was read the first time and referred to the Committee on Political Subdivisions.

SB 2519: A BILL for an Act to create and enact a new subsection to section 16.1-01-09 of the North Dakota Century Code, relating to initiative, referendum, and recall petitions; and to amend and reenact subsection 1 of section 16.1-01-09 of the North Dakota Century Code, relating to initiative, referendum, and recall petitions.  
Was read the first time and referred to the Committee on Judiciary.

SB 2520: A BILL for an Act to amend and reenact section 4-28-03 of the North Dakota Century Code, relating to voting entitlement for the North Dakota wheat commission.  
Was read the first time and referred to the Committee on Agriculture.

SB 2531: A BILL for an Act to amend and reenact subsection 1 of section 10-30.1-01 and subsection 1 of section 10-30.1-05 of the North Dakota Century Code, relating to the definition of a qualified entity for purposes of investment by a venture capital corporation and investments by an investor in a venture capital corporation which are eligible for an income tax credit.  
Was read the first time and referred to the Committee on Finance and Taxation.

SB 2533: A BILL for an Act to create and enact a new section to chapter 47-16 of the North Dakota Century Code, relating to landlords and tenants and cable television installation.  
Was read the first time and referred to the Committee on Political Subdivisions.

SB 2543: A BILL for an Act to amend and reenact sections 16.1-08.1-02, 16.1-08.1-03, and 16.1-08.1-06 of the North Dakota Century Code, relating to campaign contribution statements.  
Was read the first time and referred to the Committee on State and Federal Government.

SB 2549: A BILL for an Act to authorize the industrial commission, acting as the state building authority, to issue loan notes to make funds available for construction and acquisition of a western history museum on the Dickinson state university campus; and to provide an appropriation.  
Was read the first time and referred to the Committee on Appropriations.

SB 2551: A BILL for an Act to amend and reenact subsection 5 of section 15-47-38 of the North Dakota Century Code, relating to the standard of review to be implemented by the district court in reviewing and ruling upon litigation involving nonrenewals of teachers' contracts.  
Was read the first time and referred to the Committee on Education.

SB 2556: A BILL for an Act to provide for fuel cost adjustment clause inclusion in any construction contract entered by the state or a political subdivision.  
Was read the first time and referred to the Committee on Political Subdivisions.

SB 2570: A BILL for an Act to create and enact a new section to chapter 44-05 of the North Dakota Century Code, relating to oaths of office; and to provide an effective date.  
Was read the first time and referred to the Committee on State and Federal Government.

#### FIRST READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4025: A concurrent resolution urging the Congress of the United States and the United States Army Corps of Engineers to assume responsibility for Missouri River bank erosion downstream from all Pick-Sloan plan dams, including the Garrison Dam to Oahe Reservoir reach in North Dakota, and to begin an annual program of appropriating funds for the maintenance and construction of bank protection projects.  
Was read the first time and referred to the Committee on Natural Resources.

SCR 4038: A concurrent resolution directing the Legislative Council to investigate and recommend a program or programs for funding and financing water resource development throughout the state.  
Was read the first time and referred to the Committee on Natural Resources.

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

ROY GILBREATH, Chief Clerk