

JOURNAL OF THE HOUSE

Fifty-third Legislative Assembly

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Bismarck, February 9, 1993

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

The prayer was offered by the Rev. Daryl Dackler, Hillside Baptist Church, Dickinson.

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

A quorum was declared by the Speaker.

HOUSE ENGROSSING AND ENROLLING REPORT

The following bills were engrossed: HB 1008, HB 1084, HB 1179, HB 1181, HB 1193, HB 1201, HB 1266, HB 1281, HB 1360, HB 1382, HB 1415, HB 1424, HB 1430, HB 1455, HB 1462, HB 1488, HB 1491.

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 1324, HB 1375, HB 1408, HB 1409, HB 1445, HB 1472, HCR 3021, HCR 3023, HCR 3025.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2112, SB 2121.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representatives Olaf Opedahl, Bruce Anderson, and Henning Jacobson.

MOTION

REP. D. OLSEN MOVED that HB 1398 be returned to the House floor from the Government and Veterans Affairs Committee for the purpose of withdrawal, which motion prevailed.

REQUEST

REP. GLASSHEIM REQUESTED the unanimous consent of the House to withdraw HB 1398. There being no objection, it was so ordered by the Speaker.

MOTION

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

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 1227 and SB 2131, which motion prevailed.

REP. FREIER MOVED that the rules be suspended and that the amendments on the Sixth order of business to HB 1012, HB 1090, HB 1108, HB 1155, HB 1241, HB 1270, HB 1277, HB 1296, HB 1436, HB 1497, and HB 1501 be adopted, which motion prevailed.

HB 1012, HB 1090, HB 1108, HB 1155, HB 1241, HB 1270, HB 1277, HB 1296, HB 1436, HB 1497, and HB 1501, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SIXTH ORDER OF BUSINESS

HB 1227: REP. MARTIN (Political Subdivisions Committee) MOVED that the

amendments on HJ pages 487-488 be adopted and then be placed on the Eleventh order **WITHOUT RECOMMENDATION.**

REQUEST

REP. WALD REQUESTED that the question of the adoption of the amendments to HB 1227 be divided to have the sections voted on separately in the following manner, which request was granted.

RULING BY THE SPEAKER

SPEAKER R. BERG RULED that House Rule 319 states that the Division of the Question must be supported by twelve or more Representatives, and that eleven or more Representatives joined in the request of Representative Wald to divide the amendments to HB 1227, therefore, the request was granted.

DIVISION A

Page 1, line 1, replace "section" with "sections" and after "40-57.3-02" insert "and 40-57.3-03"

Page 1, line 2, replace "between" with "to"

Page 1, line 3, replace "and" with "from"

Page 1, line 21, remove "visitors' promotion fund to the visitors'"

Page 1, line 22, remove "promotion capital construction fund and from the"

Page 2, after line 8, insert:

"SECTION 2. AMENDMENT. Section 40-57.3-03 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

40-57.3-03. Budget - Contracts - Bonds - Capital construction.

The governing body of the city shall annually set the budget, if any, under which the committee shall operate. The governing body of the city may contract with any person, firm, association, or corporation to carry out the purposes of the city visitors' promotion fund or the city visitors' promotion capital construction fund created under section 40-57.3-02. The governing body of the city may irrevocably dedicate any portion of revenues from the tax authorized under section 40-57.3-01.1 and may authorize and issue bonds or other evidences of indebtedness in the manner prescribed by section 40-35-08 to be paid by those revenues for any purpose that moneys in the city visitors' promotion capital construction fund may be used; and such tax upon being pledged to payment of bonds or evidences of indebtedness issued pursuant to this section may not be reduced or repealed by the governing body or by the electors of the municipality by any initiated amendment to or referendum of the ordinance referred to in section 40-57.3-01.1, so long as any of such bonds or evidences of indebtedness remain outstanding. The proceeds from the tax imposed under section 40-57.3-01 may not be used for any type of capital construction or purchase of real property. The proceeds from the tax imposed under section 40-57.3-01.1 moneys in the visitors' promotion capital construction fund may be used only for payment of bonds issued, and the costs of issuance related thereto, under this section or capital construction, maintenance, and repair or acquisition of property consistent with the purposes of this chapter."

Renumber accordingly

DIVISION B

Page 1, line 1, replace "section" with "sections 40-57.3-01.1," and after "40-57.3-02" insert ", and 40-57.3-03"

Page 1, line 2, after "to" insert "imposition of city lodging and restaurant taxes on all liquor sales and" replace "between" with "to"

Page 1, line 3, replace "and" with "from"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 40-57.3-01.1 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

40-57.3-01.1. City lodging and, restaurant, and beverage tax - Imposition - Amount - Disposition - Referral. In addition to the tax under section 40-57.3-01, the governing body of any city may, by ordinance, impose a city tax, at a rate not to exceed one percent, upon the gross receipts of retailers on the leasing or renting of hotel, motel, or tourist court accommodations within the city for periods of less than thirty consecutive calendar days or one month and upon the gross receipts of a restaurant or retail alcoholic beverage establishment from any sales of prepared food or beverages, ~~not~~ including alcoholic beverages for consumption on or off the premises where purchased, which are subject to state sales taxes. For purposes of this section, "restaurant" means any place where food is prepared and intended for individual portion service for consumption on or off the premises and "prepared" includes heating prepackaged food. Accommodations, food, and beverages may all, each, or in any combination be subjected to the tax under this section, if all items in any category which are taxable under state law are taxable, except as otherwise provided in this section. The tax imposed under this section is in addition to state sales taxes on rental accommodations and restaurant sales and any city which imposes the tax under this section shall deposit all proceeds in the city visitors' promotion capital construction fund. Moneys deposited in the city visitors' promotion capital construction fund shall be spent only as provided in this chapter. An ordinance adopted under this section may not become effective sooner than sixty days after it is adopted by the governing body of the city. The provisions of chapter 40-12 with regard to referral of ordinances apply to an ordinance adopted under this section except that a petition to refer an ordinance adopted under this section must be presented to the governing body of the municipality before four p.m. on the sixtieth day after the ordinance described in the petition was adopted by the governing body of the municipality. Revenues from a tax imposed under this section may not be pledged under section 40-57.3-03 to payment of bonds or evidences of indebtedness until after the time has passed for filing a referral petition against an ordinance under this section or, if a referral petition is filed, until after the referral petition has been submitted to the vote of the electors of the municipality."

