

## JOURNAL OF THE HOUSE

## Fifty-third Legislative Assembly

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Bismarck, February 10, 1993

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

The prayer was offered by the Rev. Mark Bayert, First Presbyterian Church, Bismarck.

The roll was called and all members were present.

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-sixth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 517, line 17, after the period insert "Engrossed"

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

## HOUSE ENGROSSING AND ENROLLING REPORT

The following bills were engrossed: HB 1012, HB 1090, HB 1108, HB 1155, HB 1227, HB 1241, HB 1270, HB 1277, HB 1296, HB 1436, HB 1497, HB 1501.

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2063, SB 2072, SB 2181, SB 2200, SB 2293, SB 2298, SB 2303, SB 2399, SB 2408.

## SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bill: SB 2132.

## 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 1163, HB 1203, HB 1222, HB 1224, HB 1229, HB 1262, HB 1271, HB 1276, HB 1278, HB 1315, HB 1319, HB 1331, HB 1340, HB 1357, HB 1363, HB 1367, HB 1377, HB 1380, HB 1388, HB 1508, HCR 3008, HCR 3024.

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

**MADAM PRESIDENT:** The House has passed unchanged: SB 2136.

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

**MADAM PRESIDENT:** The House has failed to pass: SB 2134.

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

**MADAM PRESIDENT:** The Speaker has signed: SB 2132.

## 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 1016 and HB 1406 which has a divided committee report, which motion prevailed.

**REP. FREIER MOVED** that the rules be suspended and that the amendments on the Sixth order of business to Engrossed HB 1028, Engrossed HB 1064, HB 1120, HB 1198, HB 1207, HB 1212, HB 1234, HB 1240, HB 1282, HB 1311, HB 1407,

HB 1428, HB 1451, HB 1456, HB 1468, and HCR 3031 be adopted, which motion prevailed.

Engrossed HB 1028, Engrossed HB 1064, HB 1120, HB 1198, HB 1207, HB 1212, HB 1234, HB 1240, HB 1282, HB 1311, HB 1407, HB 1428, HB 1451, HB 1456, HB 1468, and HCR 3031, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### SIXTH ORDER OF BUSINESS

**HB 1016: REP. DALRYMPLE (Appropriations Committee) MOVED** that the amendments on HJ pages 514-517 be adopted and then be placed on the Eleventh order with **DO PASS**.

#### REQUEST

**REP. WILKIE REQUESTED** a recorded roll call vote on the motion to adopt the proposed amendments to HB 1016, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the amendments to HB 1016, the roll was called and there were 61 YEAS, 36 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

**ABSENT AND NOT VOTING:** Mutzenberger

The motion to adopt the amendments to HB 1016 passed.

#### MOTION

**REP. FREIER MOVED** that the rules be suspended and that HB 1016, as amended, be deemed properly engrossed and placed on the Eleventh order at the top of the calendar, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1016:** A BILL for an Act to provide an appropriation for defraying the expenses of the agricultural products utilization commission and for ethanol production incentives; to amend and reenact section 4-14.1-02 of the North Dakota Century Code, relating to uses of the agricultural fuel tax fund; and to provide a statement of legislative intent.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of **DO PASS**, the roll was called and there were 97 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Gorde; 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; 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

**ABSENT AND NOT VOTING:** Mutzenberger

Engrossed HB 1016 passed and the title was agreed to.

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#### SIXTH ORDER OF BUSINESS

**HB 1406: REP. D. OLSEN (Government and Veterans Affairs Committee) MOVED** that the Minority Report amendments on HJ pages 523-524 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion failed on a verification vote.

#### RULING BY THE SPEAKER

**SPEAKER R. BERG RULED** that since the Minority Report amendments to HB 1406 were not adopted, the Majority Report recommending Do Pass would place HB 1406, without amendments, on the Eleventh order for second reading and final passage.

#### MOTION

**REP. FREIER MOVED** that the rules be suspended and that HB 1406 be placed on the Eleventh order at the head of the calendar, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1406:** A BILL for an Act to amend and reenact subsection 1 of section 54-06-09 of the North Dakota Century Code, relating to prior approval by the director of the office of management and budget of certain mileage and travel expenses of state officers 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 97 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Gertholz; 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; 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

**ABSENT AND NOT VOTING:** Mutzenberger

HB 1406 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1012:** A BILL for an Act making an appropriation for defraying the expenses of the state game and fish department.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 3 NAYS, 0 EXCUSED, 1 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; Dorso; Drovda; Freier; Froseth; Gates; Gerntholz; Glasheim; 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; 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:** DeWitz; Dobrinski; Schindler

**ABSENT AND NOT VOTING:** Mutzenberger

Engrossed HB 1012 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1090:** A BILL for an Act to amend and reenact section 37-19.1-04 of the North Dakota Century Code, relating to hearing procedures for veteran's preference grievance hearings.

**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 0 YEAS, 97 NAYS, 0 EXCUSED, 1 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; Drovda; Freier; Froseth; Gates; Gerntholz; Glasheim; 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; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Mutzenberger

Engrossed HB 1090 was declared lost.

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**SECOND READING OF HOUSE BILL**

**HB 1108:** A BILL for an Act to amend and reenact subsection 4 of section 37-19.1-02 and subsection 1 of section 37-19.1-04 of the North Dakota Century Code, relating to the veterans employment preference.

**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 0 YEAS, 97 NAYS, 0 EXCUSED, 1 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; 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; 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

**ABSENT AND NOT VOTING:** Mutzenberger

Engrossed HB 1108 was declared lost.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR**

**HCR 3018:** A concurrent resolution directing the Legislative Council to study the feasibility of forming multicounty health districts statewide.

**HCR 3019:** A concurrent resolution directing the Legislative Council to study veterans' preference employment laws.

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

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

HCR 3018, HCR 3019, and HCR 3041 were declared adopted on a voice vote.

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**SECOND READING OF HOUSE BILL**

**HB 1155:** A BILL for an Act to amend and reenact section 54-10-14 of the North Dakota Century Code, relating to the requirements for audits of political subdivisions; 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 97 YEAS, 0 NAYS, 0 EXCUSED, 1 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; 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

**ABSENT AND NOT VOTING:** Mutzenberger

Engrossed HB 1155 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1227:** A BILL for an Act to amend and reenact sections 40-57.3-01.1, 40-57.3-02, and 40-57.3-03 of the North Dakota Century Code, relating to imposition of city lodging and restaurant taxes on all liquor sales and transfers of funds to the city visitors' promotion fund from the city visitors' promotion capital construction fund.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 32 YEAS, 65 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bateman; Belter; Boehm; Boucher; Brodshaug; Brown; Byerly; Dalrymple; Froseth; Gorder; Hagle; Hanson; Howard; Kempenich; Kretschmar; Kroeber; Kunkel; Martin; Monson; Nicholas; Porter; Pyle; Rennerfeldt; Skarphol; Sveen; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Speaker R. Berg

**NAYS:** Aarsvold; Allmaras; Austin; Berg, J.; Bernstein; Bodine; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Gates; Gerntholz; Glassheim; Goffe; Gorman; Grosz; Grumbo; Gulleson; Hausauer; Henegar; Hokana; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kerzman; Kilichowski; Klein; Laughlin; Mahoney; Maragos; Martinson; Nelson; Ness; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Price; Ring; Rydell; Schindler; Shide; Sitz; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Thorpe; Wentz; Wilkie

**ABSENT AND NOT VOTING:** Mutzenberger

Engrossed HB 1227 was declared lost.

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**SECOND READING OF HOUSE BILL**

**HB 1241:** A BILL for an Act to create and enact a new section to chapter 43-11 of the North Dakota Century Code, relating to shampoo assistant registration; and to amend and reenact section 43-11-01 of the North Dakota Century Code, relating to definitions.

**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 13 YEAS, 83 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Christopherson; Dorso; Gates; Glassheim; Goffe; Hanson; Hausauer; Holm; Kelsch; Kretschmar; Kroeber; Stenehjem; Sveen

**NAYS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Drovdal; Freier; Froseth; Gerntholz; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Henegar; Hokana; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kempenich; Kerzman; Kilichowski; Klein; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz;

Skarphol; Soukup; St. Aubyn; Stenson; Svedjan; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Mutzenberger; Poolman

Engrossed HB 1241 was declared lost.

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**THE HOUSE RECOGNIZED THE PRESENCE OF:**

Former Representatives Richard J. Backes and Arthur Ekblad.

**SECOND READING OF HOUSE BILL**

**HB 1270:** A BILL for an Act to amend and reenact section 38-16-01.1 of the North Dakota Century Code, relating to reclamation of lands affected by gravel and sand surface mining operations.

**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, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** 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; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; 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

**NAYS:** Aarsvold; Dobrinski; Hagle; Huether

**ABSENT AND NOT VOTING:** Mutzenberger

Engrossed HB 1270 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1277:** A BILL for an Act to amend and reenact section 20.1-08-04.2 of the North Dakota Century Code, relating to creation of a North Dakota game warden association moose license raffle.

