

## JOURNAL OF THE HOUSE

## Fifty-fourth Legislative Assembly

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Bismarck, February 1, 1995

The House convened at 8:30 a.m., with Speaker Martin presiding.

The prayer was offered by the Rev. Clyde Leimberer, the Baptist Home, Bismarck.

The roll was called and all members were present except Representatives D. Henegar and Huether.

A quorum was declared by the Speaker.

LEGISLATIVE CHAPLAINCY SCHEDULE  
OF DATES FOR THE HOUSE OF REPRESENTATIVES  
FEBRUARY

<u>Date</u>	<u>Church/Institution</u>
2	Rev. Garry Crites Peace Church, (Congregational), New Salem
3	Rev. Dale Nabben Heart River Lutheran, Mandan
6	Rev. Gregg Schram Ebenezer Lutheran, Northwood
7	Rev. James Booth First Baptist, Tioga
8	Rev. George Walker District Superintendent, Northern Plains Evangelical Free Church
9	Rev. Harley Holden Discovery Christian Counseling
10	Rev. Greg Smith Presbyterian Church, Cavalier
13	Rev. Phil Leyer Administrator, Liberty House, Mandan (Halfway House for inmates, Salvation Army)
14	Rev. Glenn R. Ramsey First Presbyterian, Bismarck
15	Rev. Walter Geisler Good Shepherd Methodist, Mandan
16	Rev. James Vineyard American Lutheran, Mandan
17	Rev. Jonathan Starks Word of Faith, Bismarck
20	Recess
21	Recess
22	Rev. James Murphy Discovery Christian Counseling (Assemblies of God, Bismarck)
23	Rev. Dick Owens Trinity Lutheran, Bismarck
24	Rev. Tim Nelson Our Savior's Lutheran, Hillsboro
27	Rev. Wes Glennen Bethel Chapel, Carrington
28	Rev. Larry G. Jahnke New Song Community, Bismarck

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate respectfully requests the return of: SB 2020, SB 2027.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2122.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

The following communication was received from the Governor at 9:10 a.m., February 1, 1995.

This is to inform you that on February 1, 1995, I signed the following: HB 1093.

POINT OF PERSONAL PRIVILEGE

REP. BOUCHER: Mr. Speaker: I rise on a point of personal privilege and request that my remarks be printed in the Journal, which request was granted.

Mr. Speaker and ladies and gentlemen of the Assembly, I feel obligated to stand before this body today and respond to statements that were made yesterday in these chambers in regard to how much of the total human services budget was being expended in behalf of the state's Indian citizens.

Representative Bateman stated that 41 percent of the human services budget was now being directed toward Indian people. I will mention to you ladies and gentlemen that the human services budget for this current biennium, approved by the 53rd Legislative Assembly, exceeds \$900 million. Representative Bateman's inference leads us, and the world, to believe that we will spend over \$360 million, which is about 41 percent of the total human services budget this biennium, on our Indian citizens. I have spent considerable time since yesterday researching my colleague's statements. From my findings, I will contend that the Representative's statements are erroneous and misrepresent the real picture. To my colleague's credit, I will admit that the number 41 percent is a relevant statistic. Indian citizens will in fact receive about 41 percent of the grant moneys paid out by the AFDC (Aid for Families with Dependent Children) Program. The AFDC Program should expend about \$55 million in total grant payments by the end of this biennium. Forty-one percent of the approximate \$55 million total expenditures that Indian families will receive will amount to about \$22 million, not the \$360 million inferred by Representative Bateman. I will not try to diminish the fact that Indian families will receive approximately \$22 million in AFDC grants moneys during this current biennium. I will also point out that as AFDC eligible citizens they qualify for food stamps, fuel assistance, and medical assistance as well, which will significantly add to the amount of their total public benefits. Though the amount of the total benefits paid by the state of North Dakota to Indian citizens is a sizable sum, I would safely guess that amount is maybe about 10 percent of the amount Representative Bateman suggested on the floor yesterday. I will also point out that if we were to accumulate human services grants and all other state spending programs directed towards Indian citizens, the total amount would likely be in the vicinity of three percent or less, that would show there is some correlation between population and services.

