

## JOURNAL OF THE SENATE

## Fifty-third Legislative Assembly

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Bismarck, March 15, 1993

The Senate convened at 1:00 p.m., with President Pro Tem Mushik presiding.

The prayer was offered by Rev. Richard Hagestuen, First Lutheran Church, Mandan.

The roll was called and all members were present.

A quorum was declared by the President Pro Tem.

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

MR. SPEAKER: The Senate has failed to pass: HB 1370.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1343, HB 1355, HB 1359.

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

MADAM PRESIDENT: The House has amended and subsequently failed to pass: SB 2335.

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

MADAM PRESIDENT: The House has failed to pass: SB 2029, SB 2170, SB 2181, SB 2322, SB 2459, SB 2496, SB 2507.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2052, SB 2229, SB 2294, SB 2298, SB 2303, SB 2336, SB 2337, SB 2354, SB 2355, SB 2356, SB 2474, SB 2484, SB 2506, SB 2513, SB 2514, SB 2520, SB 2521, SB 2533.

**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 1025, HB 1041, HB 1042, HB 1067, HB 1077, HB 1078, HB 1082.

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1188 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1188: Reprs. Freier; Skarphol; Dobrinski

**CONSIDERATION OF AMENDMENTS**

HB 1217: SEN. B. STENEHJEM (Transportation Committee) MOVED that the amendments on SJ page 922 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

HB 1238: SEN. MAXSON (Judiciary Committee) MOVED that the amendments on SJ page 902 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

HB 1239: SEN. MAXSON (Judiciary Committee) MOVED that the amendments on SJ page 903 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

HB 1286: SEN. MAXSON (Judiciary Committee) MOVED that the amendments on

SJ pages 903-904 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

HCR 3013: SEN. SCHERBER (Education Committee) MOVED that the amendments on SJ page 907 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

SCR 4020: A concurrent resolution to create and enact a new section to article X of the Constitution of North Dakota, relating to limitations on appropriations that may be made by the Legislative Assembly and levies that may be made by taxing districts based on changes in personal income; and to provide an effective date.

**ROLL CALL**

The question being on the final adoption of the amended resolution, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 21 YEAS, 28 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Freborg; Goetz; Grindberg; Kinnoin; Lindgren; Marks; Mutch; Naaden; Nalewaja; Nelson; Nething; Sand; Solberg; Stenehjem, B.; Streibel; Tennefos; Traynor; Urlacher; Yockim

NAYS: DeMers; Dotzenrod; Evanson; Graba; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsch; Krauter; Krebsbach; Langley; Lindaas; Lips; Mathern; Maxson; Mushik; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Stenehjem, W.; Tallackson; Thane; Tomac; Wogsland

SCR 4020 was declared lost.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2148, SB 2228, SB 2360.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2148**

Page 1, line 1, replace "subsection" with "subsections" and after "1" insert "and 4"

Page 1, line 4, replace "Subsection" with "Subsections" and after "1" insert "and 4"

Page 1, line 5, replace "is" with "are"

Page 1, after line 18, insert:

"4. The warden, through the staff, is responsible for guiding inmates in making proper use of their funds to pay their obligations, including the payment of court costs, court-appointed counsel fees, and court-ordered restitution, and to provide for their dependent relatives or to provide for their own medical, surgical, or dental treatment or services not generally provided by the state. The sum of money as provided by penitentiary rules and regulations from each inmate's earnings required to be deposited and accumulated by this section shall is not be available to the inmate until discharge, unless authorized by the warden. The remainder of the inmate's earnings, including interest earned, ~~shall be~~ is available to the inmate under the supervision and control of the warden or designee."

Renumber accordingly

## HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2228

Page 5, line 22, remove "The"

Page 5, remove lines 23 and 24

ReNUMBER accordingly

## HOUSE AMENDMENTS TO SENATE BILL NO. 2360

Page 1, line 14, remove the overstrike over "~~thirteen~~" and remove "fourteen"

Page 2, line 7, replace "eight" with "five"

Page 2, line 11, replace "eight" with "five"

Page 2, line 12, overstrike "five"

Page 2, line 13, overstrike "hundred"

Page 2, line 16, overstrike "five"

Page 2, line 17, overstrike "hundred", remove the overstrike over "~~ten~~", remove "eleven", and replace "one" with "five"

Page 2, line 18, remove "fifty"

Page 2, line 22, remove the overstrike over "~~ten~~", remove "eleven", and replace "one" with "five"

Page 2, line 23, remove "fifty"

Page 2, line 24, remove "eight", overstrike "hundred", and remove "twenty-five"

Page 2, line 29, remove "eight", overstrike "hundred", and remove "twenty-five"

Page 3, line 1, remove the overstrike over "~~thirteen~~" and remove "fourteen"

Page 3, line 13, remove the overstrike over "~~thirteen~~" and remove "fourteen"

Page 3, line 25, remove the overstrike over "~~thirteen~~"

Page 3, line 26, remove "fourteen"

Page 4, line 16, replace "fifty-five" with "forty"

ReNUMBER accordingly

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

MADAM PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2144.

## HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2144

Page 1, line 1, replace "a" with "two" and replace "subsection" with "subsections"

Page 1, line 3, after "rehabilitation" insert "to accept forfeited or seized property and"

Page 2, line 9, replace "A" with "Two" and replace "subsection" with "subsections"

Page 2, line 10, replace "is" with "are"

Page 2, after line 11, insert:

"To accept forfeited or seized property taken in the course of the department's official duties."

Renumber accordingly

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4011:** A concurrent resolution to create and enact a new section to article X of the Constitution of North Dakota, relating to deposit of certain oil extraction tax revenues in the common schools trust fund and the foundation aid stabilization fund and providing for use of the principal and income of the foundation aid stabilization fund; and to provide an effective date.

**ROLL CALL**

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

SCR 4011 was declared adopted and the title was agreed to.

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**MOTION**

**SEN. SCHERBER MOVED** that the Senate reconsider its action whereby HB 1228 failed to pass, which motion prevailed on a verification vote.

**SECOND READING OF HOUSE BILL**

**HB 1228:** A BILL for an Act to create and enact nine new sections to chapter 43-04 of the North Dakota Century Code, relating to barber continuing education requirements; and to amend and reenact sections 43-04-01 and 43-04-39 of the North Dakota Century Code, relating to the registration of barbers by the board of barber examiners.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 22 YEAS, 27 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Evanson; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Lindgren; Lips; Mathern; Maxson; Mushik; Nalewaja; Schoenwald; Tomac; Traynor; Urlacher; Wogsland

**NAYS:** Andrist; Bowman; DeMers; Dotzenrod; Freborg; Holmberg; Kinnoin; Langley; Lindaas; Marks; Mutch; Naaden; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Yockim

HB 1228 lost.

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**THE SENATE RECOGNIZED THE PRESENCE OF:**

Former Representative Alan Peterson

**SECOND READING OF HOUSE BILL**

**HB 1104:** A BILL for an Act to provide for the donation of accumulated annual leave between state employees; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

HB 1104 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1216:** A BILL for an Act to amend and reenact section 57-40.4-01 of the North Dakota Century Code, relating to extension of the statute of limitations regarding a refund of motor vehicle excise tax to a purchaser who is permanently physically disabled or a disabled veteran; to provide an effective date; and to provide an expiration 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 41 YEAS, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Redlin; Robinson; Sand; Scherber; Schoenwald; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

**NAYS:** Heinrich; Krauter; Marks; Maxson; O'Connell; Solberg; Stenehjem, B.

**ABSENT AND NOT VOTING:** Tallackson

HB 1216 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1262:** A BILL for an Act to amend and reenact subsection 29 of section 65-01-02 of the North Dakota Century Code, relating to the definition of wages for workers' compensation purposes.

**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 23 YEAS, 26 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Evanson; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Krebsbach; Lindgren; Mutch; Naaden; Nalewaja; Nelson; Nething; Sand; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Traynor; Urlacher

**NAYS:** DeMers; Dotzenrod; Graba; Heinrich; Jerome; Keller; Kelly; Kelsh; Krauter; Langley; Lindaas; Lips; Marks; Mathern; Maxson; Mushik; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Tallackson; Thane; Tomac; Wogsland; Yockim

HB 1262 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1267:** A BILL for an Act relating to political subdivisions and nonprofit medical foundations; and to provide an expiration date.

**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 28 YEAS, 21 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Evanson; Freborg; Goetz; Graba; Holmberg; Keller; Kelly; Krauter; Krebsbach; Langley; Lindgren; Marks; Mathern; Mushik; Naaden; Nalewaja; Nelson; Nething; Scherber; Solberg; Stenehjerm, W.; Streibel; Traynor; Urlacher; Wogsland

**NAYS:** Dotzenrod; Grindberg; Heinrich; Jerome; Kelsh; Kinnoin; Lindaas; Lips; Maxson; Mutch; O'Connell; Redlin; Robinson; Sand; Schoenwald; Stenehjerm, B.; Tallackson; Tennefos; Thane; Tomac; Yockim

HB 1267 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1336:** A BILL for an Act to amend and reenact subdivision a of subsection 1 of section 28-32-01, sections 54-21.2-03, and 54-21.2-04 of the North Dakota Century Code, relating to exclusions from the definition of administrative agency and the state energy code for new building construction.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjerm, B.; Stenehjerm, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

HB 1336 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1360:** A BILL for an Act to amend and reenact sections 54-40.1-01, 54-40.1-02, 54-40.1-03, 54-40.1-04, 54-40.1-05, and 54-40.1-06 of the North Dakota Century Code, relating to regional councils.

