

JOURNAL OF THE HOUSE

Fifty-third Legislative Assembly

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Bismarck, February 5, 1993

The House convened at 12:30 p.m., with Speaker R. Berg presiding.

The prayer was offered by Pastor Sheldon Scott, Bible Restoration Fellowship, Minot.

The roll was called and all members were present except Representatives Glassheim, Hausauer, and Tollefson.

A quorum was declared by the Speaker.

CORRECTION AND REVISION OF THE JOURNAL

MR. SPEAKER: Your Committee on Correction and Revision of the Journal (Rep. DeWitz, Chairman) has carefully examined the Journal of the Twenty-third Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 403, line 30, insert "Former Representative" before the word "Anna"

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

HOUSE ENGROSSING AND ENROLLING REPORT

The following bills were engrossed: HB 1036, HB 1060, HB 1061, HB 1142, HB 1253, HB 1264, HB 1370, HB 1378, HB 1393, HB 1429, HB 1446, HB 1464, HB 1492, HB 1495.

The following bill was reengrossed: HB 1214.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2002, SB 2009, SB 2120, SB 2128, SB 2129, SB 2240, SB 2265, SB 2305, SB 2329, SB 2340, SB 2342, SB 2345, SB 2346, SB 2359, SB 2380, SB 2382, SB 2384, SB 2397, SB 2413, SB 2430, SB 2468, SB 2484, SB 2515, SB 2516, SCR 4001, SCR 4010, SCR 4012, SCR 4013, SCR 4015, SCR 4016, SCR 4018.

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 1018, HB 1037, HB 1265, HB 1310, HB 1336, HB 1479, HB 1493.

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, with the exception of HB 1226 and HB 1315, which motion prevailed.

REP. FREIER MOVED that the rules be suspended and that the amendments on the Sixth order of business to HB 1062, HB 1163, HB 1222, HB 1224, HB 1229, HB 1262, HB 1274, HB 1276, HB 1278, HB 1319, HB 1331, HB 1340, HB 1357, HB 1363, HB 1367, HB 1373, HB 1377, HB 1380, HB 1480, and HB 1508 be adopted, which motion prevailed.

REP. FREIER MOVED that the rules be suspended and that HB 1062, as amended, be rereferred to the Appropriations Committee, which motion prevailed.

HB 1274, as amended, was rereferred to the Appropriations Committee.

HB 1163, HB 1222, HB 1224, HB 1229, HB 1262, HB 1276, HB 1278, HB 1319, HB 1331, HB 1340, HB 1357, HB 1363, HB 1367, HB 1373, HB 1377, HB 1380, HB 1480, and HB 1508, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SIXTH ORDER OF BUSINESS

HB 1226: REP. KRETSCHMAR (Judiciary Committee) MOVED that the amendments on HJ page 425 be adopted and then be placed on the Eleventh order with **DO NOT PASS**.

REQUEST

REP. KALDOR REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to HB 1226, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to HB 1226, the roll was called and there were 57 YEAS, 38 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Aarsvold; Allmaras; Austin; Bateman; Berg, J.; Bodine; Boehm; Boucher; Brodshaug; Carlson, A.; Cleary; Coats; Dobrinski; Goffe; Grumbo; Gulleson; Hagle; Hanson; Hokana; Huether; Kaldor; Kerzman; Kroeber; Laughlin; Mahoney; Mutzenberger; Nelson; Ness; Nichols; Oban; Poolman; Pyle; Rennerfeldt; Ring; Sitz; Stenson; Thorpe; Wilkie

ABSENT AND NOT VOTING: Glasheim; Hausauer; Tollefson

The motion to adopt the amendments to HB 1226 passed.

HB 1226, as amended, was placed on the Eleventh order of business for the succeeding legislative day.

SIXTH ORDER OF BUSINESS

HB 1315: REP. TIMM (Finance and Taxation Committee) MOVED that the amendments on HJ pages 427-428 be adopted and then be placed on the Eleventh order with **DO PASS**.

REQUEST

REP. BATEMAN REQUESTED that the Speaker rule on the germaneness of the bill, which request was granted.

RULING BY THE SPEAKER

SPEAKER R. BERG RULED that the amendments were germane to the bill.

REQUEST

REP. KALDOR REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to HB 1315, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to HB 1315, the roll was called and there were 40 YEAS, 54 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Berg, J.; Bodine; Boucher; Brodshaug; Cleary; Coats; Dobrinski; Goffe; Grumbo; Gulleson; Hagle; Hanson; Hokana; Huether; Kaldor; Kelsch; Kerzman; Kilichowski; Kroeber; Laughlin;

Mahoney; Maragos; Mutzenberger; Nelson; Ness; Nichols; Oban; Porter; Pyle; Ring; Rydell; Sitz; Stenson; Sveen; Thorpe; Wardner; Wentz; Wilkie

NAYS: Austin; Bateman; Belter; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Dalrymple; DeWitz; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Gordier; Gorman; Grosz; Henegar; Holm; Howard; Jacobs; Johnson; Keiser; Kempenich; Klein; Kretschmar; Kunkel; Martin; Martinson; Monson; Nicholas; Olsen, D.; Olson, A.; Payne; Poolman; Price; Rennerfeldt; Schindler; Shide; Skarphol; Soukup; St. Aubyn; Stenehjelm; Svedjan; Timm; Torgerson; Wald; Wanzek; Speaker R. Berg

ABSENT AND NOT VOTING: Clayburgh; Glassheim; Hausauer; Tollefson

The motion to adopt the amendments to HB 1315 failed to pass.

HB 1315 was placed on the Eleventh order for the succeeding legislative day.

MOTION

REP. GATES MOVED that HB 1055, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

MOTION

REP. A. OLSON MOVED that HCR 3040 be returned to the House floor from the **Natural Resources Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

REP. DROVDAL REQUESTED the unanimous consent of the House to withdraw HCR 3040. There being no objection, it was so ordered by the Speaker.

SECOND READING OF HOUSE BILL

HB 1048: A BILL for an Act to amend and reenact section 54-35-02.1 of the North Dakota Century Code, relating to the legislative audit and fiscal review committee.

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

YEAS: Aarsvold; Allmaras; Berg, J.; Bodine; Boucher; Brodshaug; Cleary; Coats; Dobrinski; Gerntholz; Grumbo; Gullerson; Hanson; Hokana; Huether; Kaldor; Kerzman; Kretschmar; Kroeber; 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; Goffe; Gordier; Gorman; Grosz; Hagle; Henegar; Holm; Howard; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kilichowski; Klein; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Nicholas; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Rydell; Schindler; Shide; Skarphol; Soukup; St. Aubyn; Stenehjelm; Svedjan; Sveen; Timm; Torgerson; Wald; Wanzek; Wardner; Wentz; Speaker R. Berg

ABSENT AND NOT VOTING: Glassheim; Hausauer; Tollefson

HB 1048 was declared lost.