Yesterday's misrepresentations have unfortunately left an impression in the minds of the members of this body and the citizens of North Dakota that the vast majority of our human services budget is "welfare" and that we are spending a great deal of welfare money on a very small portion of our population. This misrepresentation was an insult to all the Indian people of our state. This misrepresentation was more of an insult to the many Indian citizens and families who are a part of our state's business community and work force who, by their self-sufficiency, make significant tax contributions to the state's general fund. This misrepresentation was an insult to all of our state's poor and disadvantaged citizens who may be Indian, displaced, developmentally disabled, and also a majority of our state's nursing home residents, who specifically are our elderly family members and friends.

As I close my remarks, this misrepresentation was an insult to those of us in this Assembly who know, or should know, the true dimensions of the human services budget. We should know that family assistance programs like AFDC, food stamps, fuel assistance, and medical assistance are a fraction of the total human services budget. Medicaid benefits for nursing home residents and the developmentally disabled citizens of our state, who are Medicaid eligible, cost the taxpayers of North Dakota several hundred million dollars each biennium, and I might add that many of the individuals and families accessing these services come from all social and income levels, including middle and upper income level families. And so I say to you, ladies and gentlemen of this Assembly, that like disease, addiction, and human impairment, "welfare" does not discriminate and crosses into and affects all levels of society and a majority of all families.

#### MOTION

REP. OLSON MOVED that Engrossed HB 1182, which is on the Eleventh order, be

referred to the **Natural Resources Committee**, which motion prevailed. Pursuant to Rep. Olson's motion, Engrossed HB 1182 was rereferred.

**MOTION**

**REP. NICHOLAS MOVED** that HB 1401 be returned to the House floor from the **Agriculture Committee** for the purpose of withdrawal, which motion prevailed.

**REQUEST**

**REP. AARSVOLD REQUESTED** the unanimous consent of the House to withdraw HB 1401. There being no objection, it was so ordered by the Speaker.

**SIXTH ORDER OF BUSINESS**

**REP. DORSO MOVED** that the House consider all the amendments on the Sixth order of business in one motion, with the exception of HB 1016, HB 1019, HB 1026, HB 1076, and HB 1318, which motion prevailed.

**REP. DORSO MOVED** that the amendments on the Sixth order of business to HB 1211, HB 1276, HB 1415, HB 1492, and HB 1500 be adopted, which motion prevailed.

HB 1211, HB 1276, HB 1415, HB 1492, and HB 1500, as amended, were placed on the Eleventh order of business on the calendar.

**MOTION**

**REP. DORSO MOVED** that after the amendments to HB 1016, HB 1318, HB 1019, HB 1026 and HB 1076 have been adopted separately, that HB 1016, HB 1318, HB 1019, HB 1026 and HB 1076, as amended, be placed on the Eleventh order on today's calendar, which motion prevailed.

**SIXTH ORDER OF BUSINESS**

**HB 1016: REP. DALRYMPLE (Appropriations Committee) MOVED** that the amendments on HJ pages 303-304 be adopted, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1016: A BILL** for an Act making an appropriation for defraying the expenses of the children's services coordinating committee; to repeal chapter 54-56 of the North Dakota Century Code, relating to the children's services coordinating committee; 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 88 YEAS, 6 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Lloyd; Martinson; Mickelson; Monson; Nicholas; Nichols; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**NAYS:** Coats; Gulleeson; Laughlin; Mutzenberger; Oban; Sitz

**ABSENT AND NOT VOTING:** Henegar, D.; Huether; Mahoney; Maragos

Engrossed HB 1016 passed and the title was agreed to.

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## SIXTH ORDER OF BUSINESS

**HB 1318: REP. DALRYMPLE (Appropriations Committee) MOVED** that the amendments on HJ pages 306-307 be adopted.

## REQUEST

**REP. HANSON REQUESTED** a recorded roll call vote on the motion to adopt the proposed amendments to HB 1318, which request was granted.