Page 1, line 21, remove "visitors' promotion fund to the visitors'"

Page 1, line 22, remove "promotion capital construction fund and from the"

Page 2, after line 8, insert:

"SECTION 3. AMENDMENT. Section 40-57.3-03 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

40-57.3-03. Budget - Contracts - Bonds - Capital construction. The governing body of the city shall annually set the budget, if any, under which the committee shall operate. The governing body of the city may contract with any person, firm, association, or corporation to carry out the purposes of the city visitors' promotion fund or the city visitors' promotion capital construction fund created under section

40-57.3-02. The governing body of the city may irrevocably dedicate any portion of revenues from the tax authorized under section 40-57.3-01.1 and may authorize and issue bonds or other evidences of indebtedness in the manner prescribed by section 40-35-08 to be paid by those revenues for any purpose that moneys in the city visitors' promotion capital construction fund may be used; and such tax upon being pledged to payment of bonds or evidences of indebtedness issued pursuant to this section may not be reduced or repealed by the governing body or by the electors of the municipality by any initiated amendment to or referendum of the ordinance referred to in section 40-57.3-01.1, so long as any of such bonds or evidences of indebtedness remain outstanding. The proceeds from the tax imposed under section 40-57.3-01 may not be used for any type of capital construction or purchase of real property. The proceeds from the tax imposed under section 40-57.3-01.1 moneys in the visitors' promotion capital construction fund may be used only for payment of bonds issued, and the costs of issuance related thereto, under this section or capital construction, maintenance, and repair or acquisition of property consistent with the purposes of this chapter."

Renumber accordingly

The question being on the motion to adopt Division A of the proposed amendments to HB 1227, the motion passed on a verification vote.

Division A of the proposed amendments to HB 1227 was adopted on a verification vote.

The question being on the motion to adopt Division B of the proposed amendments to HB 1227, the motion passed on a verification vote.

Division B of the proposed amendments to HB 1227 was adopted on a verification vote.

The question then was on the motion to adopt the proposed amendments to HB 1227, including Divisions A and B, with the title amended appropriately, and lines, sections, and pages renumbered accordingly.

The proposed amendments to HB 1227, including Divisions A and B, were adopted on a voice vote.

HB 1227, as amended, was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SIXTH ORDER OF BUSINESS

SB 2131: REP. MARTIN (Political Subdivisions Committee) MOVED that the amendments on HJ page 494 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed on a verification vote.

SB 2131, as amended, was placed on the Fourteenth order on the calendar for the succeeding legislative day.

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4026: A concurrent resolution declaring Friday, February 26, 1993, as Higher Education Day.
Was read the first time.

MOTION

REP. FREIER MOVED that the rules be suspended, that SCR 4026 not be printed, not be referred to committee, be read in title only, not be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4026: A concurrent resolution declaring Friday, February 26, 1993, as Higher Education Day.

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

SCR 4026 was declared adopted on a voice vote.

SECOND READING OF HOUSE BILL

HB 1008: A BILL for an Act making an appropriation for defraying the expenses of the state board of animal health.

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 75 YEAS, 23 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Austin; Bateman; Belter; Berg, J.; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Gates; Gerntholz; Goffe; Gorder; Gorman; Grumbo; Gulleson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kretschmar; Kunkel; 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; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Speaker R. Berg

NAYS: Aarsvold; Allmaras; Bodine; Boucher; Brodshaug; Coats; Froseth; Glassheim; Grosz; Hagle; Hanson; Kilichowski; Kroeber; Laughlin; Mahoney; Maragos; Mutzenberger; Ness; Nichols; Oban; Pyle; Ring; Wilkie

Engrossed HB 1008 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1084: A BILL for an Act to limit the fraudulent transfer of assets to avoid medical creditors.

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, 2 NAYS, 0 EXCUSED, 0 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; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; 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; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

NAYS: Dobrinski; Schindler

Engrossed HB 1084 passed and the title was agreed to.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2003, SB 2005.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2132.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4041.

SECOND READING OF HOUSE BILL

HB 1181: A BILL for an Act to create and enact a new section to chapter 14-09, a new subsection to section 14-09-08.6, and a new section to chapter 50-09 of the North Dakota Century Code, relating to provisions for child support; to amend and reenact sections 14-09-08.1, 14-09-08.2, 14-09-08.3, subsection 3 of section 14-09-08.4, sections 14-09-08.5, 14-09-08.8, 14-09-08.11, 14-09-08.12, if House Bill No. 1021 of the fifty-third legislative assembly does not become effective, subsection 3 of section 14-09-09.7, sections 14-09-09.13, 14-09-09.16, 14-09-09.17, subsection 2 of section 14-12.1-19, section 14-12.1-24, subsection 1 of section 14-12.1-40, sections 14-17-09, 14-17-18, and 50-09-02.1 of the North Dakota Century Code and subsection 3 of section 16 of chapter 148 of the 1989 Session Laws of North Dakota, as amended by section 1 of chapter 152 of the 1991 Session Laws of North Dakota, relating to provisions for child support; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 98 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Guleson; Hagle; Hanson; Hausauer; 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; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

Engrossed HB 1181 passed and the title was agreed to.

MOTION

REP. FREIER MOVED that the House waive the reading of the titles to SB 2133 and HB 1436, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1201: A BILL for an Act to amend and reenact sections 15-40.1-16, 15-40.1-16.1, and 15-40.1-17 of the North Dakota Century Code, relating to transportation aid calculations, payments, and reporting.

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 15 YEAS, 83 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Austin; Berg, J.; Bernstein; Boehm; Carlson, A.; Dorso; Goffe; Gorman; Hanson; Holm; Kroeber; Kunkel; Nelson; Nicholas; Thorpe

NAYS: Aarsvold; Allmaras; Bateman; Belter; Bodine; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Gorder; Grosz; Grumbo; Gulleson; Hagle; Hausauer; Henegar; Hokana; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; 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; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

Engrossed HB 1201 was declared lost.

SECOND READING OF HOUSE BILL

HB 1281: A BILL for an Act relating to a waiver from the federal government to allow employment incentives for recipients of aid to families with dependent children benefits; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 98 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; 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; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

Engrossed HB 1281 passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

REP. KRETCHMAR MOVED that HB 1462, which is on the Eleventh order, be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Rep. Kretschmar's motion, HB 1462 was rereferred.

SECOND READING OF HOUSE BILL

HB 1382: A BILL for an Act to create and enact a new section to chapter 23-29 of the North Dakota Century Code, relating to the imposition of fees on waste management facilities and the creation of the environmental protection fund; and to provide an appropriation.

REQUEST

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

This bill addresses the issue of what North Dakota should do about the big commercial waste disposal companies that are seeking to do business here. There is no question that waste is something we all create and something we all have to deal with. When trying to form a response we need to keep three issues in mind.

(1) That the state will be responsible for the waste disposed of here for forever. Once it is here it will never go away, the land will never be usable for anything else, the water surrounding the site will have to be monitored forever, we cannot allow trees to grow on the site, we must maintain the height of the hill and the line of it so that the water will run off, otherwise the site will leak. The ultimate burden of bearing a cleanup down the line will probably fall to the state.

(2) That big sites pose a greater danger because they concentrate whatever poisons the particular kind of waste disposed of contains. This is particularly true of certain sites that contain heavy metals where the minerals and the heavy metals tend to concentrate in the bottom of the site as water gets into it and those can leak out into the water table.

(3) That whatever we do must pass the test of the Interstate Commerce Clause of the Constitution.