SECOND READING OF HOUSE BILL

HB 1242: A BILL for an Act to establish a center for the study of American Indian law; 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, 63 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Berg, J.; Bodine; Boucher; Brodshaug; Cleary; Coats; Dobrinski; Gulleson; Hanson; Hokana; Jacobs; Kaldor; Kerzman; Kilichowski; Kretschmar; Kroeber; Laughlin; Mahoney; Mutzenberger; Nelson; Ness; Nichols; Oban; Pyle; Ring; Sitz; Stenson; Svedjan; 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; Goffe; Gorder; Gorman; Grosz; Grumbo; Hagle; Henegar; Holm; Howard; Huether; Johnson; Keiser; Kelsch; Kempenich; Klein; Kunkel; Maragos; Martin; Martinson; Monson; Nicholas; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Rydell; Schindler; Shide; Skarphol; Soukup; St. Aubyn; Stenehjem; Sveen; Timm; Torgerson; Wald; Wanzek; Wardner; Wentz; Speaker R. Berg

ABSENT AND NOT VOTING: Glasshiem; Hausauer; Tollefson

HB 1242 was declared lost.

SECOND READING OF HOUSE BILL

HB 1299: A BILL for an Act to provide for the recording of an approach permit issued by the director of the department of transportation.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 5 YEAS, 90 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Huether; Monson; Olson, A.; Shide

NAYS: 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; Henegar; Hokana; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Glasshiem; Hausauer; Tollefson

HB 1299 was declared lost.

SECOND READING OF HOUSE BILL

HB 1320: A BILL for an Act to amend and reenact section 15-47-26 of the North Dakota Century Code, relating to the definition of a teacher.

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, 95 NAYS, 0 EXCUSED, 3 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; Gordier; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Henegar; 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; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Glassheim; Hausauer; Tollefson

HB 1320 was declared lost.

SECOND READING OF HOUSE BILL

HB 1324: A BILL for an Act to amend and reenact subsection 3 of section 39-06.1-10, subsection 1 of section 39-06.1-13, and section 39-10-71 of the North Dakota Century Code, relating to points assigned against a driving record and the penalty for fleeing or attempting to elude a peace officer.

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, 0 NAYS, 0 EXCUSED, 4 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; Gulleson; Hagle; Hanson; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; 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; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Glassheim; Hausauer; Kretschmar; Tollefson

HB 1324 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1329: A BILL for an Act to create and enact a new section to chapter 57-38 and chapter 57-38.5 of the North Dakota Century Code, relating to income tax on individuals, estates, and trusts; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and

has committee recommendation of DO NOT PASS, the roll was called and there were 23 YEAS, 72 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Berg, J.; Boucher; Brodshaug; Cleary; Coats; Goffe; Grumbo; Gulleston; Hanson; Hokana; Huether; Kaldor; Kerzman; Kroeber; Mutzenberger; Nelson; Nichols; Oban; Pyle; Ring; Wilkie

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

ABSENT AND NOT VOTING: Glassheim; Hausauer; Tollefson

HB 1329 was declared lost.

SECOND READING OF HOUSE BILL

HB 1369: A BILL for an Act to amend and reenact section 44-08-04 of the North Dakota Century Code, relating to travel reimbursements for state officials and employees.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 95 NAYS, 0 EXCUSED, 3 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; Gulleston; Hagle; Hanson; Henegar; 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; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Glassheim; Hausauer; Tollefson

HB 1369 was declared lost.

SECOND READING OF HOUSE BILL

HB 1375: A BILL for an Act to amend and reenact section 51-14-03 of the North Dakota Century Code, relating to the limitation on credit service charges.

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 67 YEAS, 28 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Glassheim; Hausauer; Tollefson

HB 1375 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1408: A BILL for an Act to amend and reenact section 44-08-04 of the North Dakota Century Code, relating to reconciliation of state law to federal laws regarding out-of-state meal reimbursement.

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, 0 NAYS, 0 EXCUSED, 4 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; Gulleeson; Hagle; Hanson; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; 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; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Glassheim; Hausauer; Martin; Tollefson

HB 1408 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1409: A BILL for an Act to repeal section 54-06-10 of the North Dakota Century Code, relating to authorization for out-of-state travel for state officials and employees.

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, 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; Dorso; Drovda; Freier; Froseth; Gates; Gerntholz;

Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Henegar; Hokana; Hoim; 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; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Boucher; Glassheim; Hausauer; Tollefson

HB 1409 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1440: A BILL for an Act to create and enact a new section to chapter 15-40.2 of the North Dakota Century Code, relating to nonresident tuition payments for alternative education programs; and to amend and reenact section 15-40.2-04 of the North Dakota Century Code, relating to mandatory nonresident tuition payments.

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 27 YEAS, 67 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Glassheim; Hausauer; Olsen, D.; Tollefson

HB 1440 was declared lost.

SECOND READING OF HOUSE BILL

HB 1445: A BILL for an Act to amend and reenact section 23-29-07 of the North Dakota Century Code, relating to solid waste management facility permit conditions.

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 85 YEAS, 9 NAYS, 0 EXCUSED, 4 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; Gulleson; Hagle; Hanson; Henegar; Hokana; 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; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Sitz; Skarphol; St. Aubyn; Stenehjelm; Stenson; Sveen; Thorpe; Torgerson; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

NAYS: Gorman; Holm; Howard; Olsen, D.; Olson, A.; Shide; Soukup; Svedjan; Timm

ABSENT AND NOT VOTING: Glassheim; Hausauer; Tollefson; Wald

HB 1445 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1447: A BILL for an Act to create and enact a new subsection to section 39-01-15 and a new section to chapter 39-10 of the North Dakota Century Code, relating to crosswalks for mobility-impaired persons; and to amend and reenact paragraph 16 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to driving record points assigned for failure to yield.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 34 YEAS, 61 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Glassheim; Hausauer; Tollefson

HB 1447 was declared lost.

SECOND READING OF HOUSE BILL

HB 1465: A BILL for an Act to create and enact a new section to chapter 15-27.6 of the North Dakota Century Code, relating to the return of third-year payments by school districts voting not to reorganize; and to amend and reenact section 15-27.6-07 of the North Dakota Century Code, relating to school district reorganization hearings.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 7 YEAS, 88 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bodine; Cleary; Goffe; Hanson; Nelson; Oban; Ring

NAYS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Ness; 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; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Glassheim; Hausauer; Tollefson

HB 1465 was declared lost.

SECOND READING OF HOUSE BILL

HB 1472: A BILL for an Act to create and enact section 47-25-06.1 of the North Dakota Century Code, relating to the change of name or address of a trade name registrant; and to amend and reenact sections 47-25-02, 47-25-04, and 47-25-07 of the North Dakota Century Code, relating to trade name requirements.

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, 0 NAYS, 0 EXCUSED, 4 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; Henegar; 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; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Glassheim; Hausauer; Rydell; Tollefson

HB 1472 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1481: A BILL for an Act to amend and reenact section 26.1-13-15 of the North Dakota Century Code, relating to service area of a county mutual insurance company.

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

YEAS: Aarsvold; Freier; Gerntholz; Gorder; Gulleson; Hokana; Huether; Jacobs; Kilichowski; Nicholas

NAYS: 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; Froseth; Gates; Goffe; Gorman; Grosz; Grumbo; Hagle; Hanson; Henegar; Holm; Howard; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; 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; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Glasheim; Hausauer; Tollefson

HB 1481 was declared lost.