**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 90 YEAS, 7 NAYS, 0 EXCUSED, 1 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; Freier; Froseth; Gates; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Nelson; Ness; Nicholas; 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

**NAYS:** Dobrinski; Drovdal; Goffe; Gulleson; Klein; Nichols; Thorpe

**ABSENT AND NOT VOTING:** Mutzenberger

Engrossed HB 1277 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1296:** A BILL for an Act to amend and reenact sections 43-26-01, 43-26-06, 43-26-09, and 43-26-11 of the North Dakota Century Code, relating to definitions, fees, and continuing education for physical therapists.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 97 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Mutzenberger

Engrossed HB 1296 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1436:** A BILL for an Act to create and enact a new section to chapter 34-07 of the North Dakota Century Code, relating to exemption of newspaper carriers and shopper carriers from North Dakota child labor laws; to amend and reenact sections 34-07-01, 34-07-02, 34-07-03, 34-07-05, 34-07-06, 34-07-11, 34-07-12, 34-07-14, 34-07-15, 34-07-16, 34-07-17, 34-07-18, 34-07-19, and 34-07-20 of the North Dakota Century Code, relating to who may employ youth under the age of fourteen in the state, who may issue certificates to minors who wish to work, the limitations on the hours a minor fourteen or fifteen years of age may work, and hazardous occupations in which minors may not be employed; and to repeal sections 34-07-07, 34-07-08, 34-07-10, and 34-07-13 of the North Dakota Century Code, relating to employment certificates for minors.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 97 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Gulleston; 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; 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; Wanzenk; Wardner; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Mutzenberger

Engrossed HB 1436 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1497:** A BILL for an Act to amend and reenact section 44-04-18.4 of the North Dakota Century Code, relating to confidentiality of trade secrets and commercial and financial information.

#### 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; 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; Gulleston; 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; 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; Wanzenk; Wardner; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Brodshaug; Mutzenberger

Engrossed HB 1497 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1501:** A BILL for an Act to create and enact a new section to chapter 11-20 and a new subsection to section 27-07.1-17 of the North Dakota Century Code, relating to surveys by county surveyors of disputed property lines and jurisdiction of county courts.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; 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; Gulleston; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin;

Martinson; Monson; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; 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

**NAYS:** Brown; Kempenich; Poolman

**ABSENT AND NOT VOTING:** Mutzenberger

Engrossed HB 1501 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1032:** A BILL for an Act relating to a property cost reimbursement study and property cost reimbursement to certain nursing homes; to provide an appropriation; to provide an expiration date; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Kilichowski; Mutzenberger

HB 1032 passed, the title was agreed to, and the emergency clause was declared carried.

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#### MOTION

**REP. FREIER MOVED** that HB 1055 be laid over one legislative day and be placed on the calendar immediately following HB 1120, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1293:** A BILL for an Act to amend and reenact section 12.1-32-02.1 of the North Dakota Century Code, relating to the minimum prison sentence for an armed offender.

#### 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, 68 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Austin; Bateman; Berg, J.; Bernstein; Boehm; Carlisle; Carlson, C.; Clayburgh; DeWitz; Gates; Gerntholz; Gorman; Henegar; Holm; Kilichowski; Martinson; Nelson; Nichols; Olson, A.; Payne; Schindler; Shide; Soukup; St. Aubyn; Svedjan; Sveen; Torgerson; Wald; Wardner

**NAYS:** Aarsvold; Allmaras; Belter; Bodine; Boucher; Brodshaug; Brown; Byerly; Carlson, A.; Christopherson; Cleary; Coats; Dalrymple; Dobrinski; Dorso; Drovdal; Freier; Froseth; Glassheim; Goffe; Gorder; Grosz; Grumbo; Gullerson; Hagle; Hanson; Hausauer; Hokana; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Monson; Ness; Nicholas; Oban; Olsen, D.; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Sitz; Skarphol; Stenehjlem; Stenson; Thorpe; Timm; Tollefson; Wanzek; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Mutzenberger

HB 1293 was declared lost.

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#### SECOND READING OF HOUSE BILL

**HB 1318:** A BILL for an Act to amend and reenact sections 15-47-14 and 15-47-33 of the North Dakota Century Code, relating to days included in the number of classroom instruction days required each year.

#### 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, 86 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Gates; Klein; Kunkel; Maragos; Olsen, D.; Olson, A.; Shide; Soukup; St. Aubyn; 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; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gullerson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Kretschmar; Kroeber; Laughlin; Mahoney; Martin; Martinson; Monson; Nelson; Ness; Nicholas; Nichols; Oban; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Sitz; Skarphol; Stenson; Svedjan; Sveen; Thorpe; Timm; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Mutzenberger; Stenehjlem

HB 1318 was declared lost.

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#### SECOND READING OF HOUSE BILL

**HB 1349:** A BILL for an Act to amend and reenact section 29-04-03.1 of the North Dakota Century Code, relating to the limitation of time within which a prosecution for a sexual abuse crime involving a minor victim must be commenced; and to repeal section 29-04-03.2 of the North Dakota Century Code, relating to tolling the statute of limitations involving a child sex abuse victim.

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

**YEAS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; 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; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Dorso; Mutzenberger; Stenehjerm

HB 1349 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1417:** A BILL for an Act to create and enact a new chapter to title 26.1 of the North Dakota Century Code, relating to bail bonds; and to provide a penalty.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; Dewitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; 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; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Gates; Mutzenberger; Stenehjerm

HB 1417 passed and the title was agreed to.

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#### THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative William Gackle and his wife.

#### SECOND READING OF HOUSE BILL

**HB 1418:** A BILL for an Act to amend and reenact section 12.1-23-02 of the North Dakota Century Code, relating to theft of rental property.

#### 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 9 YEAS, 87 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Boucher; Brodshaug; Grosz; Hagle; Maragos; Martinson; Nelson; Poolman; Pyle

**NAYS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; Dewitz; Dobrinski;

Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grumbo; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Martin; Monson; Ness; Nicholas; Nichols; Oban; Olson, D.; Olson, A.; Payne; Porter; Price; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Gulleson; Mutzenberger

HB 1418 was declared lost.

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#### SECOND READING OF HOUSE BILL

**HB 1426:** A BILL for an Act to create and enact a new section to chapter 15-22 of the North Dakota Century Code, relating to county superintendents of schools.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 77 YEAS, 20 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Jacobs; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kretschmar; Kroeber; Laughlin; Mahoney; Martin; Martinson; Nelson; Nicholas; Nichols; Oban; Olson, D.; Payne; Poolman; Porter; Pyle; Rennerfeldt; Ring; Rydell; Shide; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thorpe; Timm; Tollefson; Wald; Wanzek; Wardner; Wilkie; Speaker R. Berg

**NAYS:** Aarsvold; DeWitz; Gates; Grumbo; Gulleson; Huether; Johnson; Kilichowski; Kunkel; Maragos; Monson; Ness; Olson, A.; Price; Schindler; Sitz; St. Aubyn; Stenson; Torgerson; Wentz

**ABSENT AND NOT VOTING:** Mutzenberger

HB 1426 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1467:** A BILL for an Act to repeal sections 15-21-04.6 and 15-29-08.3 of the North Dakota Century Code, relating to student performance standards and assessment and school district policies and plans for participatory school decisionmaking.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 84 YEAS, 13 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Allmaras; Austin; Bateman; Belter; Bernstein; Bodine; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Gorder; Gorman; Grosz; Hagle; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson;

Monson; Nelson; Ness; Nicholas; Nichols; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjelm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**NAYS:** Aarsvold; Berg, J.; Brodshaug; Coats; Glassheim; Goffe; Grumbo; Gulleston; Hanson; Kroeber; Oban; Pyle; Ring

**ABSENT AND NOT VOTING:** Mutzenberger

HB 1467 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1470:** A BILL for an Act to create and enact a new subdivision to subsection 1 of section 26.1-36-04 and a new section to chapter 26.1-45 of the North Dakota Century Code, relating to waiver of premium for certain types of insurance in the event of the insured's incapacity.

#### 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, 94 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Goffe; Ring; 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; Gorder; Gorman; Grosz; Grumbo; Gulleston; 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; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjelm; Stenson; Svedjan; Sveen; Thorpe; Timm; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Mutzenberger

HB 1470 was declared lost.

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#### SECOND READING OF HOUSE BILL

**HB 1499:** A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to a limitation on tuition charged at the state institutions of higher education.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 22 YEAS, 74 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Berg, J.; Bodine; Glassheim; Goffe; Grumbo; Gulleston; Hanson; Hokana; Holm; Kerzman; Kroeber; Laughlin; Mahoney; Nelson; Ness; Oban; Ring; Stenson; Thorpe; Speaker R. Berg

**NAYS:** Austin; Bateman; Belter; Bernstein; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier;

Froseth; Gates; Gerntholz; Gordier; Gorman; Grosz; Hagle; Hausauer; Henegar; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kilichowski; Klein; Kretschmar; Kunkel; Maragos; Martin; Martinson; Monson; Nicholas; Nichols; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Svedjan; Sveen; Timm; Tollefson; Torgerson; Wanzek; Wardner; Wentz; Wilkie

**ABSENT AND NOT VOTING:** Mutzenberger; Wald

HB 1499 was declared lost.

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**ANNOUNCEMENT BY SPEAKER**

**SPEAKER R. BERG ANNOUNCED** the following appointments to the Educational Equity Review Committee: Speaker R. Berg, Rep. Belter, Rep. Gates, Rep. Huether, Rep. Kaldor, Rep. Keiser, Rep. Kunkel, Rep. Nelson, Rep. Ness, Rep. Schindler, and Rep. Wald.