This bill distinguishes between the relatively small municipal landfills that our own regional waste management districts contemplate and the huge landfills that the big commercial disposers are planning. None of our regions would have to pay the fees proposed in this bill. Fargo, which is the biggest, currently takes about 325 tons per day, and projecting its figures out to the year 2000, the Fargo landfill could take all the waste from Fargo, West Fargo, the six counties of Cass, Ransom, Richland, Sargent, Steele and Traill, and it would still not be big enough to have to pay these fees. The fees in the bill may seem high, but they represent a rough estimate of the long-term cost to the state of monitoring, inspecting, mitigating, and generally accepting huge quantities of waste. They send the message that if you want to build these kinds of fills here, then you have to expect to pay the long-term cost of disposal up front.

We as a state have to recognize that the cost of cleaning up a waste site of the size of some of the proposed sites could be huge and that the cost of caring for the potential health care costs of the cancer victims or the mental retardation that lead poisoning could cause are also huge.

To give you a sense of the size these sites might grow to, the current site, the one that is mostly at issue, although there is another one in the state up at Sawyer, already owns three quarter sections in Brilliant Township alone, and has optioned another 14 at least and has probably purchased an option for more in the neighboring township. They have at least 2,800 acres at their disposal. Where I come from that counts as a big landfill.

The issue of constitutionality is a concern and I can address that. I can produce the Supreme Court decisions dealing with this for any member who wishes to see them. However, I would stress that they basically come down to one thing. You cannot do anything to outsiders, to nonresidents of your state, that you do not do to yourselves. This bill applies equally to in-state and out-of-state, it does not distinguish based on where the waste is generated or where the company is based, but it does distinguish between big and little, and that is permissible. The federal government has already done that. They have already stated that big landfills are a greater health risk.

The real question you need to ask yourselves, is what do you want the future of North Dakota to be. If we do nothing, we will become the biggest waste dump in the world. If we pass this bill, we can preserve the quality of life we all value and we all claim to promote to the rest of the world through our tourism industry.

The choice is up to you and I ask for your favorable consideration.

MOTION

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 41 YEAS, 57 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

Engrossed HB 1382 was declared lost.

SECOND READING OF HOUSE BILL

HB 1415: A BILL for an Act to provide a partnership for long-term care program.

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; Glassheim; 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.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjelm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzenek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Hausauer; Olson, A.

Engrossed HB 1415 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1424: A BILL for an Act to amend and reenact subsection 3 of section 57-15-14.2 of the North Dakota Century Code, relating to the transfer of school district general funds and state school aid funds.

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 55 YEAS, 43 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Berg, J.; Bernstein; Bodine; Boucher; Brodshaug; Carlson, C.; Clayburgh; Cleary; Coats; Dalrymple; Glassheim; Goffe; Grumbo; Gulleeson; Hagle; Hanson; Hausauer; Hokana; Holm; Huether; Kaldor; Kelsch; Kerzman; Kilichowski; Kretschmar; Kroeber; Laughlin; Mahoney; Martinson; Monson; Mutzenberger; Nelson; Ness; Oban; Olson, A.; Poolman; Porter; Price; Pyle; Ring; Rydell; Sitz; Stenehjem; Stenson; Svedjan; Thorpe; Torgerson; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

NAYS: Bateman; Belter; Boehm; Brown; Byerly; Carlisle; Carlson, A.; Christopherson; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Gorder; Gorman; Grosz; Henegar; Howard; Jacobs; Johnson; Keiser; Kempenich; Klein; Kunkel; Maragos; Martin; Nicholas; Nichols; Olsen, D.; Payne; Rennerfeldt; Schindler; Shide; Skarphol; Soukup; St. Aubyn; Sveen; Timm; Tollefson; Wald

Engrossed HB 1424 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1430: A BILL for an Act to create and enact a new subsection to section 40-05-01 and a new section to chapter 57-36 of the North Dakota Century Code, relating to local licensure of tobacco dealers; and to amend and reenact section 57-36-05 of the North Dakota Century Code, relating to local licensure of tobacco dealers.

MOTION

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 54 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Berg, J.; Bodine; Boucher; Brodshaug; Carlson, C.; Clayburgh; Cleary; Dobrinski; Gates; Gerntholz; Glassheim; Goffe; Gorder; Grumbo; Gulleeson; Hanson; Hokana; Huether; Kaldor; Keiser; Kerzman; Kilichowski; Klein; Kroeber; Laughlin; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Price; Pyle; Ring; Rydell; Schindler; Sitz; Skarphol; Stenson; Svedjan; Torgerson; Wentz; Wilkie

NAYS: Allmaras; Austin; Bateman; Belter; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson, A.; Christopherson; Coats; Dalrymple; DeWitz; Dorso; Drovdal; Freier; Froseth; Gorman; Grosz; Hagle; Hausauer; Henegar; Holm; Howard; Jacobs; Johnson; Kelsch; Kempenich; Kretschmar; Kunkel; Mahoney; Maragos; Martin; Martinson; Monson; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Rennerfeldt; Shide; Soukup; St. Aubyn; Stenehjem; Sveen; Thorpe; Timm; Tollefson; Wald; Wanzek; Wardner; Speaker R. Berg

Engrossed HB 1430 was declared lost.

MOTION

REP. COATS MOVED that HB 1227 be rereferred to the Political Subdivisions Committee, which motion failed on a verification vote.

MOTION

REP. BATEMAN MOVED that the vote by which HB 1430 failed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed on a verification vote.

SECOND READING OF HOUSE BILL

HB 1455: A BILL for an Act relating to the acceptance and use of certain grant funds by the Williston research center.

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 98 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Glassheim; Goffe; Gordner; Gorman; Grosz; Grumbo; Gulleeson; Hagle; Hanson; Hausauer; 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; Stenehjelm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

Engrossed HB 1455 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1488: A BILL for an Act to amend and reenact subsection 3 of section 39-16.1-19 of the North Dakota Century Code, relating to reissuance of a motor vehicle operator's license following certain cancellations of financial responsibility; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 98 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Glassheim; Goffe; Gordner; Gorman; Grosz; Grumbo; Gulleeson; Hagle; Hanson; Hausauer; 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; Stenehjelm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

Engrossed HB 1488 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1491: A BILL for an Act to create and enact a new section to chapter 34-14, a new section to chapter 52-04, and a new section to chapter 65-04 of the North Dakota Century Code, relating to independent contractors for purposes of wage claims, unemployment compensation contributions, 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.

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 93 YEAS, 5 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; 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; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Torgerson; Wald; Wanzen; Wardner; Wentz; Wilkie; Speaker R. Berg

NAYS: Bernstein; Keiser; Kilichowski; Timm; Tollefson

Engrossed HB 1491 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1371: A BILL for an Act to freeze property tax levy authority of political subdivisions; to provide an effective date; and to provide an expiration 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 31 YEAS, 67 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Bateman; Bodine; Boehm; Boucher; Cleary; Coats; Dobrinski; Grumbo; Gulleson; Hagle; Hanson; Hokana; Huether; Kaldor; Kerzman; Kilichowski; Kroeber; Laughlin; Mahoney; Mutzenberger; Ness; Nichols; Oban; Pyle; Ring; Sitz; Stenson; Thorpe; Wanzen

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

HB 1371 was declared lost.

