

JOURNAL OF THE HOUSE

Fifty-fourth Legislative Assembly

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Bismarck, February 14, 1995

The House convened at 8:00 a.m., with Speaker Martin presiding.

The prayer was offered by the Rev. Glenn R. Ramsey, First Presbyterian Church, Bismarck.

The roll was called and all members were present except Representatives Bateman, Bernstein, and Stenehjelm.

A quorum was declared by the Speaker.

SEVENTH ORDER OF BUSINESS

REP. CHRISTENSON MOVED that the report of the Minority be substituted for the report of the Majority on Engrossed HB 1415.

REQUEST

REP. CHRISTENSON REQUESTED a recorded roll call vote on the motion that the report of the Minority be substituted for the report of the Majority on Engrossed HB 1415, which request was granted.

ROLL CALL

The question being on the motion that the report of the Minority be substituted for the report of the Majority on Engrossed HB 1415, the roll was called and there were 23 YEAS, 73 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Christenson; Coats; Delmore; Dobrinski; Glasheim; Grumbo; Guleson; Hanson; Huether; Kaldor; Kerzman; Kroeber; Laughlin; Mahoney; Mutzenberger; Nichols; Oban; Sandvig; Schmidt; Sitz; Wilkie

NAYS: Austin; Bateman; Belter; Berg; 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, D.; Henegar, K.; Holm; Howard; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Lloyd; Maragos; Martinson; Mickelson; Monson; Nicholas; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Schimke; Shide; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Speaker Martin

ABSENT AND NOT VOTING: Bernstein; Stenehjelm

The motion that the report of the Minority be substituted for the report of the Majority to Engrossed HB 1415 failed.

RULING BY THE SPEAKER

SPEAKER MARTIN RULED that since the motion to substitute the report of the Minority for the report of the Majority failed, the report of the Majority would place Engrossed HB 1415 on the Sixth order for the succeeding legislative day.

MOTION

REP. DORSO MOVED that the Majority Report on Engrossed HB 1415 be considered on the Sixth order today and then move Engrossed HB 1415 immediately to the Eleventh order, which motion prevailed.

SIXTH ORDER OF BUSINESS

Engrossed HB 1415: REP. WARDNER (Government and Veterans Affairs Committee) MOVED that the Majority Report amendments to Engrossed HB 1415 on HJ page 561 be adopted with DO PASS, which motion prevailed.

Engrossed HB 1415, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

Reengrossed HB 1415: A BILL for an Act to create and enact a new section to chapter 54-35 of the North Dakota Century Code, relating to the establishment of a legislative ethics committee.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; Delmore; Delzer; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; 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; Schmidt; Shide; Sitz; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: DeKrey; DeWitz; Schimke; Skarphol

ABSENT AND NOT VOTING: Bernstein

Reengrossed HB 1415 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REQUEST

REP. DORSO REQUESTED that the amendments to HB 1131, HB 1291, Engrossed HB 1306, and HB 1496 be voted on as separate items, which request was granted.

The amendments on the Sixth order of business to HB 1076, HB 1090, HB 1203, HB 1241, HB 1257, HB 1284, HB 1290, HB 1305, HB 1320, HB 1334, HB 1344, HB 1345, HB 1355, HB 1360, HB 1369, HB 1391, HB 1392, HB 1402, HB 1416, HB 1418, HB 1426, HB 1461, HB 1465, HB 1479, HB 1501, and HB 1502 were adopted.

HB 1076, HB 1090, HB 1203, HB 1241, HB 1257, HB 1284, HB 1290, HB 1305, HB 1320, HB 1334, HB 1344, HB 1345, HB 1355, HB 1360, HB 1369, HB 1391, HB 1392, HB 1402, HB 1416, HB 1418, HB 1426, HB 1465, HB 1479, HB 1501, and HB 1502, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

HB 1461, as amended, was rereferred to the Committee on Appropriations.

SIXTH ORDER OF BUSINESS

HB 1131: REP. SOUKUP (Political Subdivisions Committee) MOVED that the amendments on HJ page 588 be adopted with DO PASS, which motion prevailed on a voice vote.

MOTION

REP. DORSO MOVED that HB 1131 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Dorso's motion, HB 1131 was rereferred.