**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 27 YEAS, 22 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** DeMers; Dotzenrod; Evanson; Graba; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Langley; Lindaas; Lips; Marks; Mathern; Maxson; Mushik; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Tallackson; Tomac; Traynor; Wogsland; Yockim

**NAYS:** Andrist; Bowman; Freborg; Goetz; Grindberg; Holmberg; Krauter; Krebsbach; Lindgren; Mutch; Naaden; Nalewaja; Nelson; Nething; Sand; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Urlacher

HB 1360 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1373:** A BILL for an Act to amend and reenact section 23-01-05 of the North Dakota Century Code, relating to the qualifications of the state health officer and the appointment of an advisory committee to the state health officer; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 40 YEAS, 9 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Holmberg; Keller; Kelly; Kelsh; Kinnoin; Krebsbach; Langley; Lindaas; Lindgren; Marks; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Traynor; Urlacher; Wogsland; Yockim

**NAYS:** Heinrich; Jerome; Krauter; Lips; Mathern; Maxson; Mushik; Thane; Tomac

HB 1373 passed, the title was agreed to, and the emergency clause was declared carried.

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#### POINT OF PERSONAL PRIVILEGE

**SEN. NETHING:** Madam President: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

On Saturday evening, March 13, North Dakota witnessed an exciting Class "A" Basketball Championship final between two exceptionally well coached teams from Jamestown, a school of 920 students, and Minot, a school of 2,150 students. Both teams had successful but not outstanding seasons - Jamestown was 16-7 and Minot 13-10. However, both teams have been to the Class "A" Tournament 16 times in the last 20 years. Those consistent appearances speak well of the basketball programs in each school as well as the excellence of the school administration and community support.

Minot started four seniors and one junior. Jamestown started three seniors, one junior, and one sophomore. All ten starters and the reserves who replaced them played like champions. A regular game was not enough to determine a winner. Two overtimes were needed before Jamestown emerged as the N.D. State Class "A" Champion Team.

Madam President, Ladies and Gentlemen of the Senate, today I am extremely proud to place these remarks in the Senate Journal to congratulate Coach George Helmstetler, his staff, and the Jamestown 1993 Class "A" Championship Team as well as Superintendent Frank Fisher and the entire Jamestown faculty and student body for this outstanding achievement.

**CORRECTION AND REVISION OF THE JOURNAL**

**MADAM PRESIDENT:** Your Committee on Correction and Revision of the Journal (Sen. Yockim, Chairman) has carefully examined the Journal of the Forty-sixth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 924, line 38, delete "and BE PLACED ON THE CONSENT CALENDAR"

Page 924, line 39, replace "Tenth" with "Fourteenth"

**SEN. YOCKIM MOVED** that the report be adopted, which motion prevailed.

**MOTION**

**SEN. MATHERN MOVED** that HB 1003 be returned to the Senate floor from the Appropriations Committee and be rereferred to the Education Committee, which motion prevailed. Pursuant to Sen. Mathern's motion, HB 1003 was rereferred.

**MOTION**

**SEN. MATHERN MOVED** that the Senate be on the Fourth, Fifth, Twelfth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Tuesday, March 16, 1993, which motion prevailed.

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

**MADAM PRESIDENT:** The House does not concur in the Senate amendments to HB 1089, HB 1096, HB 1126, HB 1300, and HB 1344 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1089:** Reps. Belter; Monson; Allmaras  
**HB 1096:** Reps. Price; Austin; Cleary  
**HB 1126:** Reps. A. Carlson; A. Olson; Hokana  
**HB 1300:** Reps. Porter; Torgerson; Hanson  
**HB 1344:** Reps. Svedjan; Stenehjem; Kerzman

**REPORT OF STANDING COMMITTEE**

**HB 1118:** Human Services Committee (Sen. Mathern, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1118 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1304:** Human Services Committee (Sen. Mathern, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1304 was placed on the Sixth order on the calendar.

Page 1, remove lines 11 and 12

Page 1, line 13, replace "4." with "3."

Page 1, line 18, after "physician" insert "or registered nurse"

Page 1, line 19, after "physician" insert "or registered nurse"

Page 3, remove lines 8 through 10

Page 3, line 11, remove "2."