SECOND READING OF HOUSE BILL

HB 1387: A BILL for an Act to amend and reenact sections 6-03-02 and 6-05.1-03 of the North Dakota Century Code, relating to powers of banks.

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

YEAS: Gorder; Timm; Tollefson

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; Glassheim; Goffe; Gorman; Grosz; Grumbo; Gulleon; Hagle; Hanson; Hausauer; 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; Torgerson; Wald; Wanzenk; Wardner; Wentz; Wilkie; Speaker R. Berg

HB 1387 was declared lost.

SECOND READING OF HOUSE BILL

HB 1411: A BILL for an Act to amend and reenact sections 54-21-24 and 54-21-24.1 of the North Dakota Century Code, relating to state office space.

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 31 YEAS, 67 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Berg, J.; Bernstein; Boucher; Cleary; DeWitz; Drovdal; Freier; Gulleon; Hagle; Hokana; Howard; Kaldor; Kerzman; Klein; Kroeber; Laughlin; Martinson; Oban; Olson, A.; Price; Schindler; Skarphol; St. Aubyn; Tollefson; Wald; Wanzenk; Wardner; Wentz; Wilkie

NAYS: Austin; Bateman; Belter; Bodine; Boehm; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Coats; Dalrymple; Dobrinski; Dorso; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Holm; Huether; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kilichowski; Kretschmar; Kunkel; Mahoney; Maragos; Martin; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Olsen, D.; Payne; Poolman; Porter; Pyle; Rennerfeldt; Ring; Rydell; Shide; Sitz; Soukup; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Torgerson; Speaker R. Berg

HB 1411 was declared lost.

SECOND READING OF HOUSE BILL

HB 1414: A BILL for an Act to amend and reenact section 44-08-01 of the North Dakota Century Code, relating to the preference for North Dakota bidders, sellers, and contractors.

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 4 YEAS, 93 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Hagle; Nicholas; Nichols

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; Drowdal; Freier; Froseth; Gates; Gerntholz; Glasheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hanson; Hausauer; 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; 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; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Wald

HB 1414 was declared lost.

SECOND READING OF HOUSE BILL

HB 1434: A BILL for an Act to provide for imposition of a temporary increase in the sales and use tax rate upon the occurrence of a deficiency in funds appropriated for state school aid; and to amend and reenact section 15-40.1-05 of the North Dakota Century Code, relating to deficiencies in funds appropriated for state school aid.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 21 YEAS, 75 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Berg, J.; Bodine; Coats; Dobrinski; Gates; Grumbo; Hokana; Huether; Kaldor; Kilichowski; Kunkel; Laughlin; Mahoney; Nelson; Nichols; Pyle; Ring; Sitz; Stenson

NAYS: Austin; Bateman; Belter; Bernstein; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Dalrymple; DeWitz; Dorso; Drowdal; Freier; Froseth; Gerntholz; Glasheim; Goffe; Gorder; Gorman; Grosz; Gulleson; Hagle; Hanson; Hausauer; Henegar; Holm; Howard; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kretschmar; Kroeber; Maragos; Martin; Martinson; Monson; Mutzenberger; Ness; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Rydell; Schindler; Shide; Skarphol; Soukup; St. Aubyn; Stenehjem; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Nicholas; Wald

HB 1434 was declared lost.

SECOND READING OF HOUSE BILL

HB 1461: A BILL for an Act to create and enact two new sections to chapter 57-02 of the North Dakota Century Code, relating to dual assessment of lands in transition from agricultural property classification and deferral of taxes; 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 19 YEAS, 79 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Clayburgh; Dobrinski; Gorder; Grosz; Gulleon; Hokana; Huether; Kunkel; Maragos; Monson; Ness; Nicholas; Olson, A.; Poolman; Rennerfeldt; Stenehjelm; Svedjan; Tollefson; Wilkie

NAYS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dalrymple; DeWitz; Dorso; Drovda; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorman; Grumbo; Hagle; Hanson; Hausauer; Henegar; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Laughlin; Mahoney; Martin; Martinson; Mutzenberger; Nelson; Nichols; Oban; Olsen, D.; Payne; Porter; Price; Pyle; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenson; Sveen; Thorpe; Timm; Torgerson; Wald; Wanzen; Wardner; Wentz; Speaker R. Berg

HB 1461 was declared lost.

SECOND READING OF HOUSE BILL

HB 1466: A BILL for an Act to create and enact a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to an income tax credit for businesses receiving assistance from the primary sector development fund; to amend and reenact section 10-30.3-11 of the North Dakota Century Code, relating to the primary sector development fund; 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 29 YEAS, 69 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Allmaras; Bateman; Bernstein; Boehm; Brown; Dorso; Froseth; Gates; Gorman; Hausauer; Holm; Jacobs; Keiser; Kempenich; Payne; Porter; Price; Rennerfeldt; Schindler; Shide; Skarphol; Soukup; Stenehjelm; Svedjan; Sveen; Tollefson; Wald; Wanzen; Wilkie

NAYS: Aarsvold; Austin; Belter; Berg, J.; Bodine; Boucher; Brodshaug; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Drovda; Freier; Gerntholz; Glassheim; Goffe; Gorder; Grosz; Grumbo; Gulleon; Hagle; Hanson; Henegar; Hokana; Howard; Huether; Johnson; Kaldor; Kelsch; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Poolman; Pyle; Ring; Rydell; Sitz; St. Aubyn; Stenson; Thorpe; Timm; Torgerson; Wardner; Wentz; Speaker R. Berg

HB 1466 was declared lost.

MOTION

REP. FREIER MOVED that the absent member 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., Wednesday, February 10, 1993, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1016: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS (20 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING)**. HB 1016 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "provide an appropriation from the alcohol motor vehicle fuel" with "amend and reenact section 4-14.1-02 of the North Dakota Century Code, relating to uses of the agricultural fuel tax"

Page 1, line 4, after "provide" insert "a statement of", and remove "statements"

Page 1, line 7, replace "out of any" with "from special funds derived from federal funds and"

Page 1, remove line 8

Page 1, line 9, remove "appropriated, and from"

Page 1, line 12, replace "95,090" with "82,486"

Page 1, line 13, replace "4,000" with "2,000"

Page 1, line 14, replace "115,250" with "76,164"

Page 1, replace lines 16 through 18 with:

"Research, utilization, and marketing grants 1,691,395"

Page 1, line 19, replace "3,650,000" with "3,650,000"

Page 1, remove lines 20 and 21

Page 1, line 22, replace "all" with "special", after "funds" insert "appropriation", and replace "6,596,074" with "5,505,395"

Page 2, remove lines 1 and 2

Page 2, remove lines 9 through 29

Page 3, replace lines 1 through 4 with:

"SECTION 3. AGRICULTURAL FUEL TAX FUND. The total special funds appropriation line item in section 1 of this Act includes \$1,348,395, or so much of the amount as may be necessary, from the agricultural fuel tax fund for the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 4. HIGHWAY TAX DISTRIBUTION FUND - ETHANOL PRODUCTION INCENTIVES. The total special funds appropriation line item in section 1 of this Act includes \$3,657,000, or so much of the amount as may be necessary, from the highway tax distribution fund for the ethanol production incentive program. Of this amount, \$3,650,000 is for the purpose of providing production incentives to North Dakota ethanol plants and \$7,000 is for audits of the use of these funds for the biennium beginning July 1, 1993, and ending June 30, 1995."

