

JOURNAL OF THE HOUSE

Fifty-third Legislative Assembly

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Bismarck, April 7, 1993

The House convened at 9:00 a.m., with Speaker R. Berg presiding.

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

The roll was called and all members were present except Representatives Brodshaug, Klein, Pyle, Ring, and Rydell.

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 reexamined the Journal of the Fifty-fourth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1414, line 6, remove "and resolution"

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

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

MADAM PRESIDENT: The House has passed unchanged: SB 2003.

ANNOUNCEMENT BY THE SPEAKER

SPEAKER R. BERG ANNOUNCED that the House would stand in recess until 1:00 p.m.

REPORT OF CONFERENCE COMMITTEE

HB 1120, as engrossed: Your conference committee (Sens. Scherber, DeMers, Evanson and Reps. Gates, Holm, Hanson) recommends that the SENATE RECEDE from the Senate amendments on HJ pages 1470-1471, adopt amendments as follows, and place HB 1120 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1470-1471 of the House Journal and pages 959-960 of the Senate Journal and that Engrossed House Bill No. 1120 be amended as follows:

Page 2, line 6, replace "referral" with "placement"

Page 2, remove lines 21 through 29

Page 3, remove lines 1 through 6

Page 4, after line 16, insert:

"7. a. The placement agency shall provide written notice by registered mail of a placement made under court order or in an emergency to the superintendent of the district of residence and the superintendent of the admitting district within five working days after the placement.

b. Except as provided in subdivision a, the placement agency shall provide written notice by registered mail of a placement to the superintendent of the district of residence and the superintendent of the admitting district at least ten working days before the placement.

- c. The placement agency shall afford the district of residence reasonable opportunity to participate in permanency planning for the child."

Renumber accordingly

Engrossed HB 1120 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1178: Your conference committee (Sens. Scherber, Evanson, Sand and Reps. Gates, Stenehjem, Thorpe) recommends that the HOUSE ACCEDE to the Senate amendments on HJ page 1268 and place HB 1178 on the Seventh order.

HB 1178 was placed on the Seventh order of business on the calendar.

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

MR. SPEAKER: The President has appointed as a conference committee to act with a like committee from the House on:

HB 1004: Sens. DeMers; Mushik; Goetz
 HB 1008: Sens. Lindaas; Tallackson; Lips
 HB 1012: Sens. Kelly; Lips; Naaden
 HB 1014: Sens. Yockim; Redlin; Nething
 HB 1016: Sens. Yockim; Krauter; Thane
 HB 1018: Sens. DeMers; Lindaas; Holmberg
 HB 1065: Sens. Lindaas; Robinson; Naaden

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2021 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2021: Sens. Yockim; Krauter; Nething

HOUSE ENROSSING AND ENROLLING REPORT

The following bill was engrossed and enrolled: HB 1300.

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

RECONSIDERATION OF A VETOED MEASURE

HB 1302: A BILL for an Act to amend and reenact section 40-38-03 of the North Dakota Century Code, relating to compensation of the board of directors of a public library.

ROLL CALL

The question being on the final passage of the bill, as enrolled over the Governor's veto, which has been read, the roll was called and there were 41 YEAS, 55 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Berg, J.; Bodine; Boucher; Brodshaug; Brown; Cleary; Coats; Dobrinski; Drovdal; Glassheim; Goffe; Grumbo; Gulleeson; Hagle; Hanson; Hokana; Huether; Kaldor; Keiser; Kerzman; Kilichowski; Kroeber; Laughlin; Mahoney; Martin; Monson; Mutzenberger; Nelson; Ness; Nichols; Oban; Olsen, D.; Olson, A.; Pyle; Sitz; Stenson; Svedjan; Thorpe; Wilkie

NAYS: Austin; Belter; Bernstein; Boehm; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Dalrymple; DeWitz; Dorso; Freier; Froseth; Gates; Gerntholz; Gorder; Gorman; Grosz; Hausauer; Henegar; Holm; Howard; Jacobs; Johnson; Kelsch; Kempenich; Kretschmar; Kunkel; Maragos; Martinson; Nicholas; Payne; Poolman; Porter; Price;

Rennerfeldt; Ring; Rydell; Schindler; Shide; Skarphol; Soukup;
St. Aubyn; Stenehem; Sveen; Timm; Tollefson; Torgerson; Wald; Wanzek;
Wardner; Wentz; Speaker R. Berg

ABSENT AND NOT VOTING: Bateman; Klein

The House sustained the Governor's veto on HB 1302.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: SB 2027, SB 2051, SB 2074, SB 2082, SB 2120, SB 2144, SB 2216, SB 2285, SB 2293, SB 2327, SB 2359, SB 2449, SB 2453, SB 2468, SB 2487, SB 2505.