Page 3, line 12, remove ", or operate an electrology establishment,"

Page 3, line 19, replace "a reasonable" with "an"

Page 3, line 20, after "electrology" insert "approved by the board"

Page 3, line 21, after the period insert "The board may approve a national board certification examination developed by a national testing service."

Page 3, line 23, replace ". Examinations must be held in the state. The board" with "and"

Page 4, remove lines 25 through 27

Page 4, line 28, replace "6." with "5."

Page 5, line 9, replace "1994" with "1995"

Page 5, line 10, replace "does not meet" with "meets"

Page 5, line 17, after the period insert "Any rules adopted by a state agency prior to January 1, 1993, which relate to functions covered by this Act, remain in effect until the rules are specifically amended or repealed by the board."

Page 5, line 23, replace "1994" with "1995"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1323: Political Subdivisions Committee (Sen. Graba, Chairman)** recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1323 was placed on the Sixth order on the calendar.

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

Page 1, line 15, replace "sixty-nine hundredths" with "a factor that represents the portion of funds in the highway tax distribution fund derived from taxes on motor fuels and other special fuels during the most recent fiscal year"

Page 2, after line 14, insert:

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

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1335: Industry, Business and Labor Committee (Sen. Langley, Chairman)** recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1335 was placed on the Sixth order on the calendar.

Page 1, line 16, after "amount" insert "rounded to the next lowest dollar", after "less" insert "credit for", and after "the" insert "entire amount of"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1391: Political Subdivisions Committee (Sen. Graba, Chairman)** recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1391 was placed on the Sixth order on the calendar.

Page 1, line 2, after "counties" insert "and cities"

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

Page 1, line 10, after "counties" insert "and cities"

Page 1, line 11, after "county" insert "or city"

Page 1, line 15, after "county" insert "or city"

Page 1, line 16, after "county" insert "or city"

Page 1, line 19, after "counties" insert "and the North Dakota league of cities"

Page 1, line 20, after "counties" insert "and the North Dakota league of cities"

Page 2, line 4, after "counties" insert "or cities"

Page 2, line 7, after "counties" insert "or cities"

Page 2, line 11, replace "\$150,000" with "\$347,983"

Page 2, after line 14, insert:

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

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

HB 1438: Education Committee (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1438 was placed on the Sixth order on the calendar.

Page 1, line 6, after "a" insert "North Dakota"

Page 1, line 19, after the period insert "Notice of intent to enroll in the admitting district obligates the student to attend the admitting district during the following school year, unless the school boards of the resident and the admitting districts agree in writing to allow the student to transfer back to the resident district, or the student's parents or guardians change residence to another district."

Page 2, line 2, after the period insert "A child placed at a group or residential care facility or a residential treatment center in accordance with section 15-40.2-08 is not eligible for open enrollment under this section."

Page 2, line 7, replace "ten" with "twenty"

Page 2, line 29, after "is" insert "approved"

Page 3, line 1, remove "grant the"

Page 3, remove lines 2 and 3

Page 3, line 4, remove "the district of residence shall"

Page 3, line 7, replace "per-pupil" with "per student"

Page 3, replace lines 10 through 16 with:

"SECTION 5. Open enrollment - Transportation. The district of residence of a student participating in open enrollment under this Act has no obligation to provide transportation. However, the district of residence may enter into a transportation arrangement with the admitting district as provided in section 15-34.2-02."

Page 3, line 17, replace "Guidelines" with "Standards"

Page 3, line 18, replace "guidelines" with "standards"

Page 3, line 19, replace "guidelines" with "standards"

Page 3, line 21, replace "guidelines" with "standards"

Page 3, line 23, after the period insert "The school board of the admitting district may determine that the district may not accept applications for open enrollment under this Act."

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

HCR 3026: Education Committee (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HCR 3026 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "the cooperative"

Page 1, line 3, replace "education enhancement program and other" with "school district"

Page 1, line 4, after "programs" insert ", including the possibility of changes in retirement benefits for those teachers and administrators"

Page 1, line 5, remove "the cooperative"

Page 1, line 6, replace "education enhancement program and other" with "school district"

Page 1, line 19, remove "the cooperative"

Page 1, line 20, replace "education enhancement program and other" with "school district"

Page 1, after line 21, insert:

"BE IT FURTHER RESOLVED, that the Legislative Council study whether teachers and administrators who have lost their jobs as a result of school district annexations, reorganizations, dissolutions, and other restructuring and who have a combined total of years of service credit and years of age which equals 80 should be eligible to receive full retirement benefits, under the Teachers' Fund for Retirement; and"

ReNUMBER accordingly

The Senate stood adjourned pursuant to Senator Mathern's motion.

CAROL SIEGERT, Secretary