SECOND READING OF HOUSE BILL

HB 1505: A BILL for an Act to create and enact a new section to chapter 15-40.1 of the North Dakota Century Code, relating to educational support for refugee students.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 26 YEAS, 67 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Austin; Belter; Berg, J.; Bernstein; Bodine; Brodshaug; Carlson, A.; Christopherson; Cleary; Coats; Gorman; Hokana; Holm; Huether; Kaldor; Kerzman; Kilichowski; Laughlin; Mutzenberger; Nelson; Oban; Payne; Pyle; Ring; Soukup; Speaker R. Berg

NAYS: Aarsvold; Allmaras; Bateman; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson, C.; Clayburgh; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Goffe; Gorder; Grosz; Grumbo; Gullerson; Hagle; Hanson; Henegar; Howard; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kretschmar; Kroeber; Kunkel; Mahoney; Maragos; Martin; Monson; Ness; Nicholas; Nichols; Olsen, D.; Olson, A.; Poolman; Porter; Price; Rennerfeldt; Rydell; Schindler; Shide; Sitz; Skarphol; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Torgerson; Wanzek; Wardner; Wentz; Wilkie

ABSENT AND NOT VOTING: Glasheim; Hausauer; Martinson; Tollefson; Wald

HB 1505 was declared lost.

SECOND READING OF SENATE BILL

SB 2112: A BILL for an Act to amend and reenact sections 39-05-28 and 39-21-51 of the North Dakota Century Code, relating to removal of engine, serial, or identification numbers from motor vehicles and selling or offering for sale vehicles with altered odometers.

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 91 YEAS, 3 NAYS, 0 EXCUSED, 4 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; Gulleon; Hagle; Hanson; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Kelsch; Kempenich; Kerzman; 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; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Timm; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

NAYS: Keiser; Rydell; Thorpe

ABSENT AND NOT VOTING: Glassheim; Hausauer; Kilichowski; Tollefson

SB 2112 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2121: A BILL for an Act to amend and reenact section 39-29-09 of the North Dakota Century Code, relating to operation of all-terrain vehicles.

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, 0 NAYS, 0 EXCUSED, 4 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; Gulleon; Hagle; Hanson; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; 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; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Glassheim; Hausauer; Kilichowski; Tollefson

SB 2121 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR

HCR 3021: A concurrent resolution urging the Division of Emergency Management to study the feasibility and desirability of combining local emergency management organizations and plans into a regional system of emergency management organizations.

HCR 3023: A concurrent resolution directing the Legislative Council to study railroad crossing safety to improve railroad crossing safety.

HCR 3025: A concurrent resolution urging Congress to replace Four Bears Bridge on the Fort Berthold Indian Reservation and to build two bridges to connect the Fort Berthold communities of Twin Buttes, White Shield, and Mandaree, North Dakota.

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

HCR 3021, HCR 3023, and HCR 3025 were declared adopted on a voice vote.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

February 4, 1993

This is to inform you that on February 4, 1993, I signed the following: HB 1221

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., Monday, February 8, 1993, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1008: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (19 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1008 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "480,801" with "348,378"

Page 1, line 12, replace "118,054" with "128,054"

Page 1, line 13, replace "2,234" with "2,234"

Page 1, remove line 14

Page 1, line 15, replace "\$614,692" with "\$486,269"

Page 1, line 16, replace "revenue" with "income" and replace "62,762" with "54,922"

Page 1, line 17, replace "\$551,930" with "\$431,347"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 617 - BOARD OF ANIMAL HEALTH

HOUSE - This amendment makes the following changes to Governor Sinner's executive budget recommendation to reflect Governor Schafer's recommended appropriations:

- The salaries and wages line item is decreased by \$12,801 from the general fund, of which \$1,920 is for reduced employee health insurance costs and \$10,881 is to reflect Governor Schafer's salary increase recommendation.
- The interagency legal fees line item of \$6,000 from the general fund is deleted to reflect Governor Schafer's recommendation regarding legal fees charged by the Attorney General.
- Funding for pay equity increases for the veterinarians on staff of \$46,577, \$44,404 of which is from the general fund, is reduced by \$17,270, \$16,595 of which is from the general fund. Funding remaining for pay equity increases totals \$29,307, \$27,809 of which is from the general fund.
- Funding for the third veterinarian position is deleted as follows:

Salaries and wages (1 FTE)

\$(102,352)

Operating expenses	<u>(15,000)</u>
Total	\$(117,352)
General fund	(110,187)
Other funds	<u>(7,165)</u>
Total	\$(117,352)

-- Funding of \$25,000 from the general fund is added to contract for veterinarian services.

In total, this amendment reduces funding for the Board of Animal Health by \$128,423, \$120,583 of which is from the general fund and \$7,840 from other funds. Funding is provided for a total of four FTE positions, a reduction of one from Governor Sinner's executive budget recommendation of five FTE positions.

REPORT OF STANDING COMMITTEE

HB 1050: Political Subdivisions Committee (Rep. Martin, Chairman) recommends DO NOT PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1050 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1084: Human Services Committee (Rep. Rydell, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1084 was placed on the Sixth order on the calendar.

Page 8, remove lines 10 through 23

Reumber accordingly

REPORT OF STANDING COMMITTEE

HB 1179: Human Services Committee (Rep. Rydell, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1179 was placed on the Sixth order on the calendar.

Page 1, line 1, after "enact" insert "a new subsection to section 50-06-05.1,"

Page 1, line 3, after "to" insert "a transitional living program and"

Page 1, after line 12, insert:

"SECTION 1. A new subsection to section 50-06-05.1 of the 1991 Supplement to the North Dakota Century Code is created and enacted as follows:

To administer, allocate, and distribute any funds made available for the payment of transitional living services, to develop standards and conduct needs assessments regarding transitional living services, to develop and evaluate pilot projects offering transitional living services, and to apply for and administer federal and other funds that may be made available to undertake any of the activities described in this subsection. For purposes of this subsection, "transitional living services" include housing, supervision, and supportive services intended and designed to assist persons who have received foster care services and who have reached age seventeen, but who have not reached age twenty-one, to achieve independence and self-sufficiency."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1181: Human Services Committee (Rep. Rydell, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1181 was placed on the Sixth order on the calendar.

Page 1, line 6, after the first comma insert "if House Bill No. 1021 of the fifty-third legislative assembly does not become effective, subsection 3 of section 14-09-09.7, sections"

Page 1, line 8, remove the first "and"

Page 3, line 26, replace "treated as additional voluntary child support" with "credited as payments made with respect to the month in which the payment is collected if an order requires the payment to be made with respect to that month, and the order was issued by any court or administrative agency with authority to issue such an order, including an order issued by a military official concerning an allocation or other designation of payment on behalf of a military dependent."