**MOTION**

**REP. FREIER MOVED** that the House be on the Fifth and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Thursday, February 11, 1993, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1006: 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 1006 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "and an appropriation from the state" with a period

Page 1, remove line 3

Page 1, line 12, replace "\$1,446,561" with "\$1,406,747"

Page 1, line 17, replace "360,000" with "360,000"

Page 1, remove line 18

Page 1, line 19, replace "\$4,403,320" with "\$4,360,006"

Page 1, line 20, replace "4,091,349" with "4,059,498"

Page 1, line 21, replace "\$311,971" with "\$300,508"

Page 2, line 2, replace "amount appropriated" with "estimated income line item" and replace "\$329,589" with "\$325,608"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 512 - DIVISION OF EMERGENCY MANAGEMENT

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 \$39,814, of which \$7,963 is from the general fund. Of this reduction, \$8,064, \$1,613 of which is from the general fund, relates to reduced employee health insurance costs and \$31,750, \$6,350 of which is from the general fund, relates to the Schafer salary increase recommendation.

- The interagency legal fees line item of \$3,500 from the general fund is deleted to reflect Governor Schafer's recommendation regarding legal fees charged by the Attorney General.

In total, this amendment reduces funding for the Division of Emergency Management by \$43,314, of which \$11,463 is from the general fund and \$31,851 is from other funds.

**REPORT OF STANDING COMMITTEE**

**HB 1020: Appropriations Committee (Rep. Dalrymple, Chairman) A MAJORITY of your committee (Reps. Wald, Kunkel, Wentz, Bateman, Carlisle, Clayburgh, Kaldor, Kroeber, Laughlin, Pyle, St. Aubyn) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS.**

Page 1, line 2, after the semicolon insert "to authorize the state board of higher education to issue and sell self-liquidating tax-exempt bonds for capital projects; and"

Page 1, line 3, remove "; to provide authority to the state"

Page 1, remove lines 4 through 6

Page 1, line 7, remove "higher education; and to declare an emergency"

Page 1, line 17, replace "60,121" with "40,600"

Page 1, line 18, replace "60,121" with "40,600"

Page 1, line 22, replace "1,709,400" with "85,400"

Page 2, line 1, replace "1,709,400" with "85,400"

Page 2, line 3, replace "480,000" with "250,000"

Page 2, line 4, replace "480,000" with "250,000"

Page 2, line 5, replace "2,189,400" with "335,400"

Page 2, line 8, replace "450,000" with "375,000"

Page 2, line 9, replace "450,000" with "375,000"

Page 2, line 16, replace "4,000,000" with "3,385,308"

Page 2, line 17, replace "4,000,000" with "3,385,308"

Page 2, after line 17, insert:

"Subdivision 6.

INTERNATIONAL PEACE GARDEN

Capital improvements	\$ 30,000
Total general fund appropriation	\$ 30,000"

Page 2, remove line 18

Page 3, remove lines 8 through 11

Page 3, line 12, replace "5." with "4."

Page 3, remove lines 16 through 19

Page 3, line 20, replace "7." with "5."

Page 3, line 25, replace "8." with "6."

Page 3, line 29, replace "9." with "7."

Page 4, line 2, replace "750,000" with "1,500,000"

Page 4, line 3, replace "750,000" with "1,500,000"

Page 4, line 4, replace "10." with "8."

Page 4, line 8, replace "11." with "9."

Page 4, line 10, replace "3,377,000" with "177,000"

Page 4, line 11, replace "3,377,000" with "177,000"

Page 4, after line 11, insert:

"Grand total general fund appropriation H.B. 1020      \$4,376,308"

Page 4, line 12, replace "section 2" with "H.B. 1020" and replace "13,667,035" with "39,262,035"

Page 4, line 13, replace "20,576,556" with "43,638,343"

Page 4, replace lines 14 through 29 with:

**"SECTION 3. BOARD OF HIGHER EDUCATION - BOND ISSUANCE - PURPOSES.** The state board of higher education, in accordance with chapter 15-55, may issue and sell self-liquidating tax-exempt bonds in an amount not exceeding \$6,465,035, for the purpose of constructing the capital projects at institutions under the control of the board named in section 2 of this Act, including an amount not exceeding \$400,000 for a parking lot at Bismarck state college, \$3,565,035 to renovate McCannel hall, \$500,000 for a parking lot at the university of North Dakota, and \$2,000,000 for an addition to the student center at Minot state university. Bonds issued under the provisions of this Act may not become a general obligation of the state of North Dakota. The \$400,000 for a parking lot at Bismarck state college is contingent on the construction of the building at Bismarck state college contained in section 5 of this Act.

**SECTION 4. USE OF PROCEEDS - APPROPRIATION.** The proceeds resulting from the sale of bonds authorized under section 3, or so much of the sum as may be necessary, plus any available funds received from federal or private sources, are hereby appropriated for the construction and equipment of the facilities named in section 3. Any unexpended balance from the sale of bonds must be placed in sinking funds for the retirement of the authorized bonds.

**SECTION 5. PROJECT AUTHORIZATION - APPROPRIATION.** The industrial commission, acting as the state building authority, shall arrange for the funding of the projects authorized in this section, hereby declared to be in the public interest, through the issuance of loan notes under North Dakota Century Code chapter 54-17.2, during the biennium beginning July 1, 1993, and ending June 30, 1995. The industrial commission may offer loan notes issued under this section for sale only to the Bank of North Dakota at a price that is as representative as possible of the current market interest rates for comparable loan notes purchased by the Bank of North Dakota. The proceeds of the loan notes and other available funds are hereby appropriated during the biennium beginning July 1, 1993, and ending June 30, 1995, for the following projects:

NAME OF AGENCY, DEPARTMENT, OR INSTITUTION	TYPE OF FACILITY	CONSTRUCTION/ ACQUISITION FUNDS
Bismarck state college	Science and mathematics center	\$ 7,345,000
University of North Dakota	Abbott hall renovation	3,600,000
Minot state university	Memorial library	2,550,000
Dickinson state university	Academic lifelong learning center	10,000,000
Job service North Dakota	Office building	1,735,000
Total		<u>\$25,230,000</u>

The industrial commission shall issue loan notes authorized under this section with the condition that lease rental payments need not begin until July 1, 1995. This authority of the industrial commission to issue loan notes ends on June 30, 1995, but the industrial commission may continue to exercise all other powers granted to it under chapter 54-17.2 and this Act and to comply with any covenants entered into before that date. Any unexpended balances from the sale of bonds must be placed in sinking funds for the retirement of authorized bonds.

The state board of higher education may obtain and utilize federal funds to assist in remodeling and expanding the former library at Minot state university. There is hereby appropriated to the state board of higher education the sum of \$4,800,000, or so much of the sum as may be necessary, from any federal or other funds that may become available for this project for the biennium beginning July 1, 1993, and ending June 30, 1995.

**SECTION 6. PAYMENT OF MATCHING SHARE.** Of the total amount of loan notes issued under the provisions of section 5 of this Act, a total of \$4,084,500 from nongeneral fund sources will become available to assist in the retirement of the loan notes, issued for the project costs associated with construction of the projects authorized by this Act, in the following amounts:

Bismarck state college	Science and mathematics center	\$ 734,500
University of North Dakota	Abbott hall renovation	360,000
Minot state university	Memorial library	255,000
Dickinson state university	Academic lifelong learning center	1,000,000
Job service North Dakota	Office building	1,735,000
Total		<u>\$4,084,500</u>

The local matching share shall be paid to the industrial commission in four equal annual installments beginning in fiscal year 1996; however, any institution may prepay any or all of its matching share. Such payments must be deposited in a special industrial commission account from which the industrial commission shall use the funds in making bond and interest payments."

Page 5, remove lines 1 through 29

Page 6, remove lines 1 through 28

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

## DEPARTMENT 313 - NORTH DAKOTA VETERANS' HOME

HOUSE - This amendment reduces the amount provided for capital projects by \$19,521 from the general fund, from \$60,121 to \$40,600 from the general fund for the following capital improvements:

ADA bathroom additions	\$10,600
Seal coat parking lot	25,000
Demolish smokestack	<u>5,000</u>
Total	\$40,600

## DEPARTMENT 534 - STATE PENITENTIARY

HOUSE - This amendment reduces the amount provided for capital projects by \$1,624,000 from the general fund, from \$1,709,400 to \$85,400 from the general fund for building renovation at the Missouri River Correctional Center.

## DEPARTMENT 533 - INDUSTRIAL SCHOOL

HOUSE - This amendment reduces the amount provided for capital projects by \$230,000 from the general fund, from \$480,000 to \$250,000 from the general fund for the following capital improvements:

Building demolition	\$ 50,000
Asbestos removal from tunnel system	<u>200,000</u>
Total	\$250,000

## DEPARTMENT 540 - ADJUTANT GENERAL

HOUSE - This amendment reduces the amount provided for capital projects by \$75,000 from the general fund, from \$450,000 to \$375,000 from the general fund for the following capital improvements:

Grand Forks Armory	\$250,000
Fraine Barracks	<u>125,000</u>
Total	\$375,000

This amendment removes the emergency clause relating to the funding for the Grand Forks armory.

## DEPARTMENT 215 - NORTH DAKOTA UNIVERSITY SYSTEM

HOUSE - This amendment reduces the amount provided for systemwide capital projects by \$614,692 from the general fund, from \$4,000,000 to \$3,385,308 from the general fund.

## DEPARTMENT 235 - NORTH DAKOTA STATE UNIVERSITY

HOUSE - This amendment eliminates the \$250,000 of other funds for the addition to the Varsity Mart bookstore.

## DEPARTMENT 704 - INTERNATIONAL PEACE GARDEN

HOUSE - This amendment provides \$30,000 from the general fund for the replacement of the mosaic cement pattern with asphalt rock. The \$30,000 is in addition to the \$20,000 appropriated during the 1991-93 biennium.