## ROLL CALL

The question being on the motion to adopt the proposed amendments to HB 1318, the roll was called and there were 75 YEAS, 21 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Austin; Bateman; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Christopherson; Clark; Clayburgh; Dalrymple; DeKrey; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Gorman; Grosz; Gunter; Hagle; Hausauer; Henegar, K.; Holm; Howard; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Nicholas; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Schimke; Shide; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Speaker Martin

**NAYS:** Aarsvold; Boucher; Christenson; Coats; Delmore; Dobrinski; Glasheim; Grumbo; Gulleson; Hanson; Kaldor; Kerzman; Kroeber; Laughlin; Mutzenberger; Nichols; Oban; Sandvig; Schmidt; Sitz; Wilkie

**ABSENT AND NOT VOTING:** Henegar, D.; Huether

The motion to adopt the proposed amendments to HB 1318 passed.

## SECOND READING OF HOUSE BILL

**HB 1318:** A BILL for an Act to provide for a comprehensive trauma and emergency medical system; and to provide an appropriation.

## 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; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glasheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Henegar, D.; Huether

Engrossed HB 1318 passed and the title was agreed to.

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## SIXTH ORDER OF BUSINESS

**HB 1019: REP. DALRYMPLE (Appropriations Committee) MOVED** that the amendments on HJ pages 313-315 be adopted, which motion prevailed.

## SECOND READING OF HOUSE BILL

**HB 1019:** A BILL for an Act to provide an appropriation for defraying the expenses of job service North Dakota.

## 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; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Henegar, D.; Huether

Engrossed HB 1019 passed and the title was agreed to.

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## THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Art Melby.

## MOTION

**REP. WARDNER MOVED** that the House reconsider its action whereby the amendments to HB 1415 were adopted, which motion prevailed.

## MOTION

**REP. WARDNER MOVED** that HB 1415 be rereferred to the **Government and Veterans Affairs Committee**, which motion prevailed. Pursuant to Rep. Wardner's motion, HB 1415 was rereferred.

## SIXTH ORDER OF BUSINESS

**HB 1026: REP. WARDNER (Government and Veterans Affairs Committee) MOVED** that the amendments on HJ pages 315-317 be adopted, which motion prevailed.

## SECOND READING OF HOUSE BILL

**HB 1026:** A BILL for an Act to amend and reenact section 54-06-04 of the North Dakota Century Code, relating to the requirement of biennial reports.

## 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; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols;

Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Henegar, D.; Huether

Engrossed HB 1026 passed and the title was agreed to.

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#### HOUSE ENGROSSING REPORT

The following bills were engrossed: HB 1016, HB 1019, HB 1026, HB 1211, HB 1276, HB 1318, HB 1492, HB 1500.

#### MOTION

**REP. WARDNER MOVED** that HB 1076, which is on the Sixth order, be rereferred to the **Government and Veterans Affairs Committee**, which motion prevailed. Pursuant to Rep. Wardner's motion, HB 1076 was rereferred.

#### MOTION

**REP. OLSON MOVED** that Engrossed HB 1057, which is on the Eleventh order, be rereferred to the **Natural Resources Committee**, which motion prevailed. Pursuant to Rep. Olson's motion, Engrossed HB 1057 was rereferred.

#### MOTION

**REP. DORSO MOVED** that SB 2071 be placed at the top of the Fourteenth order, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2071:** A BILL for an Act to create and enact a new section to chapter 1-02 of the North Dakota Century Code, relating to effective dates of legislation; 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; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorsó; Drovda; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Henegar, D.; Huether

SB 2071 passed, the title was agreed to, and the emergency clause was declared carried.

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#### SECOND READING OF HOUSE BILL

**HB 1247:** A BILL for an Act to amend and reenact sections 6-05-01, 6-05-04, and 59-04-21 of the North Dakota Century Code, relating to the formation of trust companies, surety deposits of trust companies, and expenses and attorney's fees for a trust estate.