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

MADAM PRESIDENT: The Speaker has signed: SB 2027, SB 2051, SB 2074, SB 2082, SB 2120, SB 2144, SB 2216, SB 2285, SB 2293, SB 2327, SB 2359, SB 2449, SB 2453, SB 2468, SB 2487, SB 2505.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills and resolution: SB 2085, SB 2228, SB 2244, SB 2305, SB 2308, SB 2339, SB 2360, SB 2361, SB 2370, SB 2400, SB 2418, SCR 4074.

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

MADAM PRESIDENT: The Speaker has signed: SB 2085, SB 2228, SB 2244, SB 2305, SB 2308, SB 2339, SB 2360, SB 2361, SB 2370, SB 2400, SB 2418, SCR 4074.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: SB 2048, SB 2097, SB 2214, SB 2222, SB 2223, SB 2225, SB 2231, SB 2473, SB 2511.

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

MADAM PRESIDENT: The Speaker has signed: SB 2048, SB 2097, SB 2214, SB 2222, SB 2223, SB 2225, SB 2231, SB 2473, SB 2511.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled resolutions: SCR 4048, SCR 4052, SCR 4057, SCR 4060, SCR 4065, SCR 4068, SCR 4070.

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

MADAM PRESIDENT: The Speaker has signed: SCR 4048, SCR 4052, SCR 4057, SCR 4060, SCR 4065, SCR 4068, SCR 4070.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bill: HB 1438.

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

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1438.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Olaf Opedahl.

SECOND READING OF HOUSE BILL

HB 1517: A BILL for an Act to create and enact section 23-12-09.1 of the North Dakota Century Code, relating to prohibiting smoking in state-owned buildings; to amend and reenact sections 23-12-09, 23-12-10.2, and 23-12-11 of the North Dakota Century Code, relating to smoking restrictions; 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 NOT PASS, the roll was called and there were 23 YEAS, 74 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Austin; Bodine; Byerly; Dalrymple; Dobrinski; Gates; Gerntholz; Gulleston; Hagle; Hausauer; Huether; Kaldor; Laughlin; Martinson; Monson; Nelson; Nicholas; Nichols; Rennerfeldt; St. Aubyn; Svedjan; Thorpe; Torgerson

NAYS: Aarsvold; Allmaras; Bateman; Belter; Berg, J.; Bernstein; Boehm; Boucher; Brodshaug; Brown; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; DeWitz; Dorso; Drovdal; Freier; Froseth; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Henegar; Hokana; Holm; Howard; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Kretschmar; Kroeber; Kunkel; Mahoney; Maragos; Martin; Mutzenberger; Ness; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; Stenehjem; Stenson; Sveen; Timm; Tollefson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Klein

HB 1517 was declared lost.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. MARTINSON MOVED that the House do not concur in the Senate amendments to Engrossed HB 1010 as printed on HJ pages 1603-1604, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1010: Reps. Dalrymple, DeWitz, Laughlin.

REPORT OF CONFERENCE COMMITTEE

REP. AUSTIN MOVED that the conference committee report on HB 1104 as printed on HJ page 1610 be adopted, which motion prevailed.

HB 1104, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1104: A BILL for an Act to provide for the donation of accumulated sick leave between state employees.

ROLL CALL

The question being on the final passage of the amended-bill, which has been read, the roll was called and there were 91 YEAS, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Bateman; Boehm; Freier; Grosz; Keiser

ABSENT AND NOT VOTING: Dorso; Klein

HB 1104 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. SVEDJAN MOVED that the conference committee report on Engrossed HB 1383 as printed on HJ pages 1610-1612 be adopted, which motion prevailed.