## DEPARTMENT 480 - JOB SERVICE NORTH DAKOTA

HOUSE - This amendment changes the funding source for the Grand Forks office building from \$1,735,000 of other funds to \$1,735,000 from the sale of bonds.

## DEPARTMENT 638 - NORTHERN CROPS INSTITUTE

HOUSE - This amendment increases the amount provided for capital projects by \$750,000 of other funds, from \$750,000 to \$1,500,000 from federal funds and other funds for the construction of a food processing pilot plant. This reflects the full cost of the project including federal funds not originally included in the bill.

## DEPARTMENT 801 - DEPARTMENT OF TRANSPORTATION

HOUSE - This amendment reduces the amount provided for capital projects by \$3,200,000 of other funds, from \$3,377,000 to \$177,000 of other funds for the following capital improvements:

Underground tank leak detection system	\$ 38,000
Two salt storage buildings	<u>139,000</u>
Total	\$177,000

## DEPARTMENT 405 - INDUSTRIAL COMMISSION

HOUSE - This amendment changes the sections of the bill relating to the Industrial Commission bond authority and local matching funds as follows:

PROJECT	BILL AS INTRODUCED	BILL AS AMENDED	DIFFERENCE
<b>Bonding:</b>			
Bismarck State College	\$ 7,345,000	\$ 7,345,000	\$ 0
University of North Dakota	3,600,000	3,600,000	0
Minot State University	7,350,000	2,550,000	(4,800,000)
Job Service North Dakota		1,735,000	1,735,000
Dickinson State University		<u>10,000,000</u>	<u>10,000,000</u>
	<u>\$18,295,000</u>	\$25,230,000	\$ 6,935,000
<b>Matching:</b>			
Bismarck State College	\$ 1,345,000	\$ 734,500	\$ (610,500)
University of North Dakota	600,000	360,000	(240,000)
Minot State University	4,950,000	255,000	(4,695,000)
Job Service North Dakota		1,735,000	1,735,000
Dickinson State University		<u>1,000,000</u>	<u>1,000,000</u>
	\$ 6,895,000	\$ 4,084,500	\$(2,810,500)
<b>Other appropriated funds:</b>			
Minot State University	\$ 0	\$ 4,800,000	\$ 4,800,000
Job Service North Dakota	<u>1,735,000</u>	<u>0</u>	<u>(1,735,000)</u>
	\$ 1,735,000	\$ 4,800,000	\$ 3,065,000

In addition to the original building projects, the bill now includes the Academic Lifelong Learning Center at Dickinson State University. It is the intent of the Dickinson community to have the \$1 million in local matching funds as follows:

\$500,000 paid to the state by June 30, 1994, and the remaining \$500,000 paid to the state by December 31, 1994.

## DEPARTMENT 110 - OFFICE OF MANAGEMENT AND BUDGET

HOUSE - This amendment removes the state office building and all related sections of the bill.

## DEPARTMENT 253 - SCHOOL FOR THE BLIND

HOUSE - This amendment removes the section of the bill that transfers the title of the school's capital assets to the Board of Higher Education, a similar section is being added to House Bill No. 1003, the appropriation bill for the school.

In total, this amendment changes the funding for capital improvements as follows:

	BILL AS INTRODUCED	BILL AS AMENDED	DIFFERENCE
General fund	\$ 6,909,521	\$ 4,376,308	\$(2,533,213)
Special funds	<u>31,962,035</u>	<u>39,262,035</u>	<u>7,300,000</u>
Total	\$38,871,556	\$43,638,343	\$ 4,766,787

#### REPORT OF STANDING COMMITTEE

HB 1020: Appropriations Committee (Rep. Dalrymple, Chairman) A MINORITY of your committee (Reps. Dalrymple, Gerntholz, Payne, Byerly, DeWitz, Howard, Gorman, Huether, Nichols, Wilkie) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS.

Page 1, line 2, after the semicolon insert "and" and replace "industrial commission to" with "state board of higher education to issue and sell self-liquidating tax-exempt bonds for capital projects."

Page 1, remove lines 3 through 7

Page 1, line 17, replace "60,121" with "40,600"

Page 1, line 18, replace "60,121" with "40,600"

Page 1, line 22, replace "1,709,400" with "85,400"

Page 2, line 1, replace "1,709,400" with "85,400"

Page 2, line 3, replace "480,000" with "250,000"

Page 2, line 4, replace "480,000" with "250,000"

Page 2, line 5, replace "2,189,400" with "335,400"

Page 2, line 8, replace "450,000" with "375,000"

Page 2, line 9, replace "450,000" with "375,000"

Page 2, line 16, replace "4,000,000" with "3,385,308"

Page 2, line 17, replace "4,000,000" with "3,385,308"

Page 2, after line 17, insert:

"Subdivision 6.

	INTERNATIONAL PEACE GARDEN	
Capital improvements		\$ 30,000
Total general fund appropriation		\$ 30,000"

Page 2, remove line 18

Page 3, remove lines 8 through 11

Page 3, line 12, replace "5." with "4."

Page 3, remove lines 16 through 19

Page 3, line 20, replace "7." with "5."

Page 3, line 25, replace "8." with "6."

Page 3, line 29, replace "9." with "7."

Page 4, line 2, replace "750,000" with "1,500,000"

Page 4, line 3, replace "750,000" with "1,500,000"

Page 4, line 4, replace "10." with "8."

Page 4, line 8, replace "11." with "9."

Page 4, line 10, replace "3,377,000" with "177,000"

Page 4, line 11, replace "3,377,000" with "177,000"

Page 4, after line 11, insert:

"Grand total general fund appropriation H.B. 1020 \$4,376,308"

Page 4, line 12, replace "section 2" with "H.B. 1020" and replace "13,667,035" with "10,967,035"

Page 4, line 13, replace "20,576,556" with "15,343,343"

Page 4, replace lines 14 through 29 with:

**"SECTION 3. BOARD OF HIGHER EDUCATION - BOND ISSUANCE - PURPOSES.** The state board of higher education, in accordance with chapter 15-55, may issue and sell self-liquidating tax-exempt bonds in an amount not exceeding \$6,465,035, for the purpose of constructing the capital projects at institutions under the control of the board named in section 2 of this Act, including an amount not exceeding \$400,000 for a parking lot at Bismarck state college, \$3,565,035 to renovate McCannel hall, \$500,000 for a parking lot at the university of North Dakota, and \$2,000,000 for an addition to the student center at Minot state university. Bonds issued under the provisions of this Act may not become a general obligation of the state of North Dakota. The \$400,000 for a parking lot at Bismarck state college is contingent on the construction of the building at Bismarck state college contained in section 5 of this Act.

**SECTION 4. USE OF PROCEEDS - APPROPRIATION.** The proceeds resulting from the sale of bonds authorized under section 3, or so much of the sum as may be necessary, plus any available funds received from federal or private sources, are hereby appropriated for the construction and equipment of the facilities named in section 3. Any unexpended balance from the sale of bonds must be placed in sinking funds for the retirement of the authorized bonds.

**SECTION 5. PROJECT AUTHORIZATION - APPROPRIATION.** The industrial commission, acting as the state building authority, shall arrange for the funding of the project authorized in this section, hereby declared to be in the public interest, through the issuance of loan notes under North Dakota Century Code chapter 54-17.2, during the biennium beginning July 1, 1993, and ending June 30, 1995. The industrial commission may offer loan notes issued under this section for sale only to the Bank of North Dakota at a price that is as representative as possible of the current market interest rates for comparable loan notes purchased by the Bank of North Dakota. The proceeds of the loan notes and other available funds are hereby appropriated during the biennium beginning July 1, 1993, and ending June 30, 1995, for the following project:

NAME OF AGENCY, DEPARTMENT, OR INSTITUTION	TYPE OF FACILITY	CONSTRUCTION/ ACQUISITION FUNDS
Job service North Dakota	Office building	\$1,735,000

The industrial commission shall issue loan notes authorized under this section with the condition that lease rental payments need not begin until July 1, 1995. This authority of the industrial commission to issue loan notes ends on June 30, 1995, but the industrial commission may continue to exercise all other powers granted to it under chapter 54-17.2 and this Act and to comply with any covenants entered into before that date. Any unexpended balances from the sale of bonds must be placed in a sinking fund for the retirement of authorized bonds.

**SECTION 6. PAYMENT OF MATCHING SHARE.** Of the total amount of loan notes issued under the provisions of section 5 of this Act, a total of \$1,735,000 from Job Service North Dakota, from nongeneral fund sources will become available to assist in the retirement of the loan notes, issued for the project costs associated with construction of the project authorized by this Act."

Page 5, remove lines 1 through 29

Page 6, remove lines 1 through 28

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**DEPARTMENT 313 - NORTH DAKOTA VETERANS' HOME**

HOUSE - This amendment reduces the amount provided for capital projects by \$19,521 from the general fund, from \$60,121 to \$40,600 from the general fund for the following capital improvements:

ADA bathroom additions	\$10,600
Seal coat parking lot	25,000
Demolish smokestack	<u>5,000</u>
Total	\$40,600

**DEPARTMENT 534 - STATE PENITENTIARY**

HOUSE - This amendment reduces the amount provided for capital projects by \$1,624,000 from the general fund, from \$1,709,400 to \$85,400 from the general fund for building renovation at the Missouri River Correctional Center.