**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, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gerntholz; Glasheim; Gorder; Gorman; Grosz; Grumbo; Gullerson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Bateman; Galvin; Henegar, D.; Huether; Monson

Engrossed HB 1247 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1312:** A BILL for an Act to create and enact a new section to chapter 49-06 of the North Dakota Century Code, relating to when electric rates may not be increased.

**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; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glasheim; Gorder; Gorman; Grosz; Grumbo; Gullerson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Henegar, D.; Huether

Engrossed HB 1312 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1339:** A BILL for an Act to amend and reenact subsection 1 of section 47-16-07.1 of the North Dakota Century Code, relating to real property and dwelling security deposits.

**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 81 YEAS, 15 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Dalrymple; DeKrey; Delmore; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Gorman; Grosz; Grumbo; Gulleon; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Jacobs; Johnson; Kelsch; Kempenich; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Nicholas; Nottestad; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Schimke; Shide; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Speaker Martin

**NAYS:** Coats; Delzer; Dobrinski; Glassheim; Kaldor; Keiser; Kerzman; Mutzenberger; Nichols; Oban; Olson; Sandvig; Schmidt; Sitz; Wilkie

**ABSENT AND NOT VOTING:** Henegar, D.; Huether

Engrossed HB 1339 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1340:** A BILL for an Act to create and enact a new subsection to section 33-06-01 of the North Dakota Century Code, relating to maintenance of eviction actions; and to amend and reenact section 33-06-02 of the North Dakota Century Code, relating to service of notice of intention to evict.

#### 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 92 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleon; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**NAYS:** Christenson; Kaldor; Mahoney; Oban

**ABSENT AND NOT VOTING:** Henegar, D.; Huether

Engrossed HB 1340 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1348:** A BILL for an Act to create and enact a new section to chapter 15-41 of the North Dakota Century Code, relating to the approval of nonpublic high schools; and to amend and reenact subsection 1 of section 15-34.1-03 of the North Dakota Century Code, relating to compulsory attendance.

#### 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; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjelm; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Henegar, D.; Huether

Engrossed HB 1348 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1361:** A BILL for an Act to amend and reenact sections 43-07-20 and 43-07-21 of the North Dakota Century Code, relating to employment preferences for North Dakota residents and veterans and to the withholding of a portion of a public contract price.

**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; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjelm; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Henegar, D.; Huether

Engrossed HB 1361 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1482:** A BILL for an Act to provide for a transfer of profits of the Bank of North Dakota to the beginning farmer revolving loan fund.

**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 33 YEAS, 63 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Brown; Delzer; Dobrinski; Glassheim; Gorder; Grosz; Grumbo; Gulleson; Hagle; Hanson; Kaldor; Kerzman; Kretschmar; Kroeber; Laughlin; Lloyd; Mahoney; Maragos; Monson; Mutzenberger; Nicholas;

Nichols; Oban; Olson; Retzer; Sabby; Sandvig; Schmidt; Sitz; Thompson; Wilkie

**NAYS:** Austin; Bateman; Belter; Berg; Bernstein; Boehm; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorman; Gunter; Hausauer; Henegar, K.; Holm; Howard; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kliniske; Koppelman; Kunkel; Martinson; Mickelson; Nottestad; Payne; Poolman; Price; Rennerfeldt; Rydell; Schimke; Shide; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Speaker Martin

**ABSENT AND NOT VOTING:** Henegar, D.; Huether

Engrossed HB 1482 was declared lost.

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#### MOTION

**REP. BERG MOVED** that HB 1190, which is on the Eleventh order, be laid over until Friday and be placed directly before HB 1219 on the calendar, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1280:** A BILL for an Act to amend and reenact section 28-34-01 and subsection 2 of section 40-47-11 of the North Dakota Century Code, relating to appeals of decisions of the governing body of a city.

#### 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, 1 NAY, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Gorman; Grosz; Grumbo; Gulletson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**NAYS:** Glassheim

**ABSENT AND NOT VOTING:** Henegar, D.; Huether; Nicholas

Engrossed HB 1280 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1300:** A BILL for an Act to amend and reenact subsection 4 of section 23-06-03 of the North Dakota Century Code, relating to burial of the dead by county social service boards.