Engrossed HB 1383, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1383: A BILL for an Act to create and enact four new subsections to section 23-07.5-01 and six new subsections to section 23-07.5-02 of the North Dakota Century Code, relating to testing for the human immunodeficiency virus.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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; 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; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjelm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzenk; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Dorso; Klein

Engrossed HB 1383 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. RYDELL MOVED that the conference committee report on Engrossed HB 1393 as printed on HJ page 1612 be adopted, which motion prevailed.

Engrossed HB 1393, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1393: A BILL for an Act to amend and reenact section 14-05-22 and subsection 1 of section 14-09-06.2 of the North Dakota Century Code, relating to consideration of evidence of domestic violence by courts in determining rights to custody and visitation of children.

ROLL CALL

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

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

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

ABSENT AND NOT VOTING: Dorso; Hausauer; Howard; Klein

HB 1393 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. KLEIN MOVED that the conference committee report on SB 2042 as printed on HJ pages 1605-1606 be adopted, which motion prevailed.

SB 2042, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2042: A BILL for an Act to create and enact two new subsections to section 12.1-32-02 and a new subsection to section 54-23.3-04 of the North Dakota Century Code, relating to presentence reports in certain felony cases; to amend and reenact section 12.1-32-15 of the North Dakota Century Code, relating to the registration requirements for individuals convicted of crimes against children and individuals convicted of sexual offenses; to repeal sections 12.1-20-18, 12.1-20-19, 12.1-20-20, 12.1-20-21, 12.1-20-22, and 12.1-20-23 of the North Dakota Century Code, relating to the registration of individuals convicted of sexual offenses; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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; Drovda; Freier; Froseth; Gates; Gerntholz; Glasheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Dorso; Hausauer; Klein

SB 2042 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. GATES MOVED that the conference committee report on SB 2379 as printed on HJ page 1612 be adopted, which motion prevailed.

SB 2379 was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2379: A BILL for an Act to amend and reenact section 15-10-13.1 of the North Dakota Century Code, relating to English proficiency of graduate assistants at state institutions of higher education.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 88 YEAS, 8 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; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Huether; Jacobs; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Nelson; Ness; Nicholas; Nichols; Olsen, D.; 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: Dobrinski; Gorder; Howard; Johnson; Mutzenberger; Oban; Olson, A.; Poolman

ABSENT AND NOT VOTING: Dorso; Klein

SB 2379 passed and the title was agreed to.

MOTION

REP. MARTINSON MOVED that SCR 4038, which is on the Seventh order, be laid over one legislative day, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2021: Reps. St. Aubyn, Dalrymple, Kaldor.

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

MADAM PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2021: Reps. St. Aubyn; Dalrymple; Kaldor

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1010 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1010: Reps. Dalrymple; DeWitz; Laughlin

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2448 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2448: Sens. Yockim; Kinnoin; Thane

MOTION

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

MOTION

REP. FREIER MOVED that the House be on the Fifth and Seventh orders of business and at the conclusion of those orders, the House stand adjourned until 9:00 a.m., Thursday, April 8, 1993, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1512, as engrossed: Education Equity Review Committee (Rep. R. Berg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (18 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1512 was placed on the Sixth order on the calendar.

- Page 1, line 1, replace "two" with "a" and replace "sections" with "section"
- Page 1, line 2, remove "minimum school district size,"
- Page 1, line 3, remove "closure of elementary schools, and"
- Page 1, line 4, remove the first "and"
- Page 1, line 5, after the fifth comma insert "15-40.2-04,"
- Page 1, line 10, after "funds" insert "; to provide for a legislative council study; and to provide an appropriation"
- Page 1, line 17, replace "approve" with "reimburse approved" and remove the overstrike over "~~or private institutions or agencies, or~~"
- Page 1, line 18, remove the overstrike over "~~political subdivisions~~" and remove "high schools"
- Page 1, line 19, after "education" insert an underscored comma and remove the overstrike from "~~from funds allocated for~~"
- Page 1, line 20, remove the overstrike over "~~that purpose~~" and replace "The superintendent shall reimburse approved schools" with an underscored comma
- Page 2, line 1, replace "and" with an underscored comma
- Page 2, line 2, after "programs" insert ", and by a factor of .1412 for exploratory programs,"
- Page 2, line 3, remove the overstrike over "~~state board~~" and remove "superintendent"
- Page 2, line 4, remove the overstrike over "~~rate~~" and remove "amount"
- Page 2, line 9, remove the overstrike over "~~which may be~~" and remove the overstrike over "~~the state board for~~"
- Page 2, line 10, remove the overstrike over "~~distribution to~~" and remove the overstrike over "~~must be apportioned~~"
- Page 2, remove the overstrike over line 11
- Page 2, line 12, remove the overstrike over "~~eenters~~", remove "under section 15-20.1-06 may be used", after "~~such~~" insert "the", and remove the overstrike over "~~eenters~~"
- Page 2, line 14, after "maintenance" insert ". Distributions under this chapter must be at the same level as reimbursements under section 15-20.1-06"
- Page 19, remove lines 4 through 29