**DEPARTMENT 533 - INDUSTRIAL SCHOOL**

HOUSE - This amendment reduces the amount provided for capital projects by \$230,000 from the general fund, from \$480,000 to \$250,000 from the general fund for the following capital improvements:

Building demolition	\$ 50,000
Asbestos removal from tunnel system	<u>200,000</u>
Total	\$250,000

**DEPARTMENT 540 - ADJUTANT GENERAL**

HOUSE - This amendment reduces the amount provided for capital projects by \$75,000 from the general fund, from \$450,000 to \$375,000 from the general fund for the following capital improvements:

Grand Forks Armory	\$250,000
Fraine Barracks	<u>125,000</u>
Total	\$375,000

This amendment removes the emergency clause relating to the funding for the Grand Forks armory.

#### DEPARTMENT 215 - NORTH DAKOTA UNIVERSITY SYSTEM

HOUSE - This amendment reduces the amount provided for systemwide capital projects by \$614,692 from the general fund, from \$4,000,000 to \$3,385,308 from the general fund.

#### DEPARTMENT 235 - NORTH DAKOTA STATE UNIVERSITY

HOUSE - This amendment eliminates the \$250,000 of other funds for the addition to the Varsity Mart bookstore.

#### DEPARTMENT 704 - INTERNATIONAL PEACE GARDEN

HOUSE - This amendment provides \$30,000 from the general fund for the replacement of the mosaic cement pattern with asphalt rock. The \$30,000 is in addition to the \$20,000 appropriated during the 1991-93 biennium.

#### DEPARTMENT 480 - JOB SERVICE NORTH DAKOTA

HOUSE - This amendment changes the funding source for the Grand Forks office building from \$1,735,000 of other funds to \$1,735,000 from the sale of bonds.

#### DEPARTMENT 638 - NORTHERN CROPS INSTITUTE

HOUSE - This amendment increases the amount provided for capital projects by \$750,000 of other funds, from \$750,000 to \$1,500,000 from federal funds and other funds for the construction of a food processing pilot plant. This reflects the full cost of the project including federal funds not originally included in the bill.

#### DEPARTMENT 801 - DEPARTMENT OF TRANSPORTATION

HOUSE - This amendment reduces the amount provided for capital projects by \$3,200,000 of other funds, from \$3,377,000 to \$177,000 of other funds for the following capital improvements:

Underground tank leak detection system	\$ 38,000
Two salt storage buildings	<u>139,000</u>
Total	\$177,000

#### DEPARTMENT 405 - INDUSTRIAL COMMISSION

HOUSE - This amendment removes the following capital projects:

NAME OF AGENCY, DEPARTMENT, OR INSTITUTION	TYPE OF FACILITY	CONSTRUCTION/ ACQUISITION FUNDS
Bismarck state college	Science and mathematics center	\$ 7,345,000
University of North Dakota	Abbott hall renovation	3,600,000

Minot state university	Memorial library	<u>7,350,000</u>
Total		\$18,295,000

## DEPARTMENT 110 - OFFICE OF MANAGEMENT AND BUDGET

HOUSE - This amendment removes the state office building and all related sections of the bill.

## DEPARTMENT 253 - SCHOOL FOR THE BLIND

HOUSE - This amendment removes the section of the bill that transfers the title of the school's capital assets to the Board of Higher Education, a similar section is being added to House Bill No. 1003, the appropriation bill for the school.

In total, this amendment changes the funding for capital improvements as follows:

	BILL AS INTRODUCED	BILL AS AMENDED	DIFFERENCE
General fund	\$ 6,909,521	\$ 4,376,308	\$ (2,533,213)
Special funds	<u>31,962,035</u>	<u>10,967,035</u>	<u>(20,995,000)</u>
Total	\$38,871,556	\$15,343,343	\$(23,528,213)

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

## REPORT OF STANDING COMMITTEE

**HB 1057: Natural Resources Committee (Rep. A. Olson, Chairman)** recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1057 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to create and enact two new subsections to section"

Page 1, remove line 2

Page 1, line 3, remove "waste management district;" and after "reenact" insert "sections 11-33-01, 11-33-20, 23-29-03,"

Page 1, line 6, after "to" insert "county power to regulate property, joint zoning authority over solid waste disposal facilities, definitions,"

Page 1, after line 13, insert:

"SECTION 1. AMENDMENT. Section 11-33-01 of the North Dakota Century Code is amended and reenacted as follows:

11-33-01. County power to regulate property. For the purpose of promoting health, safety, morals, public convenience, general prosperity, and public welfare, the board of county commissioners of any county is hereby empowered to may regulate and restrict within the county, subject to the provisions of section 11-33-20 and chapter 54-21.3, the location and the use of buildings and structures and the use, condition of use, or occupancy of lands for residence, recreation, and other purposes. The board of county commissioners shall establish zoning requirements for solid waste disposal and incineration facilities before July 1, 1994. The board of county commissioners may impose tipping or other fees on solid waste management and incineration facilities.

SECTION 2. AMENDMENT. Section 11-33-20 of the North Dakota Century Code is amended and reenacted as follows:

11-33-20. Township zoning not affected - Township and city may relinquish powers - Joint zoning authority over solid waste disposal facilities. ~~The provisions of this This chapter shall in no way does not~~ prevent townships from making regulations as provided in sections 58-03-11 through 58-03-15, but such townships may relinquish their powers, or any portion thereof, to enact zoning regulations to the county by resolution of the board of township supervisors. ~~The provisions of this This chapter shall may~~ not be construed to affect any property, real or personal, located within the zoning or subdivision authority of any city of this state, except that any ~~such~~ city by resolution of its governing body may relinquish to the county its authority, or any portion thereof, to enact zoning regulations under chapter 40-47 or subdivision regulations under chapter 40-48, in which case ~~such the property shall be is~~ subject to the ~~provisions of~~ this chapter. A solid waste disposal or incineration facility must meet the zoning requirements of both the county and township where the facility is located unless the township has relinquished zoning authority to the county.

SECTION 3. AMENDMENT. Section 23-29-03 of the North Dakota Century Code is amended and reenacted as follows:

**23-29-03. Definitions.**

1. "Collection" means the aggregation of solid waste from the places at which the waste was generated.
2. "Department" means the state department of health and consolidated laboratories.
3. "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water including ground water.
4. "Industrial waste" means solid waste, which is not a hazardous waste regulated under chapter 23-20.3, generated from the combustion or gasification of municipal waste and from industrial and manufacturing processes. The term does not include municipal waste or special waste.
5. "Infectious waste" means solid waste that may contain pathogens with sufficient virulence and in sufficient quantity that exposure of a susceptible human or animal to the solid waste could cause the human or animal to contract an infectious disease.
- 5- 6. "Landfill" means a publicly or privately owned area of land where solid wastes are permanently disposed.
- 6- 7. "Litter" means discarded and abandoned solid waste materials.
- 7- 8. "Major appliance" means an air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, stove, furnace, water heater, humidifier, dehumidifier, garbage disposal, trash compactor, or other similar appliance.
- 8- 9. "Municipal waste" means solid waste that includes garbage, refuse, and trash generated by households, motels, hotels, and recreation facilities, by public and private facilities, and by commercial, wholesale, and private and retail businesses. The term does not include special waste or industrial waste.

- 9- 10. "Open burning" means the combustion of solid waste without control of combustion air to maintain adequate temperature for efficient combustion, containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion, and control of the emission of the combustion products.
- 10- 11. "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, federal agency, political subdivision of this state or any other state or political subdivision thereof, and any legal successor, representative agent, or agency of the foregoing.
- 11- 12. "Political subdivision" means a city, county, township, or solid waste management authority.
- 12- 13. "Resource recovery" means the use, reuse, or recycling of materials, substances, energy, or products contained within or derived from municipal waste.
- 13- 14. "Solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities. The term does not include solid or dissolved materials in domestic sewage, or solid or dissolved material in irrigation return flows or industrial discharges that are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended [Pub. L. 92-500, 86 Stat 816, 33 U.S.C. 1251 et seq.], or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended [68 Stat. 919, 42 U.S.C. 2011 et seq.].
- 14- 15. "Solid waste management" means the purposeful systematic control of the storage, collection, transport, composting, resource recovery, land treatment, and disposal of solid waste.
- 15- 16. "Special waste" means ~~nonhazardous solid waste, including that is not a hazardous waste from the combustion or gasification of municipal waste; waste from industrial and manufacturing processes; regulated under chapter 23-20.3 and includes waste generated from energy conversion facilities; waste from crude oil and natural gas exploration and production; waste from mineral and ore mining, beneficiation, and extraction; and waste generated by surface coal mining operations. The term does not include municipal waste or industrial waste.~~
- 16- 17. "Storage" means the containment and holding of solid waste after generation for a temporary period, at the end of which the solid waste is processed for resource recovery, treated, disposed of, or stored elsewhere.
- 17- 18. "Transport" means the offsite movement of solid waste."