Page 3, line 5, remove "Dakota, relating to agricultural fuel tax refund reduction."

Page 4, line 6, replace "grants, grants to state agencies," with "funds appropriated in the research, utilization, and marketing grants line item"

Page 4, remove line 7

Page 4, line 8, remove "contained"

Page 4, line 9, replace "these appropriations shall" with "this line item may"

Page 4, after line 11, insert:

"SECTION 6. AMENDMENT. Section 4-14.1-02 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4-14.1-02. Agricultural fuel tax fund - Purposes —Other funds.

There is hereby created in the state treasury, a fund, to be known as the agricultural fuel tax fund, which must be used to fund programs for the enhancement of agricultural research, development, processing, and marketing. The fund must be used for the following purposes:

- ~~1. Appropriation to the North Dakota agricultural products utilization commission for its necessary administrative expenses including expenses of members of the commission, employment of needed personnel, hiring of consultants, contracting with public or private entities for services, and other expenditures necessary to implement the purposes of this chapter.~~
- ~~2. Seventy five percent of agricultural fuel tax funds available to the North Dakota agricultural products utilization commission after amounts necessary under subsection 1 must be made available for basic and applied research efforts regarding uses and processing for agricultural products and byproducts in consultation with the president of North Dakota state university and with the prior approval of the commission on each research proposal.~~
- ~~3. Twenty five percent of agricultural fuel tax funds available to the North Dakota agricultural products utilization commission after amounts necessary under subsection 1 must be made available for utilization and marketing efforts in consultation with the commissioner of agriculture and with the prior approval of the commission on each marketing proposal.~~
- ~~4. Employment of needed personnel, hiring of consultants, and contracting with public entities or private parties for services as may be necessary to implement the policy and purposes of this chapter. The allocation of funds in subsections 2 and 3 may be changed by the agricultural products utilization commission, subject to emergency commission approval.~~

to defray the expenses of the North Dakota agricultural products utilization commission necessary to implement the purposes of this chapter. Administrative expenses including expenses of members of the commission, employment of needed personnel, hiring of consultants, and contracting with public or private entities for services, may not exceed fifteen percent of the funds available to the agricultural products utilization commission from the fund each biennium.

SECTION 7. LEGISLATIVE INTENT - ETHANOL PRODUCTION INCENTIVE PROGRAM REVENUE. It is the intent of the legislative assembly that the

\$3,657,000 appropriated from the highway tax distribution fund in section 1 of this Act is generated from additional revenue of \$2,400,000 resulting from the amendment in section 1 of chapter 404 of the 1991 Session Laws of North Dakota, relating to motor vehicle registration fees and mile tax, and additional revenue of \$1,257,000 resulting from the amendment in section 3 of chapter 404 of the 1991 Session Laws of North Dakota, relating to agricultural fuel tax refund reduction."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 612 - AGRICULTURAL PRODUCTS UTILIZATION COMMISSION

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 \$1,604, of which \$802 is from the general fund. Of this reduction, \$384, \$192 of which is from the general fund, relates to reduced employee health insurance costs and \$1,220, \$610 of which is from the general fund, relates to Governor Schafer's salary increase recommendation for state employees.
- The operating expenses line item is increased by \$1,375 from special funds and the interagency legal fees line item of \$2,750, \$1,375 of which is from the general fund, is deleted to reflect Governor Schafer's recommendation regarding legal fees charged by the Attorney General.
- Funding of \$100,000 from the general fund provided for the value-added impact study is removed.
- Funding of \$200,000 from the general fund provided for the North American marketing program is removed.
- Funding for Cooperative Marketing grants is reduced by \$200,000 from the general fund, from \$469,039 to \$269,039.

In addition, this amendment makes the following changes:

- Remaining funding from the general fund of \$588,502 is removed and funding from the agricultural fuel tax fund for operating costs is added as follows:

	GENERAL FUND	AGRICULTURAL FUEL TAX FUND	TOTAL
Salaries and wages	\$ (46,743)	\$35,743	\$ (11,000) ¹
Information services	(2,000)		(2,000)
Operating expenses	(54,125)	13,664	(40,461)
Grants:			
Farm diversification grants	(216,595)		(216,595)
Cooperative marketing grants	<u>(269,039)</u>	<u> </u>	<u>(269,039)</u>
Total	\$ (588,502)	\$49,407	\$ (539,095)

¹ Reduces temporary salaries from \$38,500 to \$27,500.

- Funding from the agricultural fuel tax fund for basic and applied research grants of \$400,000 and marketing and utilization grants of \$540,000 is removed and a research, utilization, and marketing grants line item is added of \$891,395 from the agricultural fuel tax fund. Funding included in the executive recommendation of \$300,000 from the

agricultural fuel tax fund for continuing funding for grants approved by the commission during the 1991-93 biennium and \$500,000 of federal funds for grants is also included in the research, utilization, and marketing grants line item.

- North Dakota Century Code Section 4-14.1-02, relating to the use of the moneys in the agricultural fuel tax fund, is amended to remove the allocation of funds available for basic and applied research grants and marketing and utilization grants and to provide that no more than 15 percent of the moneys available in the fund each biennium may be used for administrative costs.

In total, this amendment reduces funding for the Agricultural Products Utilization Commission by \$1,090,679 from the general fund.

REPORT OF STANDING COMMITTEE

HB 1028: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1028 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "excise tax" with "surcharge"

Page 1, after line 9, insert:

"2. "Commission" means the public service commission."

Page 1, line 10, replace "2." with "3."

Page 1, line 12, replace "3." with "4."

Page 1, line 14, replace "4." with "5."

Page 1, line 17, replace "5." with "6."

Page 1, after line 17, insert:

"7. "Radio communications access" means the radio access between a customer of a radio communications service provider and the provider."

Page 1, line 18, replace "6." with "8."

Page 2, line 1, replace "7." with "9."

Page 2, line 7, replace "8." with "10."

Page 2, line 15, replace "9." with "11."

Page 2, line 16, remove "or"

Page 2, line 17, remove "radio communications service provider"

Page 3, line 26, replace "excise tax" with "surcharge"

Page 5, line 6, replace "excise taxes" with "surcharges"

Page 5, line 9, replace "excise tax" with "and radio communications access surcharge"

Page 5, line 10, replace "The division annually" with "Before May first of each year, the division shall report all cost data and other information to the commission. Each local exchange company and radio communications service provider shall report all information requested by the division in order to determine the number of telephone access

lines and radio communications access service numbers. Before June first of each year, the commission" and replace "an excise tax" with "a surcharge"

Page 5, line 11, replace "fifteen" with "ten"

Page 5, line 12, after "information" insert "provided by the division"

Page 5, line 18, after the period insert "The surcharge is imposed effective on its determination by the commission and must be billed and collected as provided in this Act. The surcharge is subject to section 49-21-01.3."

