

JOURNAL OF THE HOUSE

Fifty-third Legislative Assembly

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Bismarck, February 3, 1993

The House convened at 1:30 p.m., with Speaker R. Berg presiding.

The prayer was offered by the Rev. A. Benjamin Dove (retired), Presbyterian Church, Mandan.

The roll was called and all members were present except Representatives Glasheim and Henegar.

A quorum was declared by the Speaker.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2031, SB 2055, SB 2215, SB 2231, SB 2314, SB 2420.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1072, HB 1111, HB 1136, HB 1138, HB 1143, HB 1178, HB 1225, HB 1228, HB 1233, HB 1254, HB 1286, HB 1302, HB 1335, HB 1344, HB 1355, HB 1379, HB 1405, HB 1412, HB 1419, HCR 3020.

HOUSE ENGROSSING AND ENROLLING REPORT

The following bills were engrossed: HB 1033, HB 1081, HB 1156, HB 1231, HB 1243, HB 1269, HB 1288, HB 1390.

SIXTH ORDER OF BUSINESS

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

REP. FREIER MOVED that the rules be suspended and that the amendments on the Sixth order of business to HB 1018, Engrossed HB 1037, HB 1265, HB 1336, and HB 1404 be adopted, which motion prevailed.

HB 1018, Engrossed HB 1037, HB 1265, HB 1336, and HB 1404, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

REP. FREIER MOVED that the rules be suspended and that HB 1018, Engrossed HB 1037, HB 1265, HB 1336, and HB 1404 be deemed properly engrossed and HB 1037 be reengrossed and be placed on the Eleventh order at the head of the calendar, as amended, for second reading and final passage, which motion prevailed.

POINT OF PERSONAL PRIVILEGE

REP. WALD: Mr. Speaker: I rise on a point of personal privilege. This morning the headlines in the Bismarck Tribune, February 3, 1993, "Building War Brews" somewhat disturbed me and other legislators in southwestern North Dakota.

Let me hasten to add that I do not fault Deneen Gilmour, the reporter, I regard her as a professional, objective, hard-working journalist. This description holds true for all of the Tribune's reporters covering legislative activities.

I believe it is fair to say that Dickinson and southwestern North Dakota legislators and citizens do not oppose a capital project at Bismarck State College or any other campus. In my six terms on the House Appropriations Committee I have supported, because they were necessary, capital construction projects on every campus in North Dakota.

The Dickinson State University Project has been on a Board of Higher Education priority list for a decade and as late as the 1991 session. We are not at war with anybody, including the Chancellor or the Board of Higher Education.

The citizens of southwestern North Dakota are making a sincere and honorable effort to secure a multipurpose facility on the Dickinson State University Campus this biennium to serve the educational needs of the region. This project is a necessity, not a luxury, and it is long overdue.

I have lived half of my adult life in the Bismarck community, graduating from St. Mary's High School and Bismarck Jr. College and have always regarded Bismarck as my second home.

The misleading headline and characterization pitting one community against another is unfortunate. Bismarck and Dickinson legislators have always had a cordial and cooperative relationship. Speaking for myself, I intend to carry on in that tradition.

Thank you Mr. Speaker and fellow legislators for your understanding and for allowing me to make these personal comments.

MOTION

REP. WARDNER MOVED that the remarks of Rep. Wald be printed in the Journal, which motion prevailed.

MOTION

REP. GATES MOVED that HB 1319, which is on the Eleventh order, be rereferred to the **Education Committee**, which motion prevailed. Pursuant to Rep. Gates' motion, HB 1319 was rereferred.

SECOND READING OF HOUSE BILL

HB 1018: A BILL for an Act to provide an appropriation for defraying the expenses of various state retirement and investment agencies.