#### 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; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Henegar, D.; Huether

Engrossed HB 1300 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1343:** A BILL for an Act to amend and reenact section 4-10.6-02 of the North Dakota Century Code, relating to membership elections of the North Dakota corn utilization council.

#### 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, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Byerly; Henegar, D.; Huether; Wald

Engrossed HB 1343 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1020:** A BILL for an Act making an appropriation for defraying the expenses of the office of administrative hearings.

#### 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; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle;

Hanson; Hausauer; Henegar, K.; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Byerly; Henegar, D.; Huether

HB 1020 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1068:** A BILL for an Act to create and enact a new section to chapter 43-29 of the North Dakota Century Code, relating to rabies vaccinations; and to amend and reenact subsection 1 of section 43-29-13 of the North Dakota Century Code, relating to persons not considered to be practicing veterinary medicine.

#### 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 37 YEAS, 58 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Bateman; Boehm; Brown; Carlisle; Christenson; Clark; Coats; DeKrey; Delzer; DeWitz; Dobrinski; Freier; Froseth; Glassheim; Gorder; Grosz; Grumbo; Kempenich; Kerzman; Klein; Koppelman; Kretschmar; Mahoney; Maragos; Monson; Mutzenberger; Nichols; Oban; Olson; Retzer; Sandvig; Schmidt; Sitz; Sveen; Thompson; Torgerson; Wilkie

**NAYS:** Aarsvold; Austin; Belter; Berg; Bernstein; Boucher; Byerly; Carlson; Christopherson; Clayburgh; Dalrymple; Delmore; Dorso; Drovdal; Galvin; Gerntholz; Gorman; Guleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kliniske; Kroeber; Kunkel; Laughlin; Lloyd; Martinson; Mickelson; Nicholas; Nottestad; Payne; Poolman; Price; Rennerfeldt; Rydell; Sabby; Schimke; Shide; Skarphol; Soukup; Stenehjem; Svedjan; Thoreson; Timm; Tollefson; Walker; Wardner; Wentz; Speaker Martin

**ABSENT AND NOT VOTING:** Henegar, D.; Huether; Wald

HB 1068 was declared lost.

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#### MOTION

**REP. DORSO MOVED** that with reference to HB 1050, that that portion of House Rule 507 that pertains to house bills and resolutions other than appropriations measures being in committee, be suspended, which motion prevailed.

#### 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 1007.

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

**MADAM PRESIDENT:** The House accedes to the Senate request for the return of: SB 2020, SB 2027.

#### MOTION

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

## MOTION

REP. FREIER MOVED that the House be on the Fifth, Twelfth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:30 a.m., Thursday, February 2, 1995, which motion prevailed.

## REPORT OF STANDING COMMITTEE

HB 1041: Education Committee (Rep. Rydell, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (9 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1041 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new subsection to section 15-34.1-00.1 and a new section to chapter 54-46 of the North Dakota Century Code, relating to a supervisor of schools and school records; to"

Page 9, line 2, remove "each"

Page 9, line 3, remove "district" and overstrike "superintendent of schools" and insert immediately thereafter "each school board"

Page 11, line 20, overstrike "the" and overstrike "superintendent of"

Page 11, line 21, replace "public" with "a licensed attorney"

Page 11, line 22, remove "instruction"

Page 12, line 9, remove the overstrike over "county", overstrike "superintendent", and replace "of public" with "auditor"

Page 12, line 10, remove "instruction"

Page 12, line 14, remove the overstrike over "county", overstrike "superintendent" and insert immediately thereafter "auditor", and remove the overstrike over "~~the county in~~"

Page 12, remove the overstrike over line 15

Page 12, line 16, remove the overstrike over "~~located~~" and remove "public instruction"

Page 12, line 17, remove the overstrike over "county"

Page 12, line 18, overstrike "superintendent" and replace "of public instruction" with "auditor"

Page 12, line 22, remove the overstrike over "county"

Page 12, line 23, overstrike "superintendent" and replace "of public instruction" with "auditor"