Page 5, line 24, replace "excise tax" with "surcharge"

Page 5, line 25, replace "division" with "commission"

Page 5, line 27, replace "excise tax" with "surcharge"

Page 6, line 3, replace "excise tax" with "surcharge"

Page 6, line 6, replace "excise tax" with "surcharge"

Page 6, line 7, replace "excise tax" with "surcharge"

Page 6, line 10, replace "excise tax" with "surcharge"

Page 6, line 12, replace "excise tax" with "surcharge"

Page 6, line 13, replace "communication" with "communications access"

Page 6, line 15, replace "excise" with "surcharges"

Page 6, line 16, remove "taxes" and replace "state tax commissioner" with "division"

Page 6, line 18, replace "excise tax" with "surcharge" and replace "tax commissioner" with "administrator"

Page 6, line 19, replace "excise taxes" with "surcharges"

Page 6, line 20, replace "excise taxes" with "surcharges"

Page 6, line 24, replace "excise" with "surcharges"

Page 6, line 25, remove "taxes"

Page 6, line 29, replace "excise taxes" with "surcharges"

Page 7, line 2, replace "tax commissioner" with "commission"

Page 7, line 8, replace "\$1,110,000" with "\$684,000"

Page 7, line 13, replace "excise tax" with "and radio communications access surcharge"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 112 - INFORMATION SERVICES DIVISION

HOUSE - This amendment changes the maximum amount of surcharge that may be placed on telephone and radio communications access lines from 25 cents/month in the original bill and 15 cents/month in the engrossed bill to

10 cents/month. The appropriation to the Information Services Division is reduced to \$684,000 to represent the amount of revenue anticipated at the maximum surcharge of 10 cents/month per line.

In addition, the amendments provide that the Public Service Commission shall determine annually the amount of surcharge to be collected, rather than the Information Services Division.

REPORT OF STANDING COMMITTEE

HB 1032: Appropriations Committee (Rep. Dalrymple, Chairman) recommends DO PASS (16 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1032 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1064: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (19 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1064 was placed on the Sixth order on the calendar.

Page 8, remove lines 4 through 8

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1120: Education Committee (Rep. Gates, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1120 was placed on the Sixth order on the calendar.

Page 2, line 17, after "certified" insert "and qualified"

Page 2, replace lines 19 through 22 with "Except in the case of a court order or an emergency placement, the placement agency shall notify the superintendent of the district of residence and the superintendent of the admitting district of the need for an out-of-district placement or admission. The placement agency shall afford the district of residence and the admitting district an opportunity to participate in any process involving a placement decision. In the case of a court order or emergency placement, the placement agency shall notify the superintendent of the district of residence and the superintendent of the admitting district of the placement at the time the order is issued. Notification must be by registered mail. Failure by the placement agency to follow the procedures of this section relieves"

Page 2, line 23, remove "not be construed to relieve"

Page 2, line 24, after "incurred" insert "and makes the placement agency liable for the education costs incurred"

Page 3, line 11, overstrike "The" and insert immediately thereafter "Within fifteen days, the"

Page 3, line 12, overstrike the comma and overstrike "within fifteen days"

Page 3, line 22, replace "all payments" with "an amount equal to the unpaid tuition must be withheld" and replace "the state" with "payments"

Page 3, line 23, remove ", must be withheld"

Page 3, line 25, replace "The school district of residence is liable to pay" with "An amount equal to the state average per-pupil elementary or high school cost, depending on the educational level of the student, is payable to"

Page 3, line 27, remove "an amount" and remove "equal to the state average per-pupil"

Page 3, remove line 28

Page 3, line 29, remove "the student"

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1198: Agriculture Committee (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1198 was placed on the Sixth order on the calendar.

Page 1, line 15, replace "rules of the" with "board shall collect twenty-five cents for each brucellosis tag, six cents for each identification tag, and eight dollars for each health book it distributes"

Page 1, remove lines 16 and 17

Page 1, line 18, remove "material, form, or equipment provided by the board"

Page 1, line 19, remove "under its rules"

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1207: Agriculture Committee (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1207 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "unused" with "unusable"

Page 1, line 3, after "date" insert "; to provide an expiration date"

Page 1, line 11, replace "unused" with "unusable"

Page 1, line 14, after "Date" insert " - Expiration Date"

Page 1, line 15, after "1993" insert ", and is effective through June 30, 1995, and after that date is ineffective"

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1212: Finance and Taxation Committee (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1212 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "five" with "three"

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1234: Government and Veterans Affairs Committee (Rep. D. Olsen, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1234 was placed on the Sixth order on the calendar.

Page 1, line 2, after "employees" insert "; and to declare an emergency"

Page 1, line 15, remove "as"

Page 1, line 16, remove "those"

Page 1, line 17, replace "by the following:" with a period

Page 1, remove lines 18 through 22

Page 2, remove lines 1 through 10

Page 2, line 28, replace "five hundred" with "one thousand"

Page 3, line 12, replace "1" with "first"

Page 3, line 15, replace "1" with "first"

Page 3, after line 18, insert:

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

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1240: Political Subdivisions Committee (Rep. Martin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1240 was placed on the Sixth order on the calendar.

Page 2, line 1, after "acting" insert "with regard to housing certificates and vouchers"

Page 2, line 10, after "years" insert "of the effective date of this Act"

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1282: Agriculture Committee (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1282 was placed on the Sixth order on the calendar.

Page 1, line 11, underscore the period

Page 1, line 18, remove "if the killing is not cruel."

Page 1, line 19, remove "proper"

Page 1, line 21, replace "activites" with "activities or by a humane society incorporated as a nonprofit corporation under the laws of this state"

Page 1, line 22, after "hunts" insert ", traps, or snares"

Page 2, line 3, remove the underscore under the period

Page 2, line 6, underscore the period

Page 2, line 10, replace "Potable water" with "Water"

Page 2, line 18, replace "which are more stringent than" with an underscored period

Page 2, remove lines 19 through 21

Page 2, line 25, remove "periodic"

Page 2, line 26, replace "cleanings to remove" with "removal of"

Page 3, line 4, remove "with"

Page 3, line 5, remove "a floor aboveground"

Page 3, line 14, remove the underscore under the period

Page 3, line 16, remove "A dog, whether chained or penned, must be"

Page 3, remove lines 17 through 21

Page 3, line 22, remove "and larger dogs."

Page 3, line 23, remove "Notwithstanding this"

Page 3, line 24, replace "subsection, an" with "An"

Page 3, line 26, remove "agricultural or"

Page 4, line 6, remove "When any domestic animal is so"

Page 4, remove lines 7 through 10

Page 5, line 5, remove the overstrike over "may" and remove "shall"

Page 5, line 8, remove the overstrike over "may" and remove "shall"

Page 5, line 23, remove "Any person"

Page 5, remove lines 24 and 25

Page 5, line 26, remove "of good and wholesome food and water." and after "animal" insert ", other than livestock being prepared for immediate shipment."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1293: Judiciary Committee (Rep. Kretschmar, Chairman) recommends DO NOT PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1293 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1311: 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 1311 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "disease" with "cancer"

Page 1, line 4, replace "disease" with "cancer", after "treatment" insert "alternatives", and replace "Informed consent required" with "Informing patients"

Page 1, line 5, remove "1."