SIXTH ORDER OF BUSINESS

HB 1291: REP. TIMM (Finance and Taxation Committee) MOVED that the amendments on HJ page 591 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1291: A BILL for an Act to amend and reenact subsection 8 of section 57-38-01 and subsection 5 of section 57-38-30.3 of the North Dakota Century Code, relating to computation of state individual, estate, and trust income tax liability if federal income taxes are substantially reduced; 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 **90 YEAS, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.**

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

ABSENT AND NOT VOTING: Bernstein

Engrossed HB 1291 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

HB 1306: REP. TIMM (Finance and Taxation Committee) MOVED that the amendments on HJ page 592 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

Reengrossed HB 1306: A BILL for an Act to create and enact a new section to chapter 21-03 and a new section to chapter 57-38 of the North Dakota Century Code, relating to payment of a portion of school district bonds with proceeds of a school district income tax and school board authority to impose income taxes for individuals, estates, and trusts; 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 NOT PASS**, the roll was called and there were **27 YEAS, 71 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.**

YEAS: Aarsvold; Bateman; Belter; Boehm; Brown; Christenson; Clark; Coats; DeKrey; Delzer; DeWitz; Galvin; Grosz; Gulleeson; Kaldor; Kerzman;

Kretschmar; Laughlin; Lloyd; Monson; Nottestad; Retzer; Schimke; Shide; Skarphol; Sveen; Wilkie

NAYS: Austin; Berg; Bernstein; Boucher; Byerly; Carlisle; Carlson; Christopherson; Clayburgh; Dalrymple; Delmore; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gerntholz; Glasheim; Gorder; Gorman; Grumbo; Gunter; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kliniske; Koppelman; Kroeber; Kunkel; Mahoney; Maragos; Martinson; Mickelson; Mutzenberger; Nicholas; Nichols; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Rydell; Sabby; Sandvig; Schmidt; Sitz; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Speaker Martin

Reengrossed HB 1306 was declared lost.

SIXTH ORDER OF BUSINESS

HB 1496: REP. RYDELL (Education Committee) MOVED that the amendments on HJ page 603 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1496: A BILL for an Act to create and enact a new section to chapter 15-47 of the North Dakota Century Code, relating to school 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 71 **YEAS**, 27 **NAYS**, 0 **EXCUSED**, 0 **ABSENT AND NOT VOTING**.

YEAS: Austin; Berg; Bernstein; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Dalrymple; Delmore; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glasheim; Gorman; Gunter; Hagle; Hausauer; Henegar, D.; Henegar, K.; Holm; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Speaker Martin

NAYS: Aarsvold; Bateman; Belter; Boehm; Coats; DeKrey; Delzer; DeWitz; Dobrinski; Gorder; Grosz; Grumbo; Guleson; Hanson; Howard; Huether; Kaldor; Kerzman; Kroeber; Laughlin; Lloyd; Mahoney; Nichols; Sitz; Skarphol; Timm; Wilkie

Engrossed HB 1496 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1022: A BILL for an Act making an appropriation for defraying the expenses of the state board for vocational and technical education.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of **DO PASS**, the roll was called and there were 97 **YEAS**, 1 **NAY**, 0 **EXCUSED**, 0 **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; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glasheim; Gorder; Gorman;

Grosz; Grumbo; Gulleeson; Gunter; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; 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

NAYS: Delzer

Engrossed HB 1022 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1094: A BILL for an Act to create and enact a new section to chapter 57-43.1 and a new section to chapter 57-43.2 of the North Dakota Century Code, relating to additional motor vehicle fuels taxes and special fuels taxes to be imposed if additional federal highway matching funds become available; to repeal sections 1 and 2 of chapter 573 of the 1993 Session Laws, relating to additional motor vehicle and special fuels taxes; to provide an appropriation; 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 91 YEAS, 7 NAYS, 0 EXCUSED, 0 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; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grumbo; Gunter; Hagle; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Delzer; Grosz; Gulleeson; Hanson; Kerzman; Nichols; Schimke

Engrossed HB 1094 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1151: A BILL for an Act to amend and reenact subsections 9 and 10 of section 27-20-02 of the North Dakota Century Code, relating to the definitions of traffic offense, unruly child, and implied consent to determine alcohol and drug content of blood.

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

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dorso; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz;

Grumbo; Gulleon; Gunter; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; 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: Brown; Dobrinski; Drovdal; Nichols

Engrossed HB 1151 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1218: A BILL for an Act to create and enact a new section to chapter 12.1-32 of the North Dakota Century Code, relating to sentencing of violent offenders; and to amend and reenact sections 12-54.1-01, 12-54.1-03, subsection 12 of section 12.1-32-02, and section 12.1-32-09 of the North Dakota Century Code, relating to sentence reductions for good or meritorious conduct, presentence investigations, and extended sentences for special dangerous or habitual offenders.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 98 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; 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; Gulleon; Gunter; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; 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

Engrossed HB 1218 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3023: A concurrent resolution directing the Legislative Council to study the availability and coverage of long-term care insurance.

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS.

Reengrossed HCR 3023, as amended, was declared adopted on a voice vote.