Page 12, line 24, replace "superintendent of public instruction" with "county auditor"

Page 26, line 14, overstrike "supervision" and insert immediately thereafter "control" and overstrike "may" and insert immediately thereafter "shall"

Page 26, line 15, after "superintendent" insert "or other qualified individual"

Page 26, overstrike line 16

- Page 26, line 17, remove "must be", overstrike "under the immediate supervision of the", and overstrike "superintendent of"
- Page 26, line 18, remove "public instruction" and overstrike the period and insert immediately thereafter "For purposes of this section, a qualified individual is one who has a bachelor's degree from an accredited college or university approved for teacher education, holds a valid teacher's certificate, and who has had successful teaching experience in an approved elementary or secondary school."
- Page 27, after line 11, insert:
- "SECTION 31. A new subsection to section 15-34.1-00.1 of the North Dakota Century Code is created and enacted as follows:
- "Supervisor" means a qualified individual appointed to supervise the schools within a district in accordance with section 15-29-07."
- Page 30, line 14, after "superintendent" insert "or supervisor"
- Page 30, line 15, overstrike "If the school"
- Page 30, overstrike line 16
- Page 30, line 17, overstrike "filled with the" and overstrike "superintendent of"
- Page 30, line 18, remove "public instruction" and overstrike the period
- Page 31, line 26, overstrike ". If the parent resides in a school district which"
- Page 31, overstrike line 27
- Page 31, line 28, overstrike "filled with the" and overstrike "superintendent of"
- Page 31, line 29, replace "public instruction" with "or supervisor"
- Page 33, line 9, overstrike ". If the school district does not employ a"
- Page 33, overstrike line 10
- Page 33, line 11, overstrike "superintendent of"
- Page 33, line 12, replace "public instruction" with "or supervisor"
- Page 33, line 13, overstrike "of public schools or the"
- Page 33, line 14, overstrike "superintendent of"
- Page 33, line 15, replace "public instruction" with "or supervisor"
- Page 33, line 25, overstrike "of schools", remove the overstrike over the second comma and insert immediately thereafter "supervisors."
- Page 35, line 4, overstrike "superintendent of" and replace "public" with "school supervisor appointed under section 15-29-07"
- Page 35, line 5, remove "instruction"
- Page 39, line 7, overstrike "On or before the first day"

- Page 39, line 8, overstrike "of September in each year, the", overstrike "superintendent of", and remove "public"
- Page 39, line 9, remove "instruction" and overstrike "shall certify all claims for transportation payment submitted by"
- Page 39, line 10, overstrike "school districts"
- Page 39, line 12, remove the underscored period
- Page 40, line 7, after the second "the" insert "board of" and remove the overstrike over "county"
- Page 40, line 8, overstrike "superintendent of" and replace "public instruction" with "commissioners"
- Page 40, line 9, overstrike "a member" and insert immediately thereafter "two members"
- Page 40, line 11, overstrike the first comma and insert immediately thereafter "and" and overstrike ", and the"
- Page 40, line 12, overstrike "superintendent of" and remove "public instruction"
- Page 42, line 4, overstrike "a member" and insert immediately thereafter "two members"
- Page 42, line 5, after "commissioners" insert "for each county"
- Page 42, line 6, overstrike the comma and insert immediately thereafter "and"
- Page 42, line 7, remove "for each county", overstrike ", and the", and overstrike "superintendent of"
- Page 42, line 8, replace "public instruction" with "for each county"
- Page 43, line 27, remove the overstrike over "schools"
- Page 43, line 28, replace "public instruction" with "or the supervisor appointed under section 15-29-07"
- Page 45, line 12, overstrike the second "the"
- Page 45, line 13, overstrike "superintendent of", remove "public instruction", and overstrike the comma
- Page 45, line 14, overstrike "and", remove the overstrike over "—and", and after "the" insert "a third arbitrator selected by the first two arbitrators"
- Page 50, after line 15, insert:
- "SECTION 57.** A new section to chapter 54-46 of the North Dakota Century Code is created and enacted as follows:
- School records - Under control of county. All records maintained by a county superintendent of schools become county records on January 1, 1996."
- Page 54, line 2, overstrike "superintendent of" and replace "public" with "school board"
- Page 54, line 3, remove "instruction"