Page 1, line 6, replace "another" with "suspected"

Page 1, line 7, replace "disease" with "cancer"

Page 1, line 8, remove "or disease"

Page 1, line 11, after "treatment" insert ", including two-stage surgical procedure,"

Page 1, line 12, after "treatment" insert ", including two-stage surgical procedure. The physician shall document the patient's receipt of the information in the patient's medical records"

Page 1, remove lines 13 through 20

Page 2, remove lines 1 through 29

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1318: Education Committee (Rep. Gates, Chairman) recommends DO NOT PASS (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1318 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1349: Judiciary Committee (Rep. Kretschmar, Chairman) recommends DO PASS (9 YEAS, 1 NAY, 4 ABSENT AND NOT VOTING). HB 1349 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1406: Government and Veterans Affairs Committee (Rep. D. Olsen, Chairman) A MAJORITY of your committee (Reps. D. Olsen, Wardner, Austin, Christopherson, Gates, Kelsch, Rydell, Stenehjem) recommends DO PASS.

The report of the majority was placed on the Sixth order of business on the calendar for the succeeding legislative day.

REPORT OF STANDING COMMITTEE

HB 1406: Government and Veterans Affairs Committee (Rep. D. Olsen, Chairman) A MINORITY of your committee (Reps. Brodshaug, Goffe, Klein, Mahoney, Nelson, Thorpe) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS.

Page 1, line 4, after "employees" insert "; and to provide an effective date"

Page 2, after line 29, insert:

"SECTION 2. AMENDMENT. Subsection 1 of section 54-06-09 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. The sum of ~~twenty~~ twenty-four cents per mile [1.61 kilometers] for each mile [1.61 kilometers] actually and necessarily traveled in the performance of official duty when such travel is by motor vehicle or ~~twenty-seven~~ thirty cents per mile [1.61 kilometers] if the travel is by truck, the use of which is required by the employing subdivision, agency, bureau, board, or commission. The sum of thirty-five cents per mile [1.61 kilometers] for each mile [1.61 kilometers] actually and necessarily traveled in the performance of official duty when such travel is by private airplane. Mileage by private aircraft must be computed by actual air mileage when only one state employee or official is traveling; if two or more state employees or officials are traveling by private aircraft, the actual mileage must be based on the road mileage between the geographical points. Reimbursement for private airplane travel must be calculated as follows:

- a. If reimbursement is for one properly authorized and reimbursable passenger, reimbursement must be paid on a per-mile basis as provided in this subsection.
- b. If reimbursement is claimed for a chartered private aircraft, reimbursement may not exceed the cost of regular coach fare on a commercial flight, if one is scheduled between the point of departure, point of destination, and return, for each properly authorized and reimbursable passenger on the charter flight; or, where there is no such regularly scheduled commercial flight, the actual cost of the charter.

No reimbursement may be paid for leased private aircraft, except for leased or rented private aircraft from a recognized fixed base aviation operator who is in the business of leasing and renting private aircraft and is located on an airport open for public use. ~~In order to be reimbursed for the chartering of a private aircraft pursuant to subdivision b, the charter agreement must receive prior approval from the director of the office of management and budget who shall take comparable travel costs and the savings of time into account in making his decision.~~ If only one person shall engage in such travel in a motor vehicle exceeding at any geographical point one hundred fifty miles [241.40 kilometers] beyond the borders of this state, reimbursement must be limited to eighteen cents per mile [1.61 kilometers] for the out-of-state portion of the travel beyond the first one hundred fifty miles [241.40 kilometers]. When official travel is by motor vehicle or airplane owned by the state or by any department or political subdivision thereof, no allowance may be made or paid for such mileage.

SECTION 3. EFFECTIVE DATE. Section 2 of this Act becomes effective on January 1, 1995."

Renumber accordingly

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

REPORT OF STANDING COMMITTEE

HB 1407: Government and Veterans Affairs Committee (Rep. D. Olsen, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1407 was placed on the Sixth order on the calendar.

Page 1, line 8, overstrike "three" and insert immediately thereafter "seven" and after "hundred" insert "and fifty"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1417: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **DO PASS** (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1417 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1418: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1418 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1426: Education Committee (Rep. Gates, Chairman) recommends **DO NOT PASS**

(12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1426 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1428: Agriculture Committee (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1428 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "pesticides" with "insecticides"

Page 1, line 7, replace "pesticide" with "insecticide"

Page 1, line 8, after "applies" insert ", by spraying," and replace "pesticide" with "insecticide"

Page 1, line 11, replace "one-quarter mile [402.34 meters]" with "three hundred feet [91.44 meters]"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1451: Agriculture Committee (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (8 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). HB 1451 was placed on the Sixth order on the calendar.

Page 1, line 7, overstrike "with the"

Page 1, overstrike lines 8 through 10

Page 1, line 11, overstrike "percent within twenty-four hours of the time of delivery to the licensee"

Page 1, line 12, overstrike "the bond amount may not be less than", remove "fifteen", and overstrike "thousand"

Page 1, line 13, overstrike "dollars" and insert immediately thereafter "a bond with the commission. The bond must be in an amount set by the commission but not less than one hundred thousand dollars. However, the commission may accept a twenty-five thousand dollar bond if the licensee purchases or markets less than fifty thousand bushels of grain per month and pays cash for at least ninety percent of the value of all grain at the time of delivery and the unpaid balance within twenty-four hours; and the commission may accept a fifty thousand dollar bond if the licensee purchases or markets fifty thousand or more bushels of grain per month and pays cash for at least ninety percent of the value of all grain at the time of delivery and the unpaid balance within twenty-four hours"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1456: 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 1456 was placed on the Sixth order on the calendar.

Page 1, line 12, overstrike ", but the governing"

Page 1, overstrike lines 13 through 15

Page 1, line 16, overstrike "care to the corporation's subscribers"

Page 2, line 2, replace "designate a practitioner" with "terminate a practitioner's participating contract, designate a practitioner as nonpayable, or otherwise impose reasonable sanctions on any practitioner who continues to engage in a practice pattern that is excessive or inappropriate as compared to the practice pattern for the practitioner's specialty after having been informed by the corporation, in writing, as to the manner in which the practitioner's practice pattern is excessive or inappropriate. The corporation shall consult with the practitioner and provide a reasonable time period of not less than six months within which to modify the practitioner's practice pattern. If, after terminating a practitioner's participating contract with the corporation, the practitioner's practice pattern continues to be excessive or inappropriate, the corporation's central professional services committee may consider recommending to the board that the practitioner be designated nonpayable. The affected practitioner must be given the right to be present and to be heard by the committee which must include representation of the practitioner's specialty. The board may not designate a practitioner as nonpayable in the absence of the committee's recommendation to do so. All reports, data, and proceedings of the corporation relative to a practitioner who is considered for designation as nonpayable is confidential, and may not be disclosed or be subject to subpoena or other legal process. The corporation may not pay or reimburse claims of its members relating to a treatment or service that is provided by a practitioner who is designated nonpayable. Nonpayable status under this section may not commence until after appropriate notification to the corporation's subscribers and the affected practitioner."