SECOND READING OF HOUSE BILL

HB 1029: A BILL for an Act to establish a law enforcement training academy fee and provide for its collection and distribution; to authorize the industrial commission to issue and sell evidences of indebtedness for capital projects; to provide an appropriation; to provide for

application of the Act; to provide an expiration date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 18 YEAS, 80 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Brown; Gorman; Hagle; Howard; Keiser; Kerzman; Kroeber; Laughlin; Nottestad; Price; Retzer; Rydell; Sabby; Schmidt; Soukup; Wilkie

NAYS: Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drowdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grosz; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Huether; Jacobs; Johnson; Kaldor; Kelsch; Kempenich; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Oban; Olson; Payne; Poolman; Rennerfeldt; Sandvig; Schimke; Shide; Sitz; Skarphol; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Speaker Martin

HB 1029 was declared lost.

SECOND READING OF HOUSE BILL

HB 1378: A BILL for an Act to create and enact a new section to chapter 25-16 of the North Dakota Century Code, relating to residential care and services for the developmentally disabled.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drowdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleon; Gunter; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; 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

ABSENT AND NOT VOTING: Nicholas

HB 1378 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1468: A BILL for an Act to amend and reenact sections 57-39.2-04.1 and 57-40.2-04.1 of the North Dakota Century Code, relating to sales taxes on certain prepared foods; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and

has committee recommendation of DO NOT PASS, the roll was called and there were 31 YEAS, 67 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Drovdal; Gorder; Gulleston; Hagle; Huether; Johnson; Kaldor; Keiser; Klein; Kretschmar; Kunkel; Maragos; Monson; Mutzenberger; Nicholas; Nottestad; Oban; Olson; Payne; Price; Retzer; Rydell; Sabby; Schmidt; Stenehjem; Sveen; Thompson; Thoreson; Wentz

NAYS: Austin; Bateman; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Freier; Froseth; Galvin; Gertholz; Glassheim; Gorman; Grosz; Grumbo; Gunter; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Jacobs; Kelsch; Kempenich; Kerzman; Kliniske; Koppelman; Kroeber; Laughlin; Lloyd; Mahoney; Martinson; Mickelson; Nichols; Poolman; Rennerfeldt; Sandvig; Schimke; Shide; Sitz; Skarphol; Soukup; Svedjan; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wilkie; Speaker Martin

HB 1468 was declared lost.

MOTION

REP. DORSO MOVED that the House stand in recess until 3:00 p.m., which motion prevailed.

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

HOUSE ENGRESSING REPORT

The following bill was engrossed: HB 1131.

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 1045, HB 1146, HB 1214, HB 1217, HB 1322, HB 1325, HB 1342, HB 1407, HB 1425, HB 1433, HB 1435, HB 1436, HB 1438, HB 1440, HB 1450, HB 1451, HB 1458, HB 1463, HB 1473, HB 1474, HB 1483, HB 1484, HB 1488, HB 1489, HCR 3013, HCR 3016, HCR 3017, HCR 3019, HCR 3020, HCR 3021, HCR 3022, HCR 3025, HCR 3026, HCR 3027.

MOTION

REP. DORSO MOVED that the rules be suspended and Engrossed HB 1076, HB 1090, HB 1203, HB 1241, HB 1257, HB 1284, HB 1290, HB 1305, HB 1320, HB 1334, HB 1345, HB 1355, HB 1360, HB 1369, HB 1391, HB 1392, HB 1402, HB 1416, HB 1418, HB 1426, HB 1465, HB 1479, HB 1501, and HB 1502 be placed on today's calendar, as amended, for second reading and final passage, which motion prevailed.

HOUSE ENGRESSING REPORT

The following bills were engrossed: HB 1076, HB 1090, HB 1203, HB 1241, HB 1257, HB 1284, HB 1290, HB 1291, HB 1305, HB 1320, HB 1334, HB 1344, HB 1345, HB 1355, HB 1360, HB 1369, HB 1391, HB 1392, HB 1402, HB 1415, HB 1416, HB 1418, HB 1426, HB 1461, HB 1465, HB 1479, HB 1496, HB 1501, and HB 1502.

HOUSE ENGRESSING REPORT

The following bill was reengrossed: HB 1306.

SECOND READING OF HOUSE BILL

Reengrossed HB 1076: A BILL for an Act to amend and reenact section 54-03-20 of the North Dakota Century Code, relating to compensation of members of the legislative assembly.

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 59 YEAS, 37 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bateman; Belter; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Dalrymple; DeKrey; DeWitz; Dorso; Drovdal; Freier; Galvin; Gerntholz; Glassheim; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hausauer; Holm; Howard; Huether; Johnson; Kaldor; Kempenich; Kliniske; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Sandvig; Schmidt; Sitz; Skarphol; Thompson; Timm; Torgerson; Wald; Speaker Martin

NAYS: Austin; Berg; Christenson; Christopherson; Clark; Clayburgh; Coats; Delmore; Delzer; Dobrinski; Froseth; Gorder; Hanson; Henegar, K.; Jacobs; Keiser; Kelsch; Kerzman; Klein; Koppelman; Mahoney; Nichols; Oban; Rydell; Sabby; Schimke; Shide; Soukup; Stenehjem; Svedjan; Sveen; Thoreson; Tollefson; Walker; Wardner; Wentz; Wilkie

ABSENT AND NOT VOTING: Hagle; Henegar, D.