Page 54, line 12, overstrike "the"

Page 54, line 13, overstrike "superintendent of" and replace "public instruction" with "each school board"

Page 55, line 1, overstrike "superintendent" and insert immediately thereafter "school board", remove the overstrike over "each" and insert immediately thereafter "district in an", remove the overstrike over "~~oil-producing county~~", and remove "public"

Page 55, line 2, remove "instruction"

Page 55, line 3, overstrike the second "each" and insert immediately thereafter "the"

Page 55, line 6, overstrike "by the"

Page 55, line 7, overstrike "superintendent of" and remove "public instruction"

Page 57, line 1, overstrike "superintendent of" and replace "public" with "school board of each district"

Page 57, line 2, remove "instruction"

Page 58, line 25, overstrike "superintendent" and insert immediately thereafter "board" and replace "public instruction" with "the school district"

Page 60, line 25, overstrike "The" and overstrike "superintendent of"

Page 60, line 26, replace "public instruction" with "Each school board"

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

HB 1045: Education Committee (Rep. Rydell, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1045 was placed on the Sixth order on the calendar.

Page 1, line 7, remove the overstrike over "~~No compensation~~"

Page 1, line 8, remove "Compensation"

Page 2, after line 9, insert:

"12. A representative from the library community, appointed by the governor.

13. A member from the state council of continuing education, appointed by the governor."

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

HB 1155: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends DO NOT PASS (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1155 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

HB 1165: Judiciary Committee (Rep. Kretschmar, Chairman) recommends DO NOT PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1165 was placed on the Eleventh order on the calendar.

## REPORT OF STANDING COMMITTEE

HB 1193: Finance and Taxation Committee (Rep. Timm, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1193 was placed on the Eleventh order on the calendar.

## REPORT OF STANDING COMMITTEE

HB 1275: Finance and Taxation Committee (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1275 was placed on the Sixth order on the calendar.

Page 2, line 22, replace "If the" with "The" and replace "and the local school district" with "may"

Page 2, line 23, after "agreement" insert "with the local school district and all of the local taxing districts" and after "distribution" insert "If such an agreement is entered into"

Renumber accordingly

## REPORT OF STANDING COMMITTEE

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

Page 2, line 9, replace "The" with "Upon approval of a majority of the qualified electors of the school district voting at a regular or special election, the"

Page 2, line 21, after the underscored period insert "The commissioner shall include, in the instructions accompanying income tax return forms, prominent notice of which school districts' residents are subject to a tax under this section."

Renumber accordingly

## REPORT OF STANDING COMMITTEE

HB 1294: Judiciary Committee (Rep. Kretschmar, Chairman) recommends DO NOT PASS (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1294 was placed on the Eleventh order on the calendar.

## REPORT OF STANDING COMMITTEE

HB 1306: Finance and Taxation Committee (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1306 was placed on the Sixth order on the calendar.

Page 2, line 9, after the period insert "If principal and interest of more than one bond issue is payable from tax revenues under section 2 of this Act, the business manager of the school district shall certify to the county auditor the proportion of principal and interest of each bond issue payable from property tax revenues and revenues from taxes under section 2 of this Act."

Page 3, line 4, after the period insert "The tax commissioner shall include, in the instructions accompanying income tax return forms, prominent notice of which school districts' residents are subject to a tax under this section."

Page 3, line 14, after "of" insert "all"

Page 3, line 15, after "Act" insert "payable from school district income tax revenues"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1328: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1328 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1330: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1330 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1331: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends DO PASS (12 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1331 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1353: Finance and Taxation Committee (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (9 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). HB 1353 was placed on the Sixth order on the calendar.