Page 2, remove lines 3 through 7

Page 2, line 8, remove "Unless a practitioner is designated as nonparticipating or"

Page 2, line 9, replace "nonpayable under this section, all" with "All"

Page 2, line 11, after the underscored period insert "If a practitioner is designated as nonparticipating or nonpayable under this section, the participating or nonparticipating status of the group is not affected."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1467: Education Committee (Rep. Gates, Chairman) recommends DO PASS (10 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1467 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1468: Agriculture Committee (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1468 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "foundation"

Page 1, line 7, after "for" insert "wheat, durum, oats, barley and"

Page 1, line 8, after "of" insert "wheat, durum, oats, barley," and after the third "seed" insert "that is labeled by the seed department and"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1470: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends DO NOT PASS (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1470 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1499: Education Committee (Rep. Gates, Chairman) recommends **DO NOT PASS** (9 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1499 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3018: Human Services Committee (Rep. Rydell, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3018 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3031: 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). HCR 3031 was placed on the Sixth order on the calendar.

Page 1, line 4, after "early" insert "and" and replace "and development tests" with ", diagnosis, and treatment"

Page 1, line 11, after "early" insert "and" and replace "and development" with ", diagnosis, and treatment"

Page 1, line 12, remove "tests"

Page 1, line 18, after "early" insert "and" and replace "and development tests" with ", diagnosis, and treatment"

Renumber accordingly

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Reps. Rydell, Kerzman, Grumbo, Hagle and Sens. DeMers, Goetz introduced:

HCR 3046: A concurrent resolution directing the Legislative Council to study the need for and development of a statewide trauma care system in this state.

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

Rep. Porter and Sens. DeMers, Evanson introduced:

HCR 3047: A concurrent resolution directing the Legislative Council to study issues related to the employment of minors, including the need for employment, the academic and financial impact of employment, and safety requirements in the workplace.

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

Reps. Dorso, Timm and Sens. Robinson, Thane introduced:

HCR 3048: A concurrent resolution directing the Legislative Council to study the bill introduction privilege for state agencies.

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

Reps. Rennerfeldt, Brown, Hokana and Sens. Nelson, Robinson introduced:

HCR 3049: A concurrent resolution directing the Legislative Council to study noxious weed laws to determine the feasibility and desirability of identifying purple loosestrife as a noxious weed and instituting appropriate methods of control or eradication.

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

Reps. Tollefson, Hanson introduced:

HCR 3050: A concurrent resolution directing the Legislative Council to study the state's hunting laws to determine what changes can be made to improve the relationship between hunters and private landowners in the state.

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

FIRST READING OF SENATE BILLS

SB 2040: A BILL for an Act to amend and reenact section 65-05-01 of the

North Dakota Century Code, relating to the time limit for filing a claim for workers' compensation.

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

SB 2070: A BILL for an Act to create and enact a new section to chapter 54-52.2 of the North Dakota Century Code, relating to administration of the deferred compensation plan for public employees.

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

SB 2093: A BILL for an Act to amend and reenact subsection 1 of section 19-03.1-01.1, subsection 7 of section 19-03.1-05, subsection 5 of section 19-03.1-13, and subsections 4 and 5 of section 19-03.1-37 of the North Dakota Century Code, relating to controlled substances and controlled substances board membership.

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

SB 2150: A BILL for an Act to amend and reenact sections 12-47-12, 12-47-36, and subsection 1 of section 12.1-32-07 of the North Dakota Century Code, relating to the authority of the warden to make rules and regulations, confidentiality of inmates' records, and supervision of a probationer.

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

SB 2199: A BILL for an Act to amend and reenact sections 65-04-04.2, 65-04-17, and 65-07-03 of the North Dakota Century Code, relating to determination of weekly wage for workers compensation premium purposes, reporting of employer premiums, and calculation of the experience rating for employers.

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

SB 2284: A BILL for an Act to authorize special agents of the federal bureau of investigation to make arrests.

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

SB 2294: A BILL for an Act to amend and reenact subsections 1 and 7 of section 14-15-11 and subsection 1 of section 14-15-16 of the North Dakota Century Code, relating to notice of a petition to adopt an adult.

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

SB 2343: A BILL for an Act to amend and reenact section 19-10-03.1 of the North Dakota Century Code, relating to the sale of alcohol-blended gasoline.

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

SB 2352: A BILL for an Act to create and enact two new sections to chapter 15-39.1 of the North Dakota Century Code and a new subsection to section 21-10-06 of the North Dakota Century Code as amended by section 7 of chapter 667 of the 1989 Session Laws of North Dakota and section 5 of chapter 628 of the 1991 Session Laws of North Dakota, relating to the teachers' retiree health benefits fund; to amend and reenact sections 15-39.1-23, 15-39.1-28, 15-39.1-29, 15-39.1-30, and subdivision b of subsection 1 of section 57-15-14.2 of the North Dakota Century Code, relating to the teachers' retiree health benefits fund; to provide an appropriation; and to provide for application of this Act.

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

SB 2354: A BILL for an Act to create and enact two new subsections to section 27-20-31 of the North Dakota Century Code, relating to the disposition of a delinquent child.

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

SB 2355: A BILL for an Act to amend and reenact section 29-17-34 of the North Dakota Century Code, relating to qualifications of jurors.

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

SB 2356: A BILL for an Act to amend and reenact subsection 1 of section 27-09.1-07 and subsection 2 of section 27-09.1-08 of the North Dakota Century Code, relating to jury qualification forms and disqualification from jury service.

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

SB 2369: A BILL for an Act to amend and reenact subsection 3 of section 14-07.1-01, section 14-07.1-06, subdivision b of subsection 1 of section 14-07.1-11, and section 14-07.1-16 of the North Dakota Century Code, relating to the definition of a domestic violence program, eligibility for domestic violence prevention fund moneys, and arrest without warrant in domestic violence situations; and to provide a penalty.

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

SB 2410: A BILL for an Act to amend and reenact section 54-44.1-13 of the North Dakota Century Code, relating to the date budget requests for the judicial and legislative branches are submitted.

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

SB 2429: A BILL for an Act to amend and reenact subsection 1 of section 22-01-01, sections 22-01-12, and 45-06-07 of the North Dakota Century Code, relating to the guaranty and enforcement of debt by stockholders and partners of business entities.

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

SB 2453: A BILL for an Act to amend and reenact subdivision b of subsection 2 of section 12.1-28-02 of the North Dakota Century Code, relating to disseminating information about a lottery.

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

SB 2460: A BILL for an Act to amend and reenact section 16.1-01-04 of the North Dakota Century Code, relating to the qualifications of electors.

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

SB 2508: A BILL for an Act relating to the funding of mandates by the superintendent of public instruction.

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

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

ROY GILBREATH, Chief Clerk