Reengrossed HB 1076 passed and the title was agreed to.

MOTION

REP. FREIER MOVED that the House waive the reading of the title to Engrossed HB 1090, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1090: A BILL for an Act to create and enact a new subsection to section 47-30.1-01 and section 47-30.1-16.1 of the North Dakota Century Code, relating to definitions applicable to the Uniform Unclaimed Property Act and unclaimed mineral proceeds; to amend and reenact subsection 1 of section 47-30.1-02, subsection 1 of section 47-30.1-05, subsection 4 of section 47-30.1-06, subsections 1 and 3 of section 47-30.1-07, section 47-30.1-10, subsection 1 of section 47-30.1-12, section 47-30.1-13, subsection 1 of section 47-30.1-14, sections 47-30.1-16, 47-30.1-17, subsections 1 and 4 of section 47-30.1-18, section 47-30.1-19.1, subsection 3 of section 47-30.1-24, and subsection 1 of section 47-30.1-35 of the North Dakota Century Code, relating to abandoned property under the Uniform Unclaimed Property Act; and to repeal sections 47-30.1-19 and 47-30.1-21 of the North Dakota Century Code, relating to the payment or delivery of and the crediting of dividends accrued on abandoned property.

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 95 YEAS, 0 NAYS, 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; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; 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; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Hagle; Henegar, D.; Wentz

Engrossed HB 1090 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1203: A BILL for an Act to amend and reenact section 54-03-23 of the North Dakota Century Code, relating to return of legislators' copies of the North Dakota Century Code after termination of service.

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 80 YEAS, 16 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Berg; Boucher; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hausauer; Henegar, K.; Howard; Huether; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Martinson; Mickelson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Sitz; Soukup; Stenehjøm; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Bateman; Belter; Bernstein; Boehm; Brown; Clayburgh; Hanson; Holm; Kaldor; Lloyd; Maragos; Monson; Olson; Payne; Shide; Skarphol

ABSENT AND NOT VOTING: Hagle; Henegar, D.

Engrossed HB 1203 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1241: A BILL for an Act to create and enact a new section to chapter 53-06.1 of the North Dakota Century Code, relating to sponsoring of charity nights by fraternal, veterans', civic, and service organizations; and to amend and reenact subsection 1 of section 53-06.1-07 of the North Dakota Century Code, relating to games of chance.

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 73 YEAS, 22 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Berg; Boehm; Boucher; Brown; Byerly; Christenson; Christopherson; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Galvin; Gerntholz; Glassheim; Gorman; Grosz; Grumbo; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Huether; Jacobs; Johnson; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Payne; Poolman; Price; Rydell; Schimke; Schmidt; Sitz; Soukup; Stenehjøm; Sveen; Thompson; Thoreson; Timm; Torgerson; Wald; Walker; Wardner; Wentz; Speaker Martin

NAYS: Bateman; Belter; Bernstein; Carlisle; Carlson; Clark; Froseth; Gorder; Gulleson; Howard; Keiser; Laughlin; Olson; Rennerfeldt; Retzer; Sabby; Sandvig; Shide; Skarphol; Svedjan; Tollefson; Wilkie

ABSENT AND NOT VOTING: Hagle; Henegar, D.; Kaldor

Engrossed HB 1241 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1257: A BILL for an Act to create and enact three new subsections to section 57-51.1-01 and two new subsections to section 57-51.1-03 of the North Dakota Century Code, relating to definitions and exemptions for purposes of the oil extraction tax; to amend and reenact subsection 8 of section 57-51.1-01 and subsection 3 of section 57-51.1-03 of the North Dakota Century Code, relating to stripper wells and oil extraction tax exemptions for certain inactive wells, horizontal reentry wells, and horizontal wells; to provide an effective date; 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 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; Drovda; Freier; Froseth; Galvin; Gerntholz; Gordan; Gorder; Grosz; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; 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: Hagle; Henegar, D.

Engrossed HB 1257 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1284: A BILL for an Act to amend and reenact subsection 1 of section 28-32-02 and sections 28-32-03 and 28-32-03.3 of the North Dakota Century Code, relating to the authority of the administrative rules committee over the effectiveness of administrative rules; 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 91 YEAS, 4 NAYS, 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; Drovda; Freier; Froseth; Galvin; Gerntholz; Gordan; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt;

Retzer; Rydell; Sabby; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Glassheim; Gulleeson; Mutzenberger; Sandvig

ABSENT AND NOT VOTING: Gunter; Hagle; Henegar, D.