Page 3, remove lines 27 and 28

Page 4, remove lines 1 through 8

Page 10, after line 26, insert:

"SECTION 12. AMENDMENT. If House Bill No. 1021 does not become effective, subsection 3 of section 14-09-09.7 of the North Dakota Century Code is amended and reenacted as follows:

3. There is a rebuttable presumption that the amount of child support ~~which that~~ would result from the application of the child support guidelines is the correct amount of child support. The presumption may be rebutted if a preponderance of the evidence in a contested matter establishes that ~~factors~~ criteria, established by the public authority, not considered by the guidelines will result in an undue hardship to the obligor or a support contribution amount that is not in the interest of a child for whom support is sought. A written finding or a specific finding on the record must be made if the court determines that the presumption has been rebutted. The finding must:

- a. State the child support amount determined through application of the guidelines;
- b. Identify the criteria that rebut the presumption of correctness of that amount; and
- c. State the child support amount determined after application of the criteria that rebut the presumption."

Page 21, line 19, replace "20" with "21"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1193: Education Committee (Rep. Gates, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (10 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1193 was placed on the Sixth order on the calendar.

Page 1, line 5, after the second "fund" insert "; to create and enact a new subsection to section 15-29-08 and two new sections to chapter 15-60 of the North Dakota Century Code, relating to the authority of school boards to purchase or lease a telecommunication system, the authority of the board of university and school lands to make loans to school districts out of moneys in the coal development trust fund for school construction, and the authority of a school board to issue evidences of indebtedness to repay a loan from the board of university and school lands; to amend and reenact sections 15-35-01.1, 15-60-01, subsection 7 of section 21-03-07, subsection 1 of section 28-32-01, subsection 1 of section 57-15-16, and subsection 1 of section 57-62-02 of the North Dakota Century Code, relating to approval by the superintendent of public instruction of certain school district construction projects, the state school construction fund, the issuance of general obligation bonds for certain projects, exceptions to the Administrative Agencies Practice Act, the use of moneys in the school building fund for the payment of bonds, and authorizing loans to be made from moneys in the coal development trust fund to school districts for school construction; and to repeal sections 15-21-20, 15-60-03, 15-60-06, 15-60-07, and 15-60-08 of the North Dakota Century Code, relating to the creation of and use of moneys in the state school construction fund."

Page 1, line 7, underscore "Superintendent of public instruction required to sell state"

Page 1, underscore lines 8 through 14

Page 1, line 15, underscore "shall structure the leases and contracts for sale" and replace "as securities and advertise" with ". Before"

Page 1, remove lines 16 and 17

Page 1, underscore line 18

Page 1, line 19, underscore "leases" and remove "to the highest bidder, or to the North Dakota municipal bond bank by"

Page 1, line 20, remove "negotiation" and underscore ". All proceeds from the sale of the leases and contracts must be"

Page 1, underscore lines 21 and 22

Page 1, after line 22, insert:

"SECTION 2. A new subsection to section 15-29-08 of the 1991 Supplement to the North Dakota Century Code is created and enacted as follows:

To purchase or lease a telecommunication system or network, or to participate with other school districts or other entities in the purchase or lease of a telecommunication system or network.

SECTION 3. AMENDMENT. Section 15-35-01.1 of the North Dakota Century Code is amended and reenacted as follows:

15-35-01.1. Approval required for certain school district construction projects.

1. Notwithstanding the powers and duties of school boards of public school districts otherwise provided by law, all construction, purchase, repair, improvement, renovation, or modernization of any school building or facility within a school district estimated by the school boards to cost in

excess of twenty-five thousand dollars shall ~~may~~ not be commenced unless approved by the superintendent of public instruction. ~~The superintendent of public instruction shall not approve such school building project unless he shall find that the building will be fully or substantially usable by any reorganized school district which in his judgment is likely to be created and which would encompass all or a major portion of the school district applying for approval of the building project.~~ No such construction, purchase, repair, improvement, renovation, or modernization of any school building or facility may be approved unless the school district proposing the project demonstrates the need and the educational utility of the project under rules adopted by the superintendent of public instruction pursuant to chapter 28-32 after receiving input from the state board of public school education. In the event of disagreement between the superintendent of public instruction and the school board applying for approval of a construction project under this section, ~~such the~~ school board shall have the right to ~~may~~ appeal ~~such the~~ application to the state board of public school education and the decision of the state board approving or disapproving ~~such the~~ application ~~shall be is~~ final.

2. If a school district intends to apply for a loan from the board of university and school lands pursuant to chapter 15-60, the school district must demonstrate fiscal need and capacity to repay the loan under rules adopted by the superintendent of public instruction pursuant to chapter 28-32 after receiving input from the board of university and school lands.
3. For purposes of this section, "facility" includes a parking lot, athletic complex, or any other improvement to real property owned by the school district.

SECTION 4. AMENDMENT. Section 15-60-01 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-60-01. Definitions. As used ~~or referred to~~ in this chapter, unless the context clearly ~~indicates~~ otherwise requires:

1. "Bank" means the Bank of North Dakota.
2. "Board" means the state board of public university and school education lands.
- ~~2-~~ 3. "Construction" means acquisition and purchase, lease, or construction, and the term "to construct" means to acquire and to purchase, lease, or construct in such manner as may be deemed desirable.
- ~~3-~~ "Department" means the department of public instruction.
4. "Fund" means the state school construction coal development trust fund created by this chapter section 21 of article X of the Constitution of North Dakota and section 57-62-02.
5. "Improvement" means extension, enlargement, and or improvement, and the term "to improve" means to extend, to enlarge, and or to improve in such manner as may be deemed desirable.
6. "Project" means any structure, or facility, or undertaking including a technological undertaking which the board is

that a school district is authorized to construct or improve, under this chapter section 15-35-01.1 and which is estimated to cost in excess of fifty thousand dollars.

7. "Superintendent" means the superintendent of public instruction.

SECTION 5. A new section to chapter 15-60 of the North Dakota Century Code is created and enacted as follows:

Loans.

1. The board may make loans for purposes described in this chapter to school districts from moneys deposited in the coal development trust fund established pursuant to section 21 of article X of the Constitution of North Dakota and subsection 1 of section 57-62-02. The board shall consider an application for a loan in the order of its approval by the superintendent under subsection 2 of section 15-35-01.1. The outstanding principal balance of loans made from the fund under this chapter may not exceed twenty-five million dollars.
2. An application for a loan must be approved by the superintendent pursuant to section 15-35-01.1 before the application may be submitted to the board. The application must contain information deemed necessary by the superintendent, including a discussion of alternative sources or methods for financing the construction or improvement, and must be considered in the order of its approval under subsection 1 of section 15-35-01.1. If the superintendent approves the loan, the superintendent may also determine the loan amount and a percent of interest to be paid on the loan. In determining the amount of a loan, the superintendent shall take into account the cost of the project and the fiscal capacity of the school district. To be eligible for a loan, the school district must have an existing indebtedness equal to at least fifteen percent of the school district's taxable valuation. The interest on a loan may not exceed the rate of two percent below the net interest rate on comparable tax-exempt obligations as determined on the date the application is approved by the superintendent pursuant to section 15-35-01.1, provided the interest rate may not exceed six percent.
3. Loan applications approved by the board must be forwarded to the Bank. The Bank shall assist the board by preparing and approving the loan documents, handling the loan closing, and servicing the loan. The Bank shall receive payments of principal and interest from the school districts, and shall remit payments of principal to the board for redeposit in the fund. The interest must be used and deposited in accordance with section 21 of article X of the Constitution of North Dakota.