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 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Goffe; Gorder; Gorman; Grosz; Grumbo; Gullerson; Hagle; Hanson; Hausauer; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzen; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Glassheim; Henegar

Engrossed HB 1018 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1037: A BILL for an Act to require fire, allied lines, and multiple peril insurance applications to include a statement of the fire protection district in which the insured property is located; to provide a penalty; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Drovda; Freier; Froseth; Gates; Gerntholz; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Boucher; Dorso; Glassheim; Henegar

Reengrossed HB 1037 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1265: A BILL for an Act to amend and reenact section 65-05-09.2 of the North Dakota Century Code, relating to offsetting social security retirement benefits against workers' compensation disability benefits.

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 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Gates; Gerntholz; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Glassheim; Henegar

Engrossed HB 1265 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1336: A BILL for an Act to amend and reenact subdivision a of subsection 1 of section 28-32-01, sections 54-21.2-03, and 54-21.2-04 of the North Dakota Century Code, relating to exclusions from the definition of

administrative agency and the state energy code for new building construction.

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 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Goffe; Gorder; Grosz; Grumbo; Gulleeson; Hagle; Hanson; Hausauer; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Glassheim; Gorman; Henegar

Engrossed HB 1336 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1404: A BILL for an Act to provide certain vaccines to all minors in the state; 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 22 YEAS, 74 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Brodshaug; Grumbo; Gulleeson; Huether; Klein; Kretschmar; Laughlin; Mutzenberger; Nelson; Ness; Nichols; Olson, A.; Poolman; Price; Rydell; Sitz; Stenson; Svedjan; Thorpe; Wilkie

NAYS: Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Goffe; Gorder; Gorman; Grosz; Hagle; Hanson; Hausauer; Hokana; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Kroeber; Kunkel; Mahoney; Maragos; Martin; Martinson; Monson; Nicholas; Oban; Olsen, D.; Payne; Porter; Pyle; Rennerfeldt; Ring; Schindler; Shide; Skarphol; Soukup; St. Aubyn; Stenehjem; Sveen; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Speaker R. Berg

ABSENT AND NOT VOTING: Glassheim; Henegar

Engrossed HB 1404 was declared lost.

SECOND READING OF HOUSE BILL

HB 1029: A BILL for an Act to create and enact a new chapter to title 50 of the North Dakota Century Code, relating to a special needs supplement for the direct, private purchase of housekeeping and home maintenance services by aged, blind, or disabled persons; 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 32 YEAS, 64 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Berg, J.; Bodine; Boucher; Brodshaug; Cleary; Coats; Dobrinski; Goffe; Grumbo; Gulleson; Hanson; Hokana; Huether; Kaldor; Kerzman; Kilichowski; Kroeber; Laughlin; Mahoney; Mutzenberger; Nelson; Ness; Nichols; Oban; Pyle; Ring; Sitz; Stenson; Thorpe; Wilkie

NAYS: Austin; Bateman; Belter; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Dalrymple; DeWitz; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Gorder; Gorman; Grosz; Hagle; Hausauer; Holm; Howard; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kretschmar; Kunkel; Maragos; Martin; Martinson; Monson; Nicholas; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Rydell; Schindler; Shide; Skarphol; Soukup; St. Aubyn; Stenehjem; Svedjan; Sveen; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Speaker R. Berg

ABSENT AND NOT VOTING: Glasheim; Henegar

HB 1029 was declared lost.

SECOND READING OF HOUSE BILL

HB 1106: A BILL for an Act to amend and reenact sections 50-24.1-02.1, 50-24.1-02.3, and 50-24.1-07 of the North Dakota Century Code, relating to medicaid eligibility and deceased medical assistance recipients.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 96 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

NAYS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Glasheim; Henegar

HB 1106 was declared lost.

SECOND READING OF HOUSE BILL

HB 1292: A BILL for an Act to amend and reenact section 15-44-03 and 15-44-06 of the North Dakota Century Code, relating to the apportionment of tuition in accordance with average daily membership.