Engrossed HB 1284 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1290: A BILL for an Act to amend and reenact section 25-01.3-02 of the North Dakota Century Code, relating to the appointment of members of the committee on protection and advocacy; to provide for application of this Act; to provide an effective date; 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 83 YEAS, 13 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Aarsvold; Boucher; Coats; Glassheim; Gulleeson; Kaldor; Kerzman; Laughlin; Martinson; Mutzenberger; Oban; Schmidt; Sitz

ABSENT AND NOT VOTING: Hagle; Henegar, D.

Engrossed HB 1290 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1305: A BILL for an Act to amend and reenact sections 61-32-03 and 61-32-07 of the North Dakota Century Code, relating to drainage permits and closing drains; to repeal sections 61-32-01, 61-32-02, 61-32-04, 61-32-05, 61-32-06, 61-32-09, and 61-32-11 of the North Dakota Century Code, relating to wetlands.

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 62 YEAS, 33 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bateman; Belter; Berg; Boehm; Boucher; Brown; Christopherson; Clark; Clayburgh; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Gerntholz; Gorder; Grosz; Gulleeson; Gunter; Hausauer; Holm; Huether; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kliniske; Koppelman; Kunkel; Laughlin; Lloyd; Mickelson; Monson; Nicholas; Nichols; Nottestad; Olson; Payne; Poolman; Rennerfeldt; Retzer; Sabby; Sandvig; Schimke; Schmidt; Shide;

Sitz; Skarphol; Stenehjelm; Svedjan; Thompson; Wald; Wardner; Wilkie; Speaker Martin

NAYS: Bernstein; Byerly; Carlisle; Carlson; Christenson; Coats; Froseth; Galvin; Glassheim; Gorman; Grumbo; Hanson; Henegar, K.; Howard; Jacobs; Klein; Kretschmar; Kroeber; Mahoney; Maragos; Martinson; Mutzenberger; Oban; Price; Rydell; Soukup; Sveen; Thoreson; Timm; Tollefson; Torgerson; Walker; Wentz

ABSENT AND NOT VOTING: Austin; Hagle; Henegar, D.

Engrossed HB 1305 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1320: A BILL for an Act to create and enact a new section to chapter 20.1-13 of the North Dakota Century Code, relating to requirements for fishing guides.

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 66 YEAS, 30 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Austin; Bateman; Berg; Boehm; Boucher; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clayburgh; Coats; Dalrymple; Delmore; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Gullerson; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Huether; Jacobs; Johnson; Keiser; Kelsch; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Mahoney; Maragos; Martinson; Monson; Nicholas; Nottestad; Olson; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Shide; Skarphol; Soukup; Stenehjelm; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Aarsvold; Belter; Bernstein; Brown; Clark; DeKrey; Delzer; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Grosz; Grumbo; Howard; Kaldor; Kempenich; Laughlin; Lloyd; Mickelson; Mutzenberger; Nichols; Oban; Payne; Poolman; Schimke; Schmidt; Sitz; Timm

ABSENT AND NOT VOTING: Hagle; Henegar, D.

Engrossed HB 1320 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1334: A BILL for an Act relating to the killing or injury of certified, law enforcement support dogs; and to provide a penalty.

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, 1 NAY, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Bernstein; Boehm; Boucher; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gullerson; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; 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; 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

NAYS: Brown

ABSENT AND NOT VOTING: Berg; Drovdal; Hagle; Henegar, D.; Olson

Engrossed HB 1334 passed and the title was agreed to.

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 8:00 a.m., Wednesday, February 15, 1995, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1008: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1008 was placed on the Sixth order on the calendar.

Page 1, line 2, after "commission" insert "and the adjutant general for the civil air patrol"

Page 1, line 11, replace "498,477" with "442,793"

Page 1, line 15, replace "2,228,671" with "2,191,901"

Page 1, line 16, replace "3,616,099" with "3,523,645"

Page 1, line 18, replace "595,879" with "503,425"

Page 1, after line 18, insert:

"SECTION 2. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the adjutant general for the purpose of defraying the expenses of the civil air patrol, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Salaries and wages	\$ 55,684
Grants	<u>36,770</u>
Total general fund appropriation	\$ 92,454
Grand total general fund appropriation H.B. 1008	\$ 595,879
Grand total special funds appropriation H.B. 1008	\$3,020,220
Grand total all funds H.B. 1008	\$3,616,099"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 412 - AERONAUTICS COMMISSION

HOUSE - The amendment decreases salaries and wages by \$55,684 from the general fund due to the removal of one FTE related to the Civil Air Patrol. The authorized FTE level is decreased from six FTEs to five FTEs.

The amendment also decreases the grants line item by \$36,770 from the general fund due to the removal of the funding for the Civil Air Patrol.

DEPARTMENT 540 - ADJUTANT GENERAL

HOUSE - The amendment adds a section appropriating funds for salaries and wages of \$55,684 and grants of \$36,770 from the general fund for the addition of one FTE related to the Civil Air Patrol.