SECTION 6. A new section to chapter 15-60 of the North Dakota Century Code is created and enacted as follows:

School board may issue evidences of indebtedness. The school board of a school district may issue and sell evidences of indebtedness pursuant to chapter 21-03 to finance the construction or improvement of a project approved under this chapter. The principal amount of the loan and the evidences of indebtedness to repay the loan may not exceed the lesser of thirty percent of the taxable valuation of the school district or five million dollars. Evidences of indebtedness issued

pursuant to this chapter constitute a general obligation of the school district.

SECTION 7. AMENDMENT. Subsection 7 of section 21-03-07 of the North Dakota Century Code is amended and reenacted as follows:

7. The governing body of any public school district may also by resolution adopted by a two-thirds vote dedicate the tax levies as authorized by section 15-51-11, 15-51-13, or 57-15-16 and may authorize and issue general obligation bonds to be paid by these dedicated levies for the purpose of providing funds for the purchase, construction, reconstruction, or repair of public school buildings; ~~provided, that the~~ or for the construction or improvement of a project pursuant to chapter 15-60. The initial resolution authorizing the tax levy dedication and general obligation bonds must be published in the official newspaper of the school district, and any owner of taxable property within the school district may, within sixty days after publication, file with the business manager of the school district a protest against the adoption of the resolution. Protests must be in writing and must describe the property ~~which~~ that is the subject of the protest. If the governing body finds ~~such~~ the protests to have been signed by the owners of taxable property having an assessed valuation equal to five percent or more of the assessed valuation of all taxable property within the school district, as theretofore last finally equalized, all further proceedings under the initial resolution are barred.

SECTION 8. AMENDMENT. Subsection 1 of section 28-32-01 of the North Dakota Century Code is amended and reenacted as follows:

1. "Administrative agency" or "agency" means each board, bureau, commission, department, or other administrative unit of the executive branch of state government, including one or more officers, or employees, or other persons directly or indirectly purporting to act on behalf or under authority of the agency. An administrative unit located within or subordinate to an administrative agency shall be treated as part of that agency to the extent it purports to exercise authority subject to this chapter. The term administrative agency does not include:
 - a. The office of management and budget except with respect to rules relating to the central personnel system as authorized under section 54-44.3-07, rules relating to state purchasing practices as required under section 54-44.4-04, rules relating to records management as authorized or required under chapter 54-46, and rules relating to the central microfilm unit as authorized under chapter 54-46.1.
 - b. The adjutant general with respect to the division of emergency management.
 - c. The council on the arts.
 - d. The state auditor.
 - e. The department of economic development and finance.
 - f. The dairy promotion commission.
 - g. The education factfinding commission.

- h. The educational telecommunications council.
- i. The board of equalization.
- j. The board of higher education.
- k. The Indian affairs commission.
- l. The industrial commission with respect to the activities of the Bank of North Dakota, the North Dakota housing finance agency, the North Dakota municipal bond bank, and the North Dakota mill and elevator association.
- m. The department of corrections and rehabilitation.
- n. The board of pardons.
- o. The parks and tourism department.
- p. The parole board.
- q. The superintendent of public instruction except with respect to rules prescribed under section 15-21-07, rules relating to teacher certification, and rules relating to professional codes and standards approved under section 15-38-18.
- ~~r. The state board of public school education while administering the state school construction fund.~~
- ~~s.~~ The state fair association.
- ~~t.~~ s. The state toxicologist.
- ~~u.~~ t. The board of university and school lands except with respect to activities under chapter 47-30.1.
- ~~v.~~ u. The administrative committee on veterans' affairs except with respect to rules relating to the supervision and government of the veterans' home and the implementation of programs or services provided by the veterans' home.
- ~~w.~~ v. The industrial commission with respect to the lignite research fund except as required under section 57-61-01.5.

SECTION 9. AMENDMENT. Subsection 1 of section 57-15-16 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. The governing body of any school district shall levy taxes annually for a school building fund, not in excess of twenty mills, which levy ~~shall be~~ is in addition to and not restricted by the levy limitations prescribed by law, when authorized to do so by sixty percent of the qualified electors voting upon the question at a regular or special election in any school district. The governing body of ~~such~~ the school district may create ~~such~~ the building fund by appropriating and setting up in its budget for ~~such~~ an amount not in excess of twenty percent of the current annual appropriation for all other purposes combined, exclusive of appropriations to pay interest and principal of the bonded debt, and not in excess of the limitations prescribed by law. ~~In all cases where~~ If a portion or all of the proceeds of

~~such the~~ levy have been allocated by contract to the payment of rentals upon contracts with the state board of public school education as administrator of the state school construction fund, ~~such the~~ levy ~~shall~~ must be made annually by the governing body of the school district until the full amount of all such obligations is fully paid. Any portion of a levy for a school building fund which has not been allocated by contract with the state board of public school education must be allocated by the governing body pursuant to section 57-15-17. Upon the completion of all payments to the state school construction fund, ~~such or upon payment and cancellation or defeasance of the bonds, the~~ levy may be discontinued at the discretion of the governing body of the school district, or upon petition of twenty percent of the qualified electors who voted in the last school election, the question of discontinuance of the levy ~~shall~~ must be submitted to the qualified electors of the school district at any regular or special election and, upon a favorable vote of sixty percent of the qualified electors voting, ~~such the~~ levy ~~shall~~ must be discontinued. Any school district, executing a contract or lease with the state board of public school education or issuing general obligation bonds, which contract or lease or bond issue requires the maintenance of the levy provided in this section, shall immediately file a certified copy of ~~such the~~ contract ~~or~~, lease, or bond issue with the county auditor or auditors of the county or counties in which ~~such the~~ school district is located. The county auditor or auditors shall register ~~such the~~ contract ~~or~~, lease, or bond issue in the bond register in substantially the manner provided in section 21-03-23. Upon the filing of ~~such the~~ contract ~~or~~, lease, or bond issue with the county auditor or auditors, the school district ~~shall be without power to~~ may not discontinue ~~such the~~ levy and ~~such the~~ levy ~~shall~~ must automatically be included in the tax levy of ~~such the~~ school district from year to year by the county auditor or auditors until a sufficient sum of money has been collected to pay to the state treasurer for the retirement of all obligations of ~~such the~~ school district with the state board of public school education or to pay to the custodian of the bond sinking fund all amounts due or to become due on the bonds.