Page 2, remove lines 15 through 21

Page 3, line 12, remove ". If the jurisdiction with zoning authority over the area in"

Page 3, remove lines 13 through 19

Page 3, line 20, remove "department"

Page 4, line 15, replace "1" with "4", replace "4" with "6", and replace "5" with "7"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1119: Education Committee (Rep. Gates, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1119 was placed on the Sixth order on the calendar.**

Page 2, line 24, overstrike "a." and overstrike "during the first year of the"

Page 2, line 25, remove "1993-95", overstrike "biennium must be one thousand", and remove "eight"

Page 2, line 26, overstrike "hundred", remove "sixty", and overstrike "dollars and for the second year of the"

Page 2, overstrike line 27

Page 2, line 28, remove "nine", overstrike "hundred", and overstrike "dollars and is" and insert immediately thereafter "for each biennium must be estimated using the following procedure:

- a. On or before March first of each year the superintendent of public instruction shall estimate the total number of weighted students for the succeeding school year.
- b. Per-pupil payments must be estimated for the succeeding year using no more than forty-nine percent of the total appropriation for the biennium during the first year and the remainder during the second year.
- c. School districts must be notified no later than March fifteenth of even-numbered years as to the estimated per-pupil payments for the succeeding school year.
- d. School districts must be notified no later than ten days following the close of the regular legislative session during odd-numbered years as to the estimated per-pupil payments for the succeeding school year.

The estimated units determined pursuant to this section are"

Page 3, line 3, overstrike "b." and insert immediately thereafter "3."

Page 3, line 9, overstrike "c." and insert immediately thereafter "4."

Page 3, line 15, overstrike "subdivision a" and insert immediately thereafter "subsection 2"

Page 4, line 1, overstrike "d." and insert immediately thereafter "5."

Page 4, line 7, overstrike "subdivision a" and insert immediately thereafter "subsection 2"

Page 4, after line 16, insert:

- "6. The total amount of educational support per student that a school district receives under this chapter for each year of

the 1993-95 biennium may not be less than the total amount of educational support per student received by that school district during the second year of the 1991-93 biennium."

Page 4, line 17, overstrike "3." and insert immediately thereafter "7."

Page 4, line 21, remove the overstrike over "~~twenty-two~~", remove "forty", and overstrike "thereafter"

Page 4, line 27, overstrike "4." and insert immediately thereafter "8."

Page 5, line 6, overstrike "5." and insert immediately thereafter "9."

Page 5, line 20, remove the overstrike over "~~factor 1.625~~"

Page 5, remove lines 21 and 22

Page 5, line 23, remove "pupil for all pupils"

Page 6, line 2, remove the overstrike over "~~factor 1.335~~" and remove "five-year average ratio of the cost of"

Page 6, remove line 3

Page 6, line 4, remove "average cost of education per pupil for all pupils"

Page 6, line 12, remove the overstrike over "~~factor 1.24~~" and remove "five-year average ratio of"

Page 6, remove line 13

Page 6, line 14, remove "statewide average cost of education per pupil for all pupils"

Page 6, line 22, remove the overstrike over "~~factor 1.14~~" and remove "five-year average ratio of"

Page 6, remove line 23

Page 6, line 24, remove "statewide average cost of education per pupil for all pupils"

Page 9, line 9, remove the overstrike over "~~factor 1.28~~" and remove "five-year average ratio of"

Page 9, remove line 10

Page 9, line 11, remove "statewide average cost of education per pupil for all pupils"

Page 10, line 3, remove the overstrike over "~~factor 1.09~~" and remove "five-year average ratio of the cost of education per"

Page 10, remove line 4

Page 10, line 5, remove "education for all pupils"

Page 10, line 22, remove the overstrike over "~~factor .905~~" and remove "five-year average"

Page 10, remove lines 23 and 24

Page 10, line 25, remove "all pupils"

Page 11, line 6, remove the overstrike over "~~factor .95~~" and remove "five-year average ratio of the cost of"

Page 11, remove line 7

Page 11, line 8, remove "average cost of education per pupil for all pupils"

Page 11, line 19, remove the overstrike over "~~factor 1.01~~" and remove "five-year average ratio of"

Page 11, remove line 20

Page 11, line 21, remove "statewide average cost of education per pupil for all pupils"

Page 12, line 4, remove the overstrike over "~~factor 1.01~~" and remove "five-year average ratio of the cost of education"

Page 12, remove line 5

Page 12, line 6, remove "of education per pupil for all pupils"

Page 12, line 16, remove the overstrike over "~~factor .50~~" and remove "five-year average ratio of the cost of"

Page 12, remove line 17

Page 12, line 18, remove "average cost of education per pupil for all pupils"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

HB 1134: 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 1134 was placed on the Sixth order on the calendar.

Page 1, line 1, remove the second "and"

Page 1, line 2, remove "section 60-03-02" and replace "definitions" with "the definition"

Page 1, line 3, replace "and license fees for" with "of" and replace "buyers" with "buyer"

Page 1, line 14, after "producer" insert "or on-farm feedlot operations"

Page 1, remove lines 15 through 21

Page 2, remove lines 1 and 2

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

HB 1161: Agriculture Committee (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1161 was placed on the Sixth order on the calendar.

Page 1, line 16, remove the overstrike over "~~thirty-five~~" and remove "fifty"

Page 1, line 22, replace "auctioner" with "auctioneer"

Renumber accordingly

## REPORT OF STANDING COMMITTEE

HB 1211: Finance and Taxation Committee (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING). HB 1211 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "10-23-05,"

Page 1, line 4, remove "43-07-10,"

Page 1, line 5, remove "45-11-04.1, 47-22-03, 47-22-05, 47-22-06, 47-25-04,"

Page 1, line 17, replace "forty" with "thirty"

Page 2, line 14, replace "thirty" with "twenty"

Page 4, line 21, replace "forty" with "thirty"

Page 4, line 23, replace "thirty" with "twenty"

Page 4, line 24, replace "forty" with "thirty"

Page 4, line 27, replace "ten" with "twenty"

Page 5, line 5, replace "fifty" with "forty"

Page 6, line 5, remove the overstrike over "twenty" and remove "twenty-five"

Page 6, line 6, replace "fifty-five" with "sixty"

Page 6, line 16, remove the overstrike over "thirty" and remove "forty"

Page 6, line 17, remove the overstrike over "twenty" and remove "thirty"

Page 6, line 18, remove the overstrike over "thirty" and remove "forty"

Page 7, line 5, remove the overstrike over "twenty" and remove "forty"

Page 7, line 6, remove the overstrike over "twenty" and remove "thirty"

Page 7, line 8, remove the overstrike over "twenty" and remove "thirty"

Page 7, line 16, remove the overstrike over "forty" and remove "fifty"

Page 7, line 19, remove the overstrike over "forty" and remove "fifty"

Page 8, line 2, remove the overstrike over "ten" and remove "fifteen"

Page 8, remove lines 3 through 9

Page 8, line 27, remove the overstrike over "ten" and remove "thirteen"

Page 9, line 6, overstrike "ten cents" and after "cents" insert "one dollar"

Page 10, line 10, overstrike "registered" and insert immediately thereafter "principal" and overstrike "in this state"

Page 10, line 12, after the period insert "Amounts less than five dollars may not be collected."

Page 10, line 18, remove the overstrike over "thirty" and remove "forty"

Page 10, line 19, remove the overstrike over "twenty" and remove "thirty"

Page 10, line 22, remove the overstrike over "thirty" and remove "forty"

Page 11, line 5, remove the overstrike over "~~forty~~" and remove "fifty"

Page 11, line 7, remove the overstrike over "~~forty~~" and remove "fifty"

Page 11, line 22, replace "twenty" with "fifteen"

Page 12, line 9, remove the overstrike over "~~fifty~~" and remove "one hundred"

Page 12, remove lines 13 through 29

Page 13, remove lines 1 through 19

Page 13, line 25, replace "thirty" with "twenty-five"

Page 15, line 5, remove the overstrike over "~~twenty-five~~", remove "thirty-five", and after the period insert "When a partnership has more than two members, an additional three dollars must be paid for each additional member not to exceed two hundred and fifty dollars."

Page 15, remove lines 20 through 29

Page 16, remove lines 1 through 27

Page 17, remove lines 1 through 29

Page 18, remove lines 1 through 29

Page 19, remove lines 1 through 4

Page 19, line 25, replace "twenty-five" with "twenty"

Page 20, line 9, replace "twenty" with "ten"

Page 20, line 14, replace "twenty" with "ten"

Page 20, after line 25, insert:

"11. For preparing any listing or compilation of any information recorded or filed in the office of the secretary of state, thirty-five dollars to compile plus the actual cost for assembling and providing the information on the medium requested."

Page 21, line 3, after the period insert "Unless otherwise provided by statute, the secretary of state shall retain a handling charge from filing fees tendered when a document submitted to the secretary of state under any law is rejected and not perfected. The handling charge is five dollars or fifty percent of the filing fee, whichever is greater, but may not exceed one hundred dollars."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

HB 1251: Judiciary Committee (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1251 was placed on the Sixth order on the calendar.

Page 1, line 1, after "54-35-02" insert "of the North Dakota Century Code"

Page 1, line 2, replace "establish" with "develop and recommend"

Page 1, line 15, replace "as provided" with "in accordance with rules adopted by the legislative assembly to implement the procedure recommended"

Page 1, line 19, replace "establish" with "develop and recommend to the legislative assembly"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

HB 1268: Natural Resources Committee (Rep. A. Olson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1268 was placed on the Sixth order on the calendar.

Page 2, line 6, overstrike "and"

Page 2, line 10, after "County" insert "; and other areas within a district or unit open for hunting of elk as prescribed in the governor's proclamation"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

HB 1348: Judiciary Committee (Rep. Kretschmar, Chairman) recommends DO NOT PASS (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1348 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

HB 1354: Judiciary Committee (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1354 was placed on the Sixth order on the calendar.