REPORT OF STANDING COMMITTEE

HB 1038: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1038 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and"

Page 1, line 5, after "hazards" insert "; and to provide for legislative intent regarding a joint safety and inspection program for schools"

Page 1, line 13, overstrike "twenty-five" and insert immediately thereafter "one hundred"

Page 3, line 8, remove "if a fire safety"

Page 3 remove lines 9 through 15

Page 4, after line 5, insert:

"SECTION 4. LEGISLATIVE INTENT - JOINT SAFETY AND INSPECTION PROGRAM FOR SCHOOLS. It is the intent of the legislative assembly that the state fire marshal cooperate with the administrator of the North Dakota insurance reserve fund and the supervisor of the state fire and tornado fund to develop and implement a joint safety and inspection program for all public and private elementary and secondary schools in the state and that the state fire marshal report on the program to the budget section of the legislative council at the first meeting of the budget section after June 30, 1996."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1050, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1050 was placed on the Sixth order on the calendar.

Page 1, line 6, remove "issue and"

Page 1, line 16, replace the second "section" with "subdivision e of subsection 2 of section 26.1-36-04, sections 26.1-36-05,"

Page 1, line 17, after the first comma insert "and" and remove ", subdivision a"

Page 1, line 18, remove "of subsection 3 of section 26.1-36.3-06"

Page 1, line 20, replace "minimum" with "maximum lifetime"

Page 1, line 21, remove "issue and"

Page 2, line 4, after the semicolon insert "to provide for a legislative council study;"

Page 14, line 1, replace "Continuing appropriation" with "Health care cooperative agreement fund"

Page 14, line 2, replace "appropriated" with "available"

Page 14, line 3, replace "on a continuing basis" with ", subject to legislative appropriation,"

Page 22, after line 2, insert:

"SECTION 20. AMENDMENT. Subdivision e of subsection 2 of section 26.1-36-04 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- e. A Subject to section 22 of this Act, a provision that the insurer may cancel the policy at any time by written notice delivered to the insured, or mailed to the insured's last address as shown by the records of the insurer, stating when, not less than five days thereafter, the cancellation is effective; and after the policy has been continued beyond its original term the insured may cancel the policy at any time by written notice delivered or mailed to the insurer, effective upon receipt or on such later date as may be specified in the notice. The provision must provide that in the event of cancellation, the insurer will return promptly the unearned portion of any premium paid, and, if the insured cancels, the earned premium will be computed by the use of the short-rate table last filed in the state where the insured resided when the policy was issued. The provision must provide that if the insurer cancels, the earned premium shall be computed pro rata. The provision must provide that cancellation is without prejudice to any claim originating prior to the effective date of cancellation.

SECTION 21. AMENDMENT. Section 26.1-36-05 of the North Dakota Century Code is amended and reenacted as follows:

26.1-36-05. Group health policy or service contract standard provisions. Neither a group health insurance policy nor a group health service contract may be delivered in this state unless it contains in substance the following provisions, or provisions that in the opinion of the commissioner are more favorable to the persons insured and more favorable to the policyholder or contractholder; provided, however, that subsections 5, 7, and 12 do not apply to credit accident and health insurance policies, that the standard provisions required for individual health insurance policies do not apply to group health insurance policies, and that if any provision of this section is in whole or in part inapplicable to or inconsistent with the coverage provided by a particular form of policy or contract, the insurer shall omit from the policy or contract any inapplicable provision or part of a provision, and shall modify any inconsistent provision or part of the provision ~~in such manner as~~ to make the provision as contained in the policy or contract consistent with the coverage provided by the policy or contract:

1. A provision that the policyholder or contractholder is entitled to a grace period of fifteen days for monthly premiums and thirty-one days for all others for the payment of any premium due except the first, during which the policy or contract continues in force, unless the policyholder or contractholder has given the insurer written notice of discontinuance in advance of the date of discontinuance and in accordance with the terms of the policy or contract. The

policy or contract may provide that the policyholder or contractholder is liable to the insurer for the payment of a pro rata premium for the time the policy or contract was in force during the grace period.