SECTION 10. AMENDMENT. Subsection 1 of section 57-62-02 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. Fifteen percent must be deposited in a permanent trust fund in the state treasury, to be known as the coal development trust fund, pursuant to section 21 of article X of the Constitution of North Dakota. Those funds held in trust and administered by the board of university and school lands on March 5, 1981, pursuant to section 12, chapter 563, 1975 Session Laws; section 12, chapter 560, 1977 Session Laws; or section 13, chapter 626, 1979 Session Laws must also be deposited in the trust fund created pursuant to this subsection. The fund must be held in trust and administered by the board of university and school lands for loans to coal impacted counties, cities, and school districts as provided in section 57-62-03, and for loans to school districts pursuant to chapter 15-60. The board of university and school lands may invest such funds as are not loaned out as provided in this chapter and may consult with the state investment board as provided by law. The income, including interest payments on loans, from the trust must be used first to replace uncollectible loans made from the fund and the

balance must be deposited in the state's general fund. Loan principal payments must be redeposited in the trust fund. ~~Such~~ The trust fund must be perpetual and held in trust as a replacement for depleted natural resources subject to the provisions of this chapter and chapter 15-60.

SECTION 11. REPEAL. Section 15-21-20 of the North Dakota Century Code and sections 15-60-03, 15-60-06, 15-60-07, and 15-60-08 of the 1991 Supplement to the North Dakota Century Code are repealed."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1201: Education Committee (Rep. Gates, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1201 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "create and enact four new sections to chapter 15-40.1 of"

Page 1, remove lines 2 through 4

Page 1, line 5, remove "districts; to" and remove "15-40.1-06, 15-40.1-07, 15-40.1-08,"

Page 1, line 6, after the second comma insert "and" and remove ", 15-40.2-03, 15-40.2-09, and 57-15-14"

Page 1, line 7, remove "foundation aid and"

Page 1, line 8, replace "and to tuition payments and tax" with a period

Page 1, remove lines 9 and 10

Page 1, remove lines 12 through 22

Page 2, remove lines 1 through 29

Page 3, remove lines 1 through 29

Page 4, remove lines 1 through 28

Page 5, remove lines 1 through 29

Page 6, remove lines 1 through 29

Page 7, remove lines 1 through 29

Page 8, remove lines 1 through 28

Page 9, remove lines 1 through 29

Page 10, remove lines 1 through 29

Page 11, remove lines 1 through 29

Page 12, remove lines 1 through 28

Page 13, remove lines 1 through 29

Page 14, remove lines 1 through 28

Page 15, remove lines 1 through 10

Page 17, remove lines 28 and 29

Page 18, remove lines 1 through 19

Page 19, remove lines 27 and 28

Page 20, remove lines 1 through 28

Page 21, remove lines 1 through 29

Page 22, remove lines 1 through 29

Page 23, remove lines 1 through 29

Page 24, remove lines 1 through 29

Page 25, remove lines 1 through 4

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1203: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1203 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1266: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1266 was placed on the Sixth order on the calendar.

Page 1, line 2, after "commission" insert "and to provide for a compulsive gambling tax"

Page 2, after line 11, insert:

"SECTION 2. Compulsive gambling tax based on adjusted gross proceeds - Compulsive gambling tax account. A tax of one-half of one percent of the total adjusted gross proceeds received by a licensed eligible organization must be paid to the attorney general on a quarterly basis in the manner and upon the forms as prescribed by the attorney general by rule. The figure used for adjusted gross proceeds is as determined in subsection 1 of section 53-06.1-01 before any reduction for expenses. The amount of this tax must be paid from adjusted gross proceeds and may not be charged against the percentage limitation of expenses. The compulsive gambling tax account is created in the state treasury. The attorney general shall remit the tax collected under this section to the state treasurer for deposit in the compulsive gambling tax account in the state treasury."

Page 2, line 12, replace "Notwithstanding the allocations and" with "There is hereby appropriated out of any moneys in the compulsive gambling tax account in the state treasury, not otherwise appropriated, the sum of \$301,817"

Page 2, remove lines 13 and 14

Page 2, line 15, remove "\$422,000"

Page 2, line 17, after the period insert "Notwithstanding section 2 of this Act, after the deposit of \$301,817 in the compulsive gambling tax account, the state treasurer shall deposit any additional tax received under section 2 of this Act in the general fund in the state treasury."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1271: Natural Resources Committee (Rep. A. Olson, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1271 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1281: Human Services Committee (Rep. Rydell, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HB 1281 was placed on the Sixth order on the calendar.

Page 1, line 3, after "benefits" insert "; and to declare an emergency"

Page 1, after line 14, insert:

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1360: Political Subdivisions Committee (Rep. Martin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). HB 1360 was placed on the Sixth order on the calendar.

Page 7, line 4, replace "Serve as a facilitating mechanism for" with "Facilitate the" and after "financing" insert "of"

Page 7, line 7, replace "within the realm of" with "as provided by"

Page 7, line 9, after "property" insert "for the purpose of the business incubator"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1361: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO NOT PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1361 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1382: Natural Resources Committee (Rep. A. Olson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1382 was placed on the Sixth order on the calendar.

Page 2, after line 3, insert:

"3. Fifty dollars per ton 907.18 kilograms for any industrial waste accepted at any landfill that accepts an average of over fifty tons 45359 kilograms per day of industrial waste."

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

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

Page 2, line 10, replace "5." with "6."

Page 2, line 12, replace "4335.9" with "4535.9"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1388: Political Subdivisions Committee (Rep. Martin, Chairman) recommends **DO PASS** (11 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1388 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1396: Natural Resources Committee (Rep. A. Olson, Chairman) recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). HB 1396 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1415: Human Services Committee (Rep. Rydell, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1415 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide a partnership for long-term care program.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Definitions. As used in this Act, unless the context or subject matter otherwise requires:

1. "Commissioner" means the commissioner of insurance.
2. "Department" means the department of human services.
3. "Secretary" means the secretary of the United States department of health and human services.

SECTION 2. Partnership for long-term care program. The commissioner shall coordinate a partnership for long-term care program, by which private insurance and medicaid funds may be combined to finance long-term care. Under the program, an individual may purchase a long-term care insurance policy. The assets of that individual, to the extent those assets do not exceed the amount of long-term care insurance benefits paid as provided in section 3 of this Act, may not be considered by the department as an available asset in a determination of that individual's eligibility for medicaid or of any subsequent claim for recovery by the state of a payment for medical services.

SECTION 3. Long-term care insurance benefit payments - Asset exclusion - Rules. The department shall seek appropriate amendments to its medicaid rules and state plan to allow protection of assets under section 2 of this Act. The protection must be provided, to the extent approved by the secretary, for a purchaser of an approved long-term care insurance policy delivered, issued for delivery, or renewed on or after January 1, 1994. The department shall count insurance benefit payments toward asset exclusion to the extent the payments are for nursing home care or home-based or community-based services, and are for services provided after the individual meets the coverage requirements for long-term care benefits established for this program by the department. The department shall adopt rules to determine the coverage requirements for long-term care benefits.

SECTION 4. Approval of long-term care policies - Rules. The commissioner may approve a long-term care insurance policy only if the policy alerts the purchaser to the availability of consumer information and public education provided under section 5 of this Act, offers the option of home-based and community-based services in lieu of nursing home care, provides, within total benefit limits, payment of necessary covered services, provides for the recordkeeping and an explanation of benefit reports on insurance payments which count toward medicaid asset

exclusion, and provides management information and reports necessary to document the extent of medicaid asset protection offered and to evaluate the partnership for long-term care program. The commissioner may adopt and implement rules relative to coverages provided by the partnership program.