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

YEAS: Aarsvold; Allmaras; Berg, J.; Boucher; Brodshaug; Cleary; Dalrymple; Dobrinski; Freier; Goffe; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hokana; Huether; Kaldor; Kerzman; Kretschmar; Kroeber; Laughlin; Mutzenberger; Ness; Nichols; Oban; Pyle; Ring; Thorpe; Wilkie

NAYS: Austin; Bateman; Belter; Bernstein; Bodine; Boehm; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Coats; DeWitz; Dorso; Drovdal; Froseth; Gates; Gerntholz; Gorder; Gorman; Hausauer; Holm; Howard; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kilichowski; Klein; Kunkel; Mahoney; Maragos; Martin; Martinson; Monson; Nelson; Nicholas; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Speaker R. Berg

ABSENT AND NOT VOTING: Glassheim; Henegar

HB 1292 was declared lost.

SECOND READING OF HOUSE BILL

HB 1310: A BILL for an Act to create and enact a new paragraph to subdivision b of subsection 14 of section 65-01-02 of the North Dakota Century Code, relating to exclusion of newspaper definition of employee for purposes of workers' compensation coverage.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 9 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Bernstein; Bodine; Boehm; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Goffe; Gorder; Gorman; Grosz; Grumbo; Hagle; Hanson; Hausauer; Holm; Howard; Huether; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Nelson; Nicholas; Nichols; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

NAYS: Berg, J.; Boucher; Gulleson; Hokana; Kaldor; Mutzenberger; Ness; Oban; Ring

ABSENT AND NOT VOTING: Glassheim; Henegar

HB 1310 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1327: A BILL for an Act to amend and reenact sections 47-30.1-30 and 47-30.1-31 of the North Dakota Century Code, relating to abandoned property reports and records.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 96 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

NAYS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Glassheim; Henegar

HB 1327 was declared lost.

SECOND READING OF HOUSE BILL

HB 1479: A BILL for an Act to prohibit the possession or distribution of certain photographs and other visual representations; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Glassheim; Henegar

HB 1479 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1493: A BILL for an Act to create and enact a new subsection to section 10-04-05 and a new subsection to section 10-04-06 of the North Dakota Century Code, relating to securities issued by the North Dakota education association dues credit trust and to transactions in securities issued by the North Dakota education association dues credit trust.

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 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle;

Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Goffe; Gordier; Gorman; Grosz; Grumbo; Guleson; Hagle; Hanson; Hausauer; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Glassheim; Henegar

HB 1493 passed and the title was agreed to.

MOTION

REP. FREIER MOVED that that portion of House Rule 507 that pertains to House Bills and Resolutions, other than appropriations measures, being in committee, be suspended until February 12, 1993, the 29th legislative day, which motion prevailed.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Charles C. Anderson.

MOTION

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

MOTION

REP. FREIER MOVED that the House be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Thursday, February 4, 1993, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1036: Finance and Taxation Committee (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1036 was placed on the Sixth order on the calendar.

Page 1, line 12, overstrike ", and shall certify", remove "the", and overstrike "amounts for payment to the office of"

Page 1, line 13, overstrike "management and budget"

Page 1, line 16, replace "one and three-fourths" with "eighty-four"

Page 1, line 17, after "the" insert "tax collected on" and after "companies" insert "pursuant to section 26.1-03-17"

Page 2, line 6, replace "one and three-fourths" with "eighty-four" and after "the" insert "tax collected on"

Page 2, line 7, after "companies" insert "pursuant to section 26.1-03-17"

Page 2, overstrike lines 12 and 13

Page 2, line 14, overstrike "legislative assembly."

Page 3, line 11, replace "Revenue" with "Eighty-four percent of the revenue"

Page 3, line 17, after "and" insert "the remaining sixteen percent as well as"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1060: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1060 was placed on the Sixth order on the calendar.

Page 1, line 12, after the period insert "Residency and age requirements for voting in an election that has been suspended or delayed under this section must be determined as of the date the election would have been held but for the suspension or extension. Whenever an election is suspended or extended under this section, only absentee ballots postmarked prior to the date the election would have been held, or absentee ballots received in the appropriate officer's office any time prior to four p.m. on the day before the election would have been held, or absentee ballots received in an envelope without a postmark or in an envelope which is illegibly postmarked within twenty-four hours after the polls close on the day of the suspended or extended election, may be canvassed or counted. The canvass and counting of ballots cast in an election suspended or extended under this section must be conducted in the manner and within the time frames established for the original election; however, the time frames for the canvass and counting must be calculated from the last day of the suspended or extended election."