2. A provision that the validity of the policy or contract may not be contested except for nonpayment of premiums, after it has been in force for two years from its date of issue; and that the validity of the policy or contract may not be contested on the basis of a statement made relating to insurability by any person covered under the policy or contract after the insurance has been in force for two years during the person's lifetime unless the statement is contained in a written instrument signed by the person making the statement; provided, however, that no such provision precludes the assertion at any time of defenses based upon the person's ineligibility for coverage under the policy or contract.
3. A provision that a copy of the application, if any, of the policyholder or contractholder will be attached to the policy or contract when issued, that all statements made by the policyholder or contractholder or by the persons insured are deemed representations and not warranties, and that no statement made by any insured person may be used in any contest unless a copy of the instrument containing the statement is or has been furnished to that person or, in the event of the death or incapacity of the insured person, to the individual's beneficiary or personal representative.
4. A provision setting forth the conditions, if any, under which the insurer reserves the right to require a person eligible for insurance to furnish evidence of individual insurability satisfactory to the insurer as a condition to part or all of the individual's coverage.
5. A provision specifying the additional exclusions or limitations, if any, applicable under the policy or contract with respect to a disease or physical condition of a person, not otherwise excluded from the person's coverage by name or specific description effective on the date of the person's loss, which existed prior to the effective date of the person's coverage under the policy or contract. Any such exclusion or limitation may only apply to a disease or physical condition for which medical advice or treatment was received by the person during the twelve months ~~prior to~~ before the effective date of the person's coverage. The exclusion or limitation may not apply to loss incurred or disability commencing after the earlier of the end of a continuance period of twelve months commencing on or after the effective date of the person's coverage during all of which the person has received no medical advice or treatment in connection with such disease or physical condition, or the end of the two-year period commencing on the effective date of the person's coverage.
6. If the premiums or benefits vary by age, a provision specifying an equitable adjustment of premiums or of benefits, or both, to be made in the event the age of a covered person has been misstated. The provision must contain a clear statement of the method of adjustment to be used.
7. A provision that the insurer will issue to the policyholder or contractholder for delivery to each person insured a

certificate setting forth a statement as to the insurance protection to which that person is entitled, to whom the insurance benefits are payable, and a statement as to any family member's or dependent's coverage.

8. A provision that written notice of claim must be given to the insurer within twenty days after the occurrence or commencement of any loss covered by the policy or contract. Failure to give notice within this time does not invalidate nor reduce any claim if it is shown that it was not ~~to have been~~ reasonably possible to give the notice and that notice was given as soon as was reasonably possible.
9. A provision that the insurer will furnish to the person making claim, or to the policyholder or contractholder for delivery to ~~such~~ the person making claim, the forms usually furnished for filing proof of loss. If the forms are not furnished before the expiration of fifteen days after the insurer receives notice of any claim under the policy or contract, the person making the claim is deemed to have complied with the requirements of the policy or contract as to proof of loss upon submitting within the time fixed in the policy or contract for filing proof of loss, written proof covering the occurrence, character, and extent of the loss for which ~~claims are~~ claim is made.
10. A provision that in the case of claim for loss of time for disability, written proof of loss must be furnished to the insurer within ninety days after the commencement of the period for which the insurer is liable, and that subsequent written proof of continuance of the disability must be furnished to the insurer at ~~such~~ intervals as the insurer may reasonably require, and that in the case of claim for any other loss, written proof of loss must be furnished to the insurer within ninety days after the date of loss. Failure to furnish the proof within this time does not invalidate nor reduce any claim if it was not reasonably possible to furnish the proof within that time, provided the proof is furnished as soon as reasonably possible and in no event, except in the absence of legal capacity of the claimant, later than one year from the time proof is otherwise required.
11. A provision that all benefits payable under the policy or contract other than benefits for loss of time will be payable not more than sixty days after receipt of proof, and that, subject to due proof of loss, all accrued benefits payable under the policy or contract for loss of time will be paid ~~not less frequently than~~ at least monthly during the continuance of the period for which the insurer is liable, and that any balance remaining unpaid at the termination of ~~such~~ that period will be paid as soon as possible after receipt of proof of loss.
12. A provision that benefits for loss of life of the person insured will be payable to the beneficiary designated by the insured person. ~~However, if~~ if the policy or contract contains conditions pertaining to family status, however, the beneficiary may be the family member specified by the policy or contract terms. In either case, payment of these benefits is subject to the provisions of the policy or contract in the event ~~no such~~ the designated or specified beneficiary is not living at the death of the insured person. All other benefits of the policy or contract are payable to the insured person. The policy or contract may also provide that if any benefit is payable to the estate of a person, or to a person

who is a minor or otherwise not competent to give a valid release, the insurer may pay the benefit, up to an amount not exceeding five thousand dollars, to any relative by blood or connection by marriage of the person deemed by the insurer to be equitably entitled to the benefit.