SECTION 5. Outreach program. The commissioner shall establish a program to educate consumers about long-term care, mechanisms for financing long-term care, availability of long-term care insurance, and the asset protection provided by sections 2 and 3 of this Act.

SECTION 6. Funding. The department shall seek federal approval and funds necessary to carry out this Act. The department shall assist the commissioner in preparing the information required by subsections 6, 7, and 8 of section 7 of this Act.

SECTION 7. Report to legislative council and governor. The commissioner shall annually report to the legislative council and to the governor on the progress of the partnership for long-term care program. The report must include:

1. The success in implementing the public and private partnership.
2. The number of long-term care insurance policies approved.
3. The number, age, and financial circumstances of individuals purchasing policies.
4. The number of individuals seeking consumer information services.
5. The extent and type of benefits paid under policies that may count toward medicaid resource protection.
6. Estimates of impact on present and future medicaid expenditures.
7. The cost effectiveness of the program.
8. A determination regarding the appropriateness of continuing the program."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1424: Education Committee (Rep. Gates, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (8 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). HB 1424 was placed on the Sixth order on the calendar.

Page 1, line 3, after "funds" insert "and state school aid funds"

Page 1, line 12, after "section" insert "and funds provided to school districts pursuant to chapter 15-40.1"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1430: Political Subdivisions Committee (Rep. Martin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1430 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "four" with "a new subsection to section 40-05-01 and a" and replace "sections" with "section"

Page 1, after line 5, insert:

"SECTION 1. A new subsection to section 40-05-01 of the 1991 Supplement to the North Dakota Century Code is created and enacted as follows:

Tobacco products. To regulate and license the sale of cigarettes, cigarette papers, snuff, cigars, and tobacco."

Page 1, line 12, replace "No dealer may sell, offer to" with "In addition, a city may also establish a local licensing requirement for dealers located within the corporate limits of the city, excluding dealers selling tobacco products in areas licensed for the sale of alcoholic beverages"

Page 1, remove lines 13 through 15

Page 1, line 16, remove "business location lies outside the corporate limits of a city"

Page 2, line 4, replace "local governing" with "city commission or city council"

Page 2, line 5, remove "body"

Page 2, line 6, replace "local governing body" with "city commission or city council"

Page 2, line 7, after the underscored period insert "The city commission or city council may by ordinance or resolution, establish terms and conditions that must be followed by the holder of a local license."

Page 2, line 9, replace "governing body" with "city commission or city council" and replace "the fees for equivalent state" with "twenty-five dollars"

Page 2, line 10, remove "licenses" and after the underscored period insert "A dealer who sells tobacco products through the use of vending machines may only be required to obtain a single local license for the sale of tobacco products through the use of such vending machines, in each city in which the dealer operates."

Page 2, remove lines 13 through 29

Page 3, remove lines 1 through 13

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1455: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (22 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1455 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 relating to the acceptance and use of certain grant funds by the Williston research center.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Grant funds - Acceptance - Use. The Williston research center may accept and expend grant funds for the purpose of

overseeing research related to the disposal of oily waste on land in this state. The center may collect, store, and distribute data on that research but may not incur expenses in connection with the research, other than expenses reimbursable by the grant funds."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1462: 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 1462 was placed on the Sixth order on the calendar.

Page 1, line 10, remove the overstrike over "~~upon~~" and insert immediately thereafter "application by the grandparents or great-grandparents"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1488: Transportation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1488 was placed on the Sixth order on the calendar.

Page 1, line 4, after "responsibility" insert "; and to declare an emergency"

Page 1, after line 18, insert:

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1491: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1491 was placed on the Sixth order on the calendar.

Page 1, line 1, after "chapter" insert "34-14, a new section to chapter" and after "52-04" insert ", and a new section to chapter 65-04"

Page 1, line 3, after "of" insert "wage claims," and after "contributions" insert ", and workers' compensation premiums; and to amend and reenact section 65-01-03 of the North Dakota Century Code, relating to independent contractors for purposes of workers' compensation"

Page 1, after line 4, insert:

"SECTION 1. A new section to chapter 34-14 of the North Dakota Century Code is created and enacted as follows:

Retroactive payment not required. When the commissioner reviews a potential employment relationship involving an independent contractor and determines that the party described as an independent contractor is an employee for purposes of wages, rather than an independent contractor, the commissioner may not require the party determined to be the employer to pay wages, in addition to those required by the contract, for that employee, or any interest, penalty, or delinquency fee with respect to those wages, retroactive to the date the relationship with the employee began, unless, however, the commissioner determines that the employer willfully and intentionally entered the relationship with the purpose of avoiding the payment of wages. The commissioner may require the payment of wages for that employee as of the date the order declaring an employment relationship becomes final."

Page 1, line 7, underscore "Retroactive payment not required. When the bureau reviews" and replace "an" with "a potential"

Page 1, underscore lines 8 through 13

Page 1, line 14, underscore "with the employee began", after "began" insert ", unless, however, the bureau determines that the employer willfully and intentionally entered the relationship with the purpose of avoiding unemployment compensation benefits", and underscore ". The bureau may require the payment of contributions"

Page 1, line 15, replace "on" with "for" and underscore "that employee as of the date the order declaring an employment"

Page 1, underscore line 16

Page 1, after line 16, insert:

SECTION 3. AMENDMENT. Section 65-01-03 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-01-03. Person performing service for remuneration presumed an employee. Each person who performs services for another for a remuneration, whether the same is paid as a salary, commission, or other considerations in lieu thereof, under any agreement or contract of hire, express or implied, is presumed to be an employee of the person for whom the services are performed, unless the person maintains a separate business establishment or holds that person out to render or renders services to the general public. In determining whether a person is an independent contractor or an employee, the ~~primary~~ test to be employed is the "common law" test.

SECTION 4. A new section to chapter 65-04 of the North Dakota Century Code is created and enacted as follows:

Retroactive payment not required. When the bureau reviews a potential employment relationship involving an independent contractor and determines that the party described as an independent contractor is an employee for purposes of workers' compensation premiums, rather than an independent contractor, the bureau may not require the party determined to be the employer to pay premiums for that employee, or any interest, penalty, or delinquency fee with respect to those premiums, retroactive to the date the relationship with the employee began, unless, however, the bureau determines that the employer willfully and intentionally entered the relationship with the purpose of avoiding workers' compensation premium payments. The bureau may require the payment of premiums for that employee as of the date the order declaring an employment relationship becomes final.

Re-number accordingly

REPORT OF STANDING COMMITTEE

HCR 3008: Natural Resources Committee (Rep. A. Olson, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3008 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3024: Government and Veterans Affairs Committee (Rep. D. Olsen, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3024 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2122: Transportation Committee (Rep. Belter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2122 was placed on the Sixth order on the calendar.