Page 1, line 11, remove "after the expiration of the income tax exemption"

Page 1, line 12, after "to" insert "two times", after the first "the" insert "number of", and after "years" insert "for which"

Page 1, line 13, remove "full"

Page 1, line 14, after "operator" insert "for the number of years equal to twice the number of years exempted, less the number of years the project is located in the state, beginning with the first year the project operator has a tax liability,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1355: Judiciary Committee (Rep. Kretschmar, Chairman) recommends DO PASS (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1355 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1387: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends DO NOT PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1387 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1389: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1389 was placed on the Sixth order on the calendar.

Page 1, line 20, replace "An" with "At any time during employment, an" and remove "at any time"

Page 1, line 21, remove "during employment,"

Page 2, line 1, replace "and" with "or"

Page 2, line 2, replace "if" with "when" and replace "employee" with "employment"

Page 2, line 3, remove "employment" and after "and" insert "the employee"

Page 2, line 4, replace "section" with "subsection"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1398: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1398 was placed on the Sixth order on the calendar.

Page 1, line 1, after "create" insert "and enact"

Page 1, line 2, replace "underwriter" with "loss reporting service"

Page 1, line 3, remove "or a credit"

Page 1, line 8, replace "underwriter" with "loss reporting service" and replace "underwriter" with "loss reporting service"

Page 1, line 9, remove "or"

Page 1, line 10, remove "credit", replace the first "the" with "an", and replace "underwriter" with "company from the loss reporting service"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1438: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends DO PASS (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1438 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1444: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends DO NOT PASS (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1444 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1447: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends DO NOT PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1447 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1451: Judiciary Committee (Rep. Kretschmar, Chairman)** recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1451 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1458: Judiciary Committee (Rep. Kretschmar, Chairman)** recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1458 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1472: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends DO NOT PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1472 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1476: Finance and Taxation Committee (Rep. Timm, Chairman)** recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1476 was placed on the Sixth order on the calendar.

Page 2, line 8, replace "fifty thousand dollars of adjusted gross" with "ten thousand dollars of adjusted gross income, no tax."

(2) On adjusted gross income above ten thousand dollars and not in excess of forty thousand dollars"

Page 2, line 9, remove "income"

Page 2, line 11, replace "(2)" with "(3)" and replace "fifty" with "forty"

Page 2, line 12, replace "one hundred" with "fifty"

Page 2, line 13, replace "twenty-five" with "fifty"

Page 2, line 14, replace "(3)" with "(4)" and replace "one hundred" with "fifty"

Page 2, line 15, replace "three" with "four"

Page 2, after line 18, insert:

"(1) For the first five thousand dollars of adjusted gross income, no tax."

Page 2, line 19, replace "(1)" with "(2)", after "income" insert "in excess of five thousand dollars and", and replace "twenty-five" with "twenty"

Page 2, line 22, replace "(2)" with "(3)" and replace "twenty-five" with "twenty"

Page 2, line 23, replace "fifty" with "twenty-five"

Page 2, line 24, replace "twenty-five" with "fifty"

Page 2, line 25, replace "(3)" with "(4)" and replace "fifty" with "twenty-five"

Page 2, line 26, replace "three" with "four"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

HB 1475: Finance and Taxation Committee (Rep. Timm, Chairman) recommends DO NOT PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1475 was placed on the Eleventh order on the calendar

#### REPORT OF STANDING COMMITTEE

HB 1499: Finance and Taxation Committee (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). HB 1499 was placed on the Sixth order on the calendar.

Page 1, line 13, after the period insert "A levy by board action under this section, without approval of the qualified electors of the school district, is effective for only two taxable years and may be renewed for two-year periods thereafter."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

HCR 3016: Judiciary Committee (Rep. Kretschmar, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3016 was placed on the Tenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

HCR 3017: Judiciary Committee (Rep. Kretschmar, Chairman) recommends DO PASS (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HCR 3017 was placed on the Eleventh order on the calendar.

## FIRST READING OF SENATE BILL

**SB 2122:** A BILL for an Act to amend and reenact subsections 1 and 7 of section 28-32-09 of the North Dakota Century Code, relating to subpoenas, discovery, and protective orders in administrative proceedings.

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

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

**ROY GILBREATH, Chief Clerk**