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1061: Finance and Taxation Committee (Rep. Timm, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1061 was placed on the Sixth order on the calendar.

Page 1, line 20, replace "A person" with "An individual"

Page 1, line 21, remove "for a prior year"

Page 2, line 2, after "credit" insert "or refund" and remove "that year of"

Page 2, line 7, after "credit" insert "or refund"

Page 2, line 10, after "credit" insert "or refund"

Page 2, line 12, replace "assessment of" with "taxable years beginning"

Page 2, remove line 13

Page 2, line 14, replace "1992" with "1989"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1137: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1137 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1142: Natural Resources Committee (Rep. A. Olson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1142 was placed on the Sixth order on the calendar.

Page 2, after line 18, insert:

"SECTION 3. Permits - Certification from state department of health and consolidated laboratories required. The state engineer may not issue a permit under this Act without a certification from the state department of health and consolidated laboratories that the permitted activity will not adversely affect water quality."

Page 3, line 9, replace "5" with "6"

Page 5, line 17, remove "Fee -"

Page 5, line 21, remove "The application must be accompanied by an"

Page 5, line 22, remove "application fee of seventy-five dollars."

Page 7, line 2, replace "9" with "10"

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1199: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1199 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1214, as engrossed: Finance and Taxation Committee (Rep. Timm, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1214 was placed on the Sixth order on the calendar.

Page 2, line 10, replace "for the purpose of providing state match funds" with "and may be used solely for the payment of principal and interest on any loan or loans obtained by the department of transportation for the purpose of repaying federal highway funds advanced to the state under section 1054 of the Intermodal Surface Transportation Efficiency Act of 1991 [Pub. L. 102-240; 105 Stat. 1914; 23 U.S.C. 120, note]."

Page 2, remove line 11

Page 3, line 11, replace "through the taxable" with "until the loan or loans obtained by the department of transportation for the purpose of repaying federal highway funds advanced to the state under section 1054 of the Intermodal Surface Transportation Efficiency Act of 1991 [Pub. L. 102-240; 105 Stat. 1914; 23 U.S.C. 120, note] have been paid or through the taxable year ending December 31, 1997, whichever occurs first."

Page 3, remove line 12

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1236: Finance and Taxation Committee (Rep. Timm, Chairman) recommends **DO NOT PASS** (11 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). HB 1236 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1253: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1253 was placed on the Sixth order on the calendar.

Page 1, line 6, after the period insert "The mail ballot election must include city elections administered by the county auditor, and may

include any other election administered by the county auditor pursuant to an agreement with the governing body of a political subdivision within the county."

Page 1, line 16, after "last" insert "regular"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1264: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1264 was placed on the Sixth order on the calendar.

Page 2, line 22, after "The" insert "governing body of a city, township, or county that elects to administer and enforce a building code shall adopt and enforce the state building code. However, the"

Page 2, remove lines 24 through 26

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1330: Finance and Taxation Committee (Rep. Timm, Chairman) recommends DO NOT PASS (9 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). HB 1330 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1364: Human Services Committee (Rep. Rydell, Chairman) recommends DO PASS (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1364 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1370: Judiciary Committee (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1370 was placed on the Sixth order on the calendar.

Page 1, line 14, remove ", paramedic,"

Page 1, line 18, after the period insert "Only the coroner or assistant coroner may sign the death certificate for a deceased person whose remains are moved as authorized under this section."

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1378: Judiciary Committee (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1378 was placed on the Sixth order on the calendar.

Page 1, replace lines 8 through 12 with "List of witnesses. Except as required by the court, every defendant who makes a written request for a list of all witnesses the prosecution intends to call at trial shall furnish the state a list of all witnesses the defendant intends to call at trial. If subsequent to compliance with the requirement of this section, and prior to or during trial, the defendant intends to call additional witnesses, the defendant shall promptly notify the state's attorney of the fact. The court may exclude any witness not listed unless good cause is shown for failure to comply."