Page 1, line 3, after "chance" 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 1374: Agriculture Committee (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1374 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "subsection 1 of"

Page 1, line 5, replace "Subsection 1 of" with "Section"

Page 1, after line 7, insert:

"10-06-04.3. Acquisition of certain farmland or ranchland by certain nonprofit organizations. A nonprofit organization may acquire farmland or ranchland only in accordance with the following:"

Page 1, line 14, after the third period insert "A nonprofit organization created or authorized under Public Law 99-294 [100 Stat. 418] may acquire no more than twelve thousand acres [4856.228 hectares] of farmland or ranchland."

2. The land may be acquired only for the purpose of conserving natural areas and habitats for biota, and, after acquisition:
  - a. The land must be maintained and managed solely for the purpose of conserving natural area and habitat for biota.
  - b. Any agricultural use of the land is incidental to and in accordance with the management of the land for conservation and the agricultural use is by an individual or by a person allowed to engage in farming or ranching under section 10-06-07.
  - c. If any parcel of the land is open to hunting, it must be open to hunting by the general public.
  - d. The nonprofit organization must fully comply with all state laws relating to the control of noxious and other weeds and insects.
3. Before any farmland or rangeland may be purchased by any nonprofit organization for the purpose of conserving natural areas and habitats for biota, the governor must approve the proposed acquisition. A nonprofit organization that desires to purchase farmland or rangeland for the purpose of conserving natural areas and habitats for biota shall first submit a proposed acquisition plan to the agriculture commissioner who shall convene an advisory committee consisting of the director of the parks and outdoor recreation sites division, the state engineer, the commissioner of agriculture, ~~the state forester,~~ the director of the game and fish department, the president of the North Dakota farmers union, the president of the North Dakota farm bureau, and the manager of the Garrison Diversion Conservancy District, for acquisition plans containing lands within the Garrison Diversion Conservancy District, or their designees. The advisory committee shall review hold a public hearing with the board of county commissioners concerning the proposed acquisition plan and shall make recommendations to the governor within ~~thirty~~ forty-five days after receipt of the proposed acquisition plan. The governor shall approve or disapprove any proposed acquisition plan, or any part thereof, within thirty days after receipt of the recommendations from the advisory committee.
4. Land acquired in accordance with this section may not be conveyed to the United States or any agency or instrumentality of the United States.
5. On failure to qualify to continue ownership under subsection 2, the land is disposed of within five years of that failure to qualify."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

HB 1383: 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 1383 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "four" with "five"

Page 2, line 4, replace "centers of" with "center for", replace "for" with "and", and replace "of" with "concerning"

Page 2, line 26, remove "if the individual who has"

Page 2, remove lines 27 and 28

Page 4, line 19, replace "from the person's" with "in accordance with section 23-12-13"

Page 4, line 20, remove "next of kin or legal guardian"

Page 5, after line 6, insert:

**"SECTION 6.** A new subsection to section 23-07.5-02 of the North Dakota Century Code is created and enacted as follows:

A person may request two tests after a significant exposure. The first test may be requested within ten days after a significant exposure, and the second test may be requested not earlier than five months, nor later than six months, after a significant exposure. The tested person must provide a blood sample within twenty-four hours after the first request and within seventy-two hours after the second request."

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1397: Industry, Business and Labor Committee (Rep. Dorso, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1397 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections" and after "43-23.4-02" insert ", 43-23.4-05,"

Page 3, after line 15, insert:

**"SECTION 2. AMENDMENT.** Section 43-23.4-05 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

43-23.4-05. Disposition of funds upon dissolution. If the real estate trust account committee is discontinued, any funds under control of the committee must be transferred to its successor entity qualifying under the Internal Revenue Code, if any, for distribution for the purposes specified under section 43-23.4-02 or, if there is no successor, to the general fund of the state real estate commission's research, recovery, and education fund. Upon dissolution of the organization, assets must be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or to such entities organized and operated exclusively for charitable, educational, religious, or scientific purposes under section 501(c)(3) of the Internal Revenue Code. Any assets not so disposed of must be disposed of by a court of competent jurisdiction of the county in which the principal office of the organization is located exclusively for charitable, educational, religious, or scientific purposes."

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1423: Judiciary Committee (Rep. Kretschmar, Chairman)** recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1423 was placed on the Eleventh order on the calendar.

## REPORT OF STANDING COMMITTEE

**HB 1427: Judiciary Committee (Rep. Kretschmar, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1427 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 14-05 and a new section to chapter 14-06 of the North Dakota Century Code, relating to the enforcement of support orders arising out of decrees of divorce and decrees of separation from bed and board; and to declare an emergency.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 14-05 of the North Dakota Century Code is created and enacted as follows:

**Enforcement of support order.** Any order or judgment for the support of a spouse or former spouse entered under this chapter may be enforced by any means permitted under section 459 of the Social Security Act [Pub. L. 93-647; 88 Stat. 2357; 42 U.S.C. 659] and not forbidden under title 32. Any such order or judgment may also be enforced in any manner provided for the enforcement of an order for the payment of child support under chapter 14-09 to the fullest extent permitted under section 459 of the Social Security Act [Pub. L. 93-647; 88 Stat. 2357; 42 U.S.C. 659]. For purposes of enforcement under chapter 14-09, the order for support of a spouse or former spouse must be treated as though it were an order for child support.

**SECTION 2.** A new section to chapter 14-06 of the North Dakota Century Code is created and enacted as follows:

**Enforcement of support order.** Any order or judgment for the support of a spouse entered under this chapter may be enforced by any means permitted under section 459 of the Social Security Act [Pub. L. 93-647; 88 Stat. 2357; 42 U.S.C. 659] and not forbidden under title 32. Such an order or judgment may also be enforced in any manner provided for the enforcement of an order for the payment of child support under chapter 14-09 to the fullest extent permitted under section 459 of the Social Security Act [Pub. L. 93-647; 88 Stat. 2357; 42 U.S.C. 659]. For purposes of enforcement under chapter 14-09, the order for support of a spouse must be treated as though it were an order for child support.

**SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure."

ReNUMBER accordingly

## REPORT OF STANDING COMMITTEE

**HB 1439: Education Committee (Rep. Gates, Chairman)** recommends **DO NOT PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1439 was placed on the Eleventh order on the calendar.

## REPORT OF STANDING COMMITTEE

**HB 1454: Human Services Committee (Rep. Rydell, Chairman)** recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1454 was placed on the Eleventh order on the calendar.

## REPORT OF STANDING COMMITTEE

**HB 1457: Judiciary Committee (Rep. Kretschmar, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1457 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections 16.1-06-10.1 and"

Page 1, line 2, after "votes" insert "and sharing of electronic counting machines"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 16.1-06-10.1 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-06-10.1. Electronic counting machines authorized - Sharing of machines.** The use of electronic counting machines is hereby authorized in any election precinct upon finding and declaration by resolution of the city or township governing body, and also of the board of county commissioners of the county in which ~~such the~~ election precinct is located, that ~~such the~~ use is advisable or necessary in that precinct. Thereafter, the machines must be procured, on a temporary or permanent basis, under terms and conditions, including assumption and division of cost of acquisition and maintenance by the city or township and county, agreed upon by the respective governing bodies. ~~The machines may then be used in any state, county, city, or district election in that precinct or other voting area of which that precinct is a part~~ Two or more counties may enter an agreement concerning the shared use and transport between counties of electronic counting machines and apportioning of expenses. Any electronic counting machine used in an election must be so constructed that when properly operated it registers or records correctly and accurately every vote cast."

Page 1, line 7, after "using" insert "or sharing" and remove the overstrike over "~~County~~"

Page 1, line 8, remove the overstrike over "~~canvassing board~~" and after "using" insert "or sharing with another county"

Page 1, line 9, remove the overstrike over "~~the county~~" and remove "an"

Page 1, line 10, remove "alternate"

Page 1, line 11, replace "alternate canvassing" with "county auditor shall designate the public place where the ballots from all precincts in the county must be delivered by the election inspector and an election judge from each political party represented on the election board. If the public place is other than the location of the canvass the"

Page 1, remove lines 12 through 15

Page 1, line 16, remove "at the last general election at which a governor was elected. The"

Page 1, line 17, after "auditor" insert "and a representative of each political party represented on the election boards" and after "ballots" insert "from the public place"

Page 1, line 19, remove "The secretary of state shall"

Page 1, remove line 20

Page 1, line 21, remove "ballots to alternate locations for canvassing."

Page 2, line 1, remove the overstrike over "~~county~~"

Page 2, line 2, remove "alternate", remove the overstrike over "~~week~~", and remove "month"

Page 2, line 3, remove the overstrike over "~~This procedure is in addition to the canvass of returns~~"

Page 2, line 4, remove the overstrike over "~~that the county canvassing board must perform as provided in this chapter.~~"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1460: Human Services Committee (Rep. Rydell, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). HB 1460 was placed on the Sixth order on the calendar.