Page 1, line 13, remove the overstrike over "~~—If the~~"

Page 1, remove the overstrike over line 14

Page 1, line 15, remove the overstrike over "~~reduced by one-half~~"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2123: Transportation Committee (Rep. Belter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2123 was placed on the Sixth order on the calendar.

Page 1, line 13, after "if" insert "If" and remove the overstrike over "~~the person provides proof of~~"

Page 1, line 14, remove the overstrike over "~~registration since the violation, the fee may be reduced by one-half.~~"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2133: Transportation Committee (Rep. Belter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2133 was placed on the Sixth order on the calendar.

Page 3, line 22, replace "fifteen" with "twenty"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2134: Transportation Committee (Rep. Belter, Chairman) recommends DO NOT PASS (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2134 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2136: Transportation Committee (Rep. Belter, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2136 was placed on the Fourteenth order on the calendar.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Rep. Hagle introduced:

HCR 3042: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of consolidating counties.
Was read the first time and referred to the **Political Subdivisions**.

Reps. Boucher, Allmaras, Dobrinski, Ring, Wilkie introduced:

HCR 3043: A concurrent resolution directing the Legislative Council to study the medical assistance eligible population in this state to determine if there is a need for a more equitable distribution of medical assistance reimbursement to certain providers.
Was read the first time and referred to the **Human Services Committee**.

Rep. Sveen introduced:

HCR 3044: A concurrent resolution directing the Legislative Council to study the feasibility of the state establishing teacher salaries.
Was read the first time and referred to the **Education Committee**.

FIRST READING OF SENATE BILLS

SB 2028: A BILL for an Act to create and enact a new section to chapter 50-11.1 of the North Dakota Century Code, relating to establishing a service fee on early childhood facilities providing care to children whose families receive state assistance.

Was read the first time and referred to the **Human Services Committee.**

SB 2036: A BILL for an Act to amend and reenact subsection 3 of section 15-40.1-06 of the North Dakota Century Code, relating to the calculation of educational support per pupil.

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

SB 2089: A BILL for an Act to amend and reenact section 15-10-14 of the North Dakota Century Code, relating to the time of making financial statements for institutions under the control of the state board of higher education.

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

SB 2097: A BILL for an Act to create and enact a new section to chapter 34-06 of the North Dakota Century Code, relating to minimum wage requirements; to amend and reenact subsections 2 and 3 of section 34-06-01 of the North Dakota Century Code, relating to excluding certain employers from the requirements of the minimum wage rules; and to declare an emergency.

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

SB 2179: A BILL for an Act to amend and reenact section 54-23.2-04.2 of the North Dakota Century Code, relating to identification and location of missing children.

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

SB 2239: A BILL for an Act to amend and reenact section 44-06-01 of the North Dakota Century Code, relating to the appointment and qualifications of notaries public.

Was read the first time and referred to the **Government and Veterans Affairs.**

SB 2244: A BILL for an Act to amend and reenact section 12-44.1-06 of the North Dakota Century Code, relating to the length of time inmates may be confined in grade two jail facilities.

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

SB 2254: A BILL for an Act to amend and reenact subsection 1 of section 39-08-18 of the North Dakota Century Code, relating to the penalty for an open receptacle containing an alcoholic beverage in a motor vehicle.

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

SB 2261: A BILL for an Act to amend and reenact subsection 1 of section 57-02-08.3 of the North Dakota Century Code, relating to the homestead credit for special assessments; and to provide an effective date.

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

SB 2271: A BILL for an Act to create and enact a new section to chapter 11-10, a new section to chapter 40-11, and a new section to chapter 58-01 of the North Dakota Century Code, relating to a conclusive presumption of regularity for county, city, and township resolutions, ordinances, bylaws, and regulations.

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

SB 2274: A BILL for an Act to amend and reenact sections 40-22-01 and 40-22-08 of the North Dakota Century Code, relating to the authority of cities to impose special assessments and establish improvement districts for creation and repair of bikeways.

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

SB 2287: A BILL for an Act to create and enact a new section to chapter 40-04.1, a new section to chapter 40-05.1, and a new section to chapter 40-09 of the North Dakota Century Code, relating to a vote on the publication of the minutes of proceedings of the governing body in a city; and to amend and reenact section 40-08-12 of the North Dakota Century Code, relating to a vote on the publication of minutes.

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

SB 2288: A BILL for an Act to create and enact a new subsection to section 57-02-08 of the North Dakota Century Code, relating to a property tax exemption for the value of pollution abatement improvements to certain buildings or facilities; and to provide an effective date.

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

SB 2306: A BILL for an Act to amend and reenact section 14-05-23 of the North Dakota Century Code, relating to interim orders in domestic relations cases.

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

SB 2331: A BILL for an Act to create and enact a new section to chapter 50-24.4 of the North Dakota Century Code, relating to nursing home residents with extraordinary medical needs; and to declare an emergency.

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

SB 2335: A BILL for an Act to amend and reenact section 5-03-01 of the North Dakota Century Code, relating to an exemption to wholesale liquor license requirements for lenders who obtain and sell inventory acquired through foreclosure of a security interest.

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

SB 2338: A BILL for an Act to create and enact a new subsection to section 57-02-08 of the North Dakota Century Code, relating to a property tax exemption for property leased for agricultural purposes from a governmental entity; to amend and reenact subsection 1 of section 57-02-26 of the North Dakota Century Code, relating to the taxable status of property leased for agricultural purposes from a governmental entity; and to provide an effective date.

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

SB 2341: A BILL for an Act to amend and reenact sections 6-06-10 and 6-06-21 of the North Dakota Century Code, relating to voting by mail by credit union members and reserve requirements for corporate central credit unions.

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

SB 2377: A BILL for an Act to amend and reenact sections 43-01-15.1 and 43-01-18 of the North Dakota Century Code, relating to abstracters' fees.

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

SB 2381: A BILL for an Act to create and enact a new section to chapter 39-08 of the North Dakota Century Code, relating to the penalty for driving while under the influence of alcohol or refusing to submit to a blood test while being accompanied by a minor.

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

SB 2383: A BILL for an Act to amend and reenact section 24-09-10 of the North Dakota Century Code, relating to changing railroad crossings; and to repeal section 49-11-05 of the North Dakota Century Code, relating to railroad highway crossings.

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

SB 2386: A BILL for an Act to amend and reenact section 23-29-07.4 of the North Dakota Century Code, relating to collection of the solid waste management surcharge.

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

SB 2414: A BILL for an Act to amend and reenact section 4-14.2-01 and subsection 1 of section 4-14.2-02 of the North Dakota Century Code, relating to the northern crops institute and the northern crops council.

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

SB 2437: A BILL for an Act to amend and reenact section 46-04-18 of the North Dakota Century Code, relating to charges for and disposal of session laws volumes.

Was read the first time and referred to the **Government and Veterans Affairs.**

SB 2439: A BILL for an Act to create and enact a new section to chapter 1-06 of the North Dakota Century Code, relating to validation of documents executed with facsimile signatures; and to amend and reenact section 44-08-13 of the North Dakota Century Code, relating to use of a facsimile signature.

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

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

ROY GILBREATH, Chief Clerk