Page 1, replace lines 15 through 18 with "Additional bail factors. In addition to assuring the appearance of the defendant, the court shall consider the safety of any person and the community in setting bail."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1381: Finance and Taxation Committee (Rep. Timm, Chairman) recommends DO NOT PASS (9 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). HB 1381 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1385: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1385 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1393: Human Services Committee (Rep. Rydell, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1393 was placed on the Sixth order on the calendar.

Page 4, line 22, remove "because of the other parent's absence, mental illness,"

Page 4, remove lines 23 through 26

Page 4, line 27, remove "to continue to perpetrate domestic violence" and insert after the underscored period "The court shall cite specific findings of fact to show that the custody or visitation arrangement best protects the child and the parent or other family or household member who is the victim of domestic violence."

Page 5, line 1, after the underscored period insert "if the court awards custody to a third person, the court shall give priority to the child's nearest suitable adult relative."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1395: Judiciary Committee (Rep. Kretschmar, Chairman) recommends DO PASS (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1395 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1401: Human Services Committee (Rep. Rydell, Chairman) recommends DO PASS (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1401 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1410: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1410 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1429: Finance and Taxation Committee (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1429 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "57-38-20" with "57-38-29"

Page 1, line 14, remove the semicolon

Page 1, line 15, replace "a. Equipment" with "equipment"

Page 1, line 16, replace "; and" with a period

Page 1, remove lines 17 and 18

Page 2, line 2, replace "twenty" with "ten"

Page 2, line 3, replace "four" with "two"

Page 2, line 5, replace "twenty" with "ten"

Page 2, line 6, replace "one thousand" with "five hundred"

Page 2, remove lines 8 through 10

Page 2, line 11, replace "4." with "3."

Page 2, remove lines 23 through 29

Page 3, remove lines 1 and 2

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1444: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1444 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1446: Finance and Taxation Committee (Rep. Timm, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1446 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subdivision to subsection 1 of section 57-38-01.2 and a new subdivision to subsection 1 of section 57-38-01.3 of the North Dakota Century Code, relating to an income tax deduction for employers who provide a child care facility for children of employers and employees; to amend and reenact subsections 3 and 4 of section 57-38-30-3 of the North Dakota Century Code, relating to an income tax deduction for employers who provide a child care facility for children of employers and employees; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subdivision to subsection 1 of section 57-38-01.2 of the 1991 Supplement to the North Dakota Century Code is created and enacted as follows:

Reduced by the amount, up to a maximum annual reduction of twenty-five thousand dollars, of an employer's net cost of operating a child care facility in this state, for use by children of the employer or the taxpayer's employees. If two or more employers share in the costs eligible for the reduction provided in this subdivision, each employer may deduct that employer's share of the net cost of operating the child care facility. For purposes of this subdivision, "child care facility" means a facility which meets the requirements of chapter 50-11.1.

SECTION 2. A new subdivision to subsection 1 of section 57-38-01.3 of the 1991 Supplement to the North Dakota Century Code is created and enacted as follows:

Reduced by the amount, up to a maximum annual reduction of twenty-five thousand dollars, of an employer's net

cost of operating a child care facility in this state, for use by children of the employer or the taxpayer's employees. If two or more employers share in the costs eligible for the reduction provided in this subdivision, each employer may deduct that employer's share of the net cost of operating the child care facility. For purposes of this subdivision, "child care facility" means a facility which meets the requirements of chapter 50-11.1.

SECTION 3. AMENDMENT. Subsections 3 and 4 of section 57-38-30.3 of the 1991 Supplement to the North Dakota Century Code are amended and reenacted as follows:

3. The adjusted federal income tax liability for a resident individual, estate, and trust must be determined by multiplying the federal income tax liability by a fraction, the numerator of which is the adjusted gross income taxable to this state and the denominator of which is the total adjusted gross income as reported on the federal income tax return. ~~Interest income from United States obligations and other income not taxable to this state because of federal statutes, United States, or state constitutional provisions and distributions described in subdivision c of subsection 4.2 of section 57-38-01 from a qualified investment fund~~ The following amounts must be excluded from the numerator:
 - a. Interest income from United States obligations and other income not taxable to this state because of federal statutes or United States or state constitutional provisions.
 - b. Distributions described in subdivision c of subsection 4.2 of section 57-38-01 from a qualified investment fund.
 - c. An employer's net cost of operating a child care facility in this state for the children of the employer or the taxpayer's employees. The maximum annual exclusion which may be taken is twenty-five thousand dollars. If two or more employers share in the costs eligible for the exclusion, each employer may exclude that employer's share of the net cost of operating the child care facility. For purposes of this subdivision "child care facility" means a facility which meets the licensing requirements of chapter 50-11.1.

4. The adjusted federal income tax liability of a nonresident individual, estate, and trust must be determined by multiplying the federal income tax liability by a fraction, the numerator of which is the adjusted gross income derived from sources within this state and the denominator of which is the total adjusted gross income as reported on the federal income tax return. ~~Interest income from United States obligations and other income not taxable to this state because of federal statutes, United States, or state constitutional provisions and distributions described in subdivision c of subsection 4.2 of section 57-38-01 from a qualified investment fund~~ The following amounts must be excluded from the numerator:
 - a. Interest income from United States obligations and other income not taxable to this state because of federal statutes or United States or state constitutional provisions.

- b. Distributions described in subdivision c of subsection 4.2 of section 57-38-01 from a qualified investment fund.
- c. An employer's net cost of operating a child care facility in this state for the children of the employer or the taxpayer's employees. The maximum annual exclusion which may be taken is twenty-five thousand dollars. If two or more employers share in the costs eligible for the exclusion, each employer may exclude that employer's share of the net cost of operating the child care facility. For purposes of this subdivision "child care facility" means a facility which meets the licensing requirements of chapter 50-11.1.

SECTION 4. EFFECTIVE DATE. This Act is effective for taxable years beginning after December 31, 1992."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1450: Finance and Taxation Committee (Rep. Timm, Chairman) recommends DO PASS (10 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). HB 1450 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1464: Industry, Business and Labor (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REFERRED to the Appropriations Committee (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1464 was placed on the Sixth order on the calendar.

- Page 1, line 13, replace "engineer's" with "operator's"
- Page 1, line 15, after "material" insert "by mobile or tower crane"
- Page 1, line 17, replace "engineer's" with "operator's"
- Page 1, line 22, replace "department" with "bureau"
- Page 2, line 3, replace "engineers" with "operators"
- Page 2, line 4, replace "engineer" with "operator"
- Page 2, line 6, replace "engineer's" with "operator's"
- Page 2, line 9, replace "engineer's" with "operator's"
- Page 2, line 13, replace "engineer" with "operator"
- Page 2, line 18, replace "engineer's" with "operator's"
- Page 2, line 25, replace "engineer" with "operator"
- Page 2, line 28, replace "engineer's" with "operator's"
- Page 3, line 9, after the period insert "1." and replace "a" with ":
- a. A"
- Page 3, line 11, replace "or to a" with ";

- b. A person operating hoisting equipment for a business regulated by the federal mine safety and health administration;

c. A"

Page 3, line 12, replace ". This chapter does not apply to a" with ";

d. A person operating a small electric or air chain hoist or trolley, as defined by the bureau; or

e. A"

Page 3, line 14, after the period insert "2." and replace ", a" with ":

a. A"

Page 3, line 20, after the period insert "b."

Page 3, after line 22, insert:

"3. A person who holds a valid license as a hoisting engine operator or a crane and hoist operator in another state with licensing requirements substantially the same as the requirements under this Act does not need to obtain a license from this state to work in this state as a hoisting engine operator or a crane and hoist operator."

Page 4, line 2, replace "engineer's" with "operator's"

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1492: Finance and Taxation Committee (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1492 was placed on the Sixth order on the calendar.