Page 1, line 2, after "definition" insert "and duties" and after the first "of" insert "the"

Page 1, line 8, after the first comma insert "and" and remove ", and section"

Page 1, line 9, remove "50-06-05.2" and remove "qualifications"

Page 1, line 10, remove "of the", after "administrator" insert "and medical director", and remove "and to the supervision and control"

Page 1, remove line 11

Page 1, line 12, remove "hospital"

Page 1, line 17, remove "administrator" and overstrike "of"

Page 1, line 18, remove "Administrator" and overstrike "**to receive**" and insert immediately thereafter "Admission of"

Page 1, line 20, after "hospital" insert ", the administrator's designee,"

Page 2, line 4, after "hospital" insert ", the administrator's designee,"

Page 2, line 9, after "hospital" insert ", the administrator's designee,"

Page 2, line 10, overstrike "his" and insert immediately thereafter "the warden's"

Page 2, line 16, after "shall" insert ", upon recommendation of the medical director,"

Page 2, line 22, overstrike "him" and insert immediately thereafter "that person"

Page 2, line 23, overstrike "of" and overstrike "requiring" and insert immediately thereafter "requires"

Page 3, line 16, overstrike "who are recognized authorities on mental diseases, one"

Page 3, line 17, overstrike "of", remove "whom", overstrike "must be the", and replace "administrator" with "designated by the medical director"

Page 3, line 20, overstrike "of North Dakota, the other"

Page 3, line 21, overstrike "two physicians", remove "must", overstrike "be appointed by the court before", and remove "which"

Page 3, line 22, overstrike "the action is pending, all of" and replace "the" with ". All three"

- Page 4, line 14, replace "administrator" with "medical director of the state hospital"
- Page 4, line 15, remove "either", overstrike "institution", and after "such" insert "the developmental center at Grafton"
- Page 4, line 25, overstrike "Duty of", remove "administrator", and overstrike "and the supervising"
- Page 4, line 26, overstrike "officer" and insert immediately thereafter "Duties", overstrike "The", and remove "administrator"
- Page 4, overstrike line 27
- Page 4, line 28, overstrike "Grafton shall notify the supervising officer immediately if" and insert immediately thereafter "If"
- Page 5, line 1, overstrike "institution, and the supervising officer, upon"
- Page 5, line 2, overstrike "notification, shall inquire into the matter presented and shall take"
- Page 5, line 3, overstrike "action as may be deemed proper in the premises" and insert immediately thereafter "state hospital, the medical director of the state hospital shall notify the administrator who shall in turn notify the supervising officer and proceed as directed by the supervising officer. If there is any question as to the propriety of the commitment or detention of any person received at the developmental center at Grafton, the superintendent of the developmental center shall notify the supervising officer and proceed as directed by the supervising officer"
- Page 5, line 7, replace "Qualifications of employees" with "Appointment of medical director"
- Page 5, line 11, after "superintendent" insert "executive director of the department of human services shall appoint an administrator of the state hospital. The administrator must be a board eligible or board certified psychiatrist or an individual holding a master's degree in hospital administration. The"
- Page 5, line 12, overstrike "appoint with the approval of the executive"
- Page 5, line 13, overstrike "director of the department of human services an assistant"
- Page 5, line 14, remove "administrator" and overstrike "who must be under the"
- Page 5, line 15, remove "administrator's" and overstrike "supervision and who must be a qualified and experienced"
- Page 5, line 16, overstrike "hospital administrator. The", remove "administrator", and overstrike "shall appoint and"
- Page 5, overstrike lines 17 and 18
- Page 5, line 19, overstrike "state board of medical examiners. The assistant" and remove "administrator"
- Page 5, overstrike line 20
- Page 5, line 21, overstrike "qualifications and duties" and insert immediately thereafter "employ nonmedical personnel and define their qualifications and duties. The executive director of the department of"

human services shall appoint a medical director. The medical director is responsible for the organization and delivery of medical services at the state hospital, as permitted by law. The executive director of the department of human services shall conduct periodic reviews of the administrator's and the medical director's job performance"

- Page 10, line 1, remove "administrator" and overstrike "or the" and insert immediately thereafter "medical"
- Page 10, line 11, remove "administrator" and overstrike "or the" and insert immediately thereafter "medical"
- Page 11, line 5, remove "administrator" and overstrike "or" and insert immediately thereafter "medical"
- Page 11, line 11, remove "administrator" and overstrike "or" and insert immediately thereafter "medical"
- Page 11, line 27, remove "administrator" and overstrike "or" and insert immediately thereafter "medical"
- Page 12, line 1, remove "administrator" and overstrike "or" and insert immediately thereafter "medical"
- Page 12, line 10, remove "administrator" and overstrike "or" and insert immediately thereafter "medical"
- Page 12, line 13, remove "administrator" and overstrike "or" and insert immediately thereafter "medical"
- Page 13, line 8, remove "administrator" and overstrike "or" and insert immediately thereafter "medical"
- Page 13, line 18, remove "administrator" and overstrike "or" and insert immediately thereafter "medical"
- Page 13, line 21, remove "administrator" and overstrike "or" and insert immediately thereafter "medical"
- Page 14, line 11, after "the" insert "medical"
- Page 14, line 12, overstrike "or" and remove "administrator"
- Page 14, line 17, after the second "the" insert "medical" and overstrike "or"
- Page 14, line 18, remove "administrator"
- Page 15, line 15, remove "administrator" and overstrike "or" and insert immediately thereafter "medical"
- Page 15, line 27, remove "administrator" and overstrike "or" and insert immediately thereafter "medical"
- Page 16, line 6, remove "administrator"
- Page 16, line 7, overstrike "or" and insert immediately thereafter "medical"
- Page 16, line 22, overstrike "director" and insert immediately thereafter "the administrator's designee"
- Page 16, line 23, overstrike "director" and insert immediately thereafter "the administrator's designee"

Page 16, line 28, overstrike "director" and insert immediately thereafter "the administrator's designee"

Page 17, line 8, overstrike "director" and insert immediately thereafter "the administrator's designee"

Page 18, remove lines 5 through 29

Page 19, remove lines 1 and 2

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1463: Industry, Business and Labor Committee (Rep. Dorso, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1463 was placed on the Sixth order on the calendar.

Page 1, line 21, replace "chapters 34-06 and" with "chapter"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1475: Judiciary Committee (Rep. Kretschmar, Chairman)** recommends **DO NOT PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1475 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1478: Education Committee (Rep. Gates, Chairman)** recommends **DO NOT PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1478 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1482: Judiciary Committee (Rep. Kretschmar, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1482 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1484: Judiciary Committee (Rep. Kretschmar, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1484 was placed on the Sixth order on the calendar.

Page 2, line 23, replace "generated from" with "substantially related to"

Page 2, line 26, replace "generated from" with "substantially related to"

Page 3, line 2, replace "generated as a result of having committed" with "substantially related to the commission of"

Page 3, line 6, replace "generated from" with "substantially related to"

Page 3, line 13, after "crime" insert "belonging to the convicted felon"

Page 4, line 24, replace "Prior to any distribution of any proceeds to a beneficiary," with "Twenty-five"

Page 4, remove lines 25 through 29

Page 5, remove lines 1 through 6

Page 5, line 9, replace "may" with "shall"

Page 5, line 18, remove "profits from the crime from the sale of a story which are"

Page 5, remove lines 26 through 29

Page 6, line 1, replace "e." with "d."

Page 6, after line 10, insert:

7. The offender or any person contracting with an offender shall notify the attorney general at least thirty days before the transfer of any profits from a crime. A person who willfully violates this subsection is guilty of a class A misdemeanor.
8. Any contract between a convicted felon or representative of the felon and another person which provides for the payment of profits from a crime other than as provided by this section is void."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1485: 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 1485 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections 26.1-36-10 and"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 26.1-36-10 of the North Dakota Century Code is amended and reenacted as follows:

**26.1-36-10. ~~Group health~~ Health policy and health service contract coordination of benefit provisions.** A group health insurance policy or a group health service contract may contain coordination of benefit provisions for the control of overinsurance. An individual health insurance policy or individual health service contract, except a specific disease, hospital indemnity, or other limited benefit plan, may contain coordination of benefit provisions for the control of overinsurance. These provisions must be in accordance with appropriate guidelines set forth in rules adopted by the commissioner."

Page 1, line 14, replace "cancer or dreaded disease" with "specific disease, hospital indemnity, and other limited"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1489: Industry, Business and Labor Committee (Rep. Dorso, Chairman)** recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1489 was placed on the Sixth order on the calendar.

Page 1, line 22, after the period insert "The requirements of this subsection do not apply to license renewals under section 43-23-08.2."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1490: Human Services Committee (Rep. Rydell, Chairman)** recommends DO PASS (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1490 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1496: Judiciary Committee (Rep. Kretschmar, Chairman)** recommends DO PASS

(8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1496 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1503: Judiciary Committee (Rep. Kretschmar, Chairman)** recommends **DO NOT PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1503 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1509: Judiciary Committee (Rep. Kretschmar, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1509 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2190: Finance and Taxation Committee (Rep. Timm, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2190 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2191: Finance and Taxation Committee (Rep. Timm, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2191 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2280: Finance and Taxation Committee (Rep. Timm, Chairman)** recommends **DO PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2280 was placed on the Fourteenth order on the calendar.

**FIRST READING OF SENATE BILLS**

**SB 2003:** A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota university system and the various institutions of higher learning under the supervision of the state board of higher education; to authorize the industrial commission to issue and sell bonds for capital repair projects and special assessment costs; and to provide an exemption to the provisions of section 54-44.1-11.

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

**SB 2005:** A BILL for an Act making an appropriation for defraying the expenses of the North Dakota state university extension service, the northern crops institute, and the North Dakota agricultural experiment station; and to provide a statement of legislative intent.

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

**SB 2260:** A BILL for an Act to amend and reenact sections 54-03-02 and 54-03-02.1 of the North Dakota Century Code, relating to reconvened regular sessions of the legislative assembly in even-numbered years for budget adjustment purposes.

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

**FIRST READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4041:** A resolution congratulating Roger Stuber on his election as president of the National Cattlemen's Association.

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

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

**ROY GILBREATH, Chief Clerk**