Page 20, remove lines 1 through 29

Page 21, remove lines 1 and 2

Page 24, after line 16, insert:

"SECTION 9. AMENDMENT. Section 15-40.2-04 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-40.2-04. Nonresident tuition payments mandatory - Payments are exclusive. Any

1. a. Except as provided in this subsection, any school district that admits nonresident pupils students to its schools, as provided by this chapter, shall charge tuition for such pupils except that school those students. School districts have the option of charging tuition for nonresident pupils students enrolled in an approved alternative education program. The whole amount of the tuition must be paid by the district from which the pupil student is admitted, in accordance with section 15-40.2-03, or by the pupil's student's parent or guardian, in accordance with section 15-40.2-06.
 - b. Except as otherwise provided, any school district that fails to sign a tuition agreement and fails to charge and collect tuition for nonresident students as provided for in section 15-40.2-03 and this section shall forfeit foundation payments for those nonresident students for whom tuition is not paid. A school district may accept a nonresident student from another school district in this state which offers the same grade level as that in which the student is enrolled, without a charge and collection of tuition if a written agreement is made between the sending and receiving districts. No written agreement is necessary if the nonresident student is enrolled in an approved alternative education program for which no tuition is charged.
 - c. No school district may charge or collect from any nonresident pupil student, parent or guardian of a nonresident pupil student, or the district of the pupil's student's residence, any registration, textbook, or laboratory fee, or any other fee or charge which is not charged to or for all resident pupils students.
2. For purposes of subsection 1 and all statutory provisions relating to open enrollment, the member districts of a consortium must be treated as a single school district."

Page 27, after line 21, insert:

"SECTION 13. LEGISLATIVE COUNCIL STUDY OF EDUCATION FINANCE. The legislative council shall appoint a committee consisting of fourteen members. The house and senate majority leaders shall each recommend four members, and the house and senate minority leaders shall each recommend three members. The legislative council shall ensure that the committee contains a balanced representation. During the 1993-95 interim, the committee shall study the use of nonproperty factors in financing education, legal action in this state regarding education finance issues, and the effect of any legislation passed by the fifty-third legislative assembly that relates to education financing, and may consider any other matters related to education. The legislative council shall report its findings and recommendations,

together with any legislation necessary to implement the recommendations, to the fifty-fourth legislative assembly.

SECTION 14. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$25,000, or so much of the sum as may be necessary, to the legislative council for the purpose of purchasing the professional services of one or more consultants to assist with the study required by section 13 of this Act."

Renumber accordingly

REPORT OF CONFERENCE COMMITTEE

HB 1463, as engrossed: Your conference committee (Sens. Heinrich, Evanson, W. Stenehjem and Reps. C. Carlson, Froseth, Mahoney) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1315, adopt further amendments as follows, and place HB 1463 on the Seventh order:

That the House accede to the Senate amendments as printed on page 1315 of the House Journal and pages 971-972 of the Senate Journal and that Engrossed House Bill No. 1463 be amended as follows:

Page 1, line 2, after "activities" insert "; and to provide a penalty"

Page 1, line 5, after "labor" insert "- Penalty"

Page 2, after line 3, insert:

"3. An employer who willfully violates this section is guilty of an infraction."

Renumber accordingly

Engrossed HB 1463 was placed on the Seventh order of business on the calendar.

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

ROY GILBREATH, Chief Clerk