Page 1, line 17, replace "thirtieth" with "gross production tax revenues are received by the state treasurer for allocation" and after "revenue" insert "under this section"

Page 1, line 18, replace "between the state general fund and" with "as part of the revenue that is attributable to oil and gas produced in"

Page 1, line 20, remove "The county's share of"

Page 1, remove lines 21 and 22

Page 2, remove lines 1 through 4

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1495: Natural Resources Committee (Rep. A. Olson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1495 was placed on the Sixth order on the calendar.

Page 1, line 18, replace "Only" with "If a license under this subsection is issued for a district or unit, at least", replace "may" with "must", after "subsection" insert "for that district or unit for hunting moose", and after the underscored period insert "The number of licenses issued under this subsection for a district or unit may not exceed fifteen percent of the total licenses prescribed in the governor's proclamation for that district or unit."

Page 1, line 19, replace "more than one" with "the number of", replace "person" with "persons", and remove "leases land for agricultural"

Page 1, remove line 20

Page 1, line 21, remove "landowner", replace "applies" with "apply", after "subsection" insert "exceeds the number of licenses available under this subsection", and replace the second "license" with "licenses"

Page 2, line 2, after "subsection" insert "for a district or unit open for the hunting of moose" and replace "a" with "that"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1500: Finance and Taxation Committee (Rep. Timm, Chairman) recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1500 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1506: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1506 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1507: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1507 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2075: Finance and Taxation Committee (Rep. Timm, Chairman) recommends **DO PASS** (10 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). SB 2075 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2268: Finance and Taxation Committee (Rep. Timm, Chairman) recommends **DO PASS** (9 YEAS, 1 NAY, 5 ABSENT AND NOT VOTING). SB 2268 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4006: Finance and Taxation Committee (Rep. Timm, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SCR 4006 was placed on the Tenth order on the calendar.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Byerly, Payne introduced:

HCR 3041: A concurrent resolution directing the Legislative Council to study the short-term and long-term capital construction needs of state agencies and institutions and methods of financing capital construction projects.

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

FIRST READING OF SENATE BILLS

SB 2095: A BILL for an Act to amend and reenact subsection 1 of section 34-14-03 of the North Dakota Century Code, relating to employees who are separated from payroll before payday.

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

SB 2225: A BILL for an Act to create and enact a new section to chapter 26.1-40 of the North Dakota Century Code, relating to accident surcharge; and to amend and reenact subsection 5 of section 26.1-40-11 of the North Dakota Century Code, relating to prohibited reasons for declinations of automobile insurance.

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

SB 2229: A BILL for an Act to provide for a continuing appropriation of lignite research funds; and to amend and reenact section 54-17.5-05 of the North Dakota Century Code, relating to lignite resource evidences of indebtedness issued by the industrial commission.

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

SB 2299: A BILL for an Act to amend and reenact subsection 2 of section 39-08-01 of the North Dakota Century Code, relating to sentences for persons operating a motor vehicle while under the influence of intoxicating liquor or any other drug or substance.

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

SB 2318: A BILL for an Act to amend and reenact section 16.1-03-08 of the North Dakota Century Code, relating to the membership of the state committee of a political party.

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

SB 2328: A BILL for an Act to create and enact a new subsection to section 26.1-34-01 of the North Dakota Century Code, relating to required annuity contract provisions.

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

SB 2336: A BILL for an Act to amend and reenact subsection 4 of section 19-03.1-37 of the North Dakota Century Code, relating to the receipt of certified copy of analytical findings as prima facie evidence of test results in prosecutions.

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

SB 2372: A BILL for an Act to amend and reenact section 49-18-15 of the North Dakota Century Code, relating to a motor carrier application protest fee.

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

SB 2374: A BILL for an Act to amend and reenact section 30.1-29-14 of the North Dakota Century Code, relating to the compensation of a conservator.

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

SB 2407: A BILL for an Act to amend and reenact section 12.1-30-02 of the North Dakota Century Code, relating to items prohibited from sale or rental on Sunday.

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

SB 2416: A BILL for an Act to amend and reenact section 59-02-08 of the North Dakota Century Code, relating to adoption of a "prudent investor" standard for investment of funds by a trustee.

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

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

ROY GILBREATH, Chief Clerk