- 13. A provision that the insurer may examine the individual for whom claim is made when and so often as it may reasonably require during the pendency of claim under the policy or contract and also may make an autopsy in case of death where the autopsy is not prohibited by law.
- 14. A provision that no action may be brought to recover on the policy or contract prior to the expiration of sixty days after proof of loss has been filed in accordance with the requirements of the policy or contract and that ~~no such~~ the action may not be brought at all unless brought within three years from the expiration of the time which proof of loss is required by the policy or contract.
- ~~15. A provision that benefits under the policy may not be denied for any health care service performed by a registered nurse licensed pursuant to chapter 43 12.1 if the following conditions are met: (1) the service performed is within the scope of the registered nurse's license; (2) the policy currently provides benefits for identical services performed by a health care provider licensed by this state; (3) the service is not performed while the registered nurse is employed within a hospital, skilled nursing facility, or intermediate care facility; and (4) the policy does not offer, at the option of the employer, or the group or association representative, coverage for services rendered by self-employed registered nurses licensed pursuant to chapter 43 12.1. No lack of signature, referral, or employment by any other health care provider, and no provision of chapter 43 17 may be asserted to deny benefits under this provision.~~

Page 22, line 10, replace "an" with "any"

Page 22, line 11, after the second underscored comma insert "or"

Page 22, line 12, replace ", or any other entity providing" with "that provides"

Page 23, line 12, remove "issue and"

Page 26, line 8, overstrike "Group" and insert immediately thereafter "Individual and group" and overstrike "A" and insert immediately thereafter "An individual or"

Page 26, line 9, after "the" insert "individuals," and after "employees" insert an underscored comma

Page 32, remove lines 6 through 18

Page 35, line 7, replace "one hundred eighty days" with "two years"

Page 35, line 11, remove "annually thereafter"

Page 35, line 14, after "year" insert "in 1997, 1998, and 1999"

Page 36, replace lines 16 through 28 with:

"SECTION 33. HEALTH CARE COST AND QUALITY REVIEW PROGRAM. It is the intent of the legislative assembly that an amount equal to at least

\$1,000,000 from the general fund for the establishment of a health care cost and quality review program for the biennium beginning July 1, 1995, and ending June 30, 1997, be provided to the state department of health and consolidated laboratories in House Bill No. 1006. The department shall pursue funding from the Robert Wood Johnson foundation to help fund the operations of the health council.

SECTION 34. EXPANDED MEDICAL ASSISTANCE COVERAGE. It is the intent of the legislative assembly that an amount equal to at least \$3,000,451 from the general fund for the purpose of expanding medical assistance coverage to children and pregnant women for the biennium beginning July 1, 1995, and ending June 30, 1997, be provided to the department of human services in Senate Bill No. 2012."

Page 37, remove lines 1 through 5

Page 37, line 18, replace "28" with "29"

Page 37, line 20, replace "28" with "29"

Page 37, after line 25, insert:

"SECTION 39. LEGISLATIVE COUNCIL STUDY - STUDY OF HEALTH INSURANCE COVERED SERVICES. The legislative council shall consider studying the feasibility and desirability of requiring mental health services and alcohol and drug addiction related services to be included as health insurance covered services. The study, if conducted, should include a review of other states' programs, the cost-benefit analysis, current treatment practices and results, and the actuarial impact of the inclusion of the services on health insurance plans."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1155: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1155 was placed on the Sixth order on the calendar.

Page 3, remove lines 23 through 29

Page 4, remove lines 1 through 7

Page 4, line 8, replace "6" with "4"

Page 4, line 9, remove "make an investigation of each applicant and"

Page 4, line 10, remove "may"

Page 4, line 20, replace "7" with "5"

Page 5, line 25, remove ", in the"

Page 5, line 26, remove "commissioner's opinion,"

Page 6, line 3, replace "any" with "the following" and replace "the commissioner prescribes by rule." with "regarding business transacted in this state for the previous calendar year:

1. For each policy viaticated:
 - a. The date the viatical settlement was entered into.
 - b. The life expectancy of viator at time of contract.

- c. The face amount of policy.
- d. The amount paid by the viatical settlement provider to viaticate the policy and the percentage that amount represents of the face amount.
- e. If the viator has died:
 - (1) The date of death.
 - (2) The total insurance premiums paid by viatical settlement provider to maintain the policy in force.
- 2. A breakdown, by disease category, of applications received, accepted, and rejected.
- 3. A breakdown of policies viaticated by issuer and policy type.
- 4. The number of secondary market versus primary transactions.
- 5. The total number of policies viaticated.
- 6. The amount of outside borrowings."

Page 6, line 14, replace "is" with "are not subject to section 44-04-18 and are"

Page 8, line 11, remove "approved by"

Page 8, line 12, remove "the commissioner"

Page 8, remove lines 18 through 28

Page 9, remove lines 1 through 10

Page 9, line 11, replace "26.1-33.1-11" with "26.1-33.1-09"

Page 9, line 14, replace "26.1-33.1-12" with "26.1-33.1-10"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1165: Judiciary Committee (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1165 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 10-04-09, a new subsection to section 10-04-10.1, a new subsection to section 10-04-11, a new subsection to section 10-04-15, a new subsection to section 10-04-18, a new subsection to section 43-10.1-06.1, a new section to chapter 43-10.1, a new subsection to section 51-19-09, a new subsection to section 51-19-11, a new subsection to section 51-19-13, a new subsection to section 51-23-07, a new subsection to section 51-23-20, and a new section to chapter 51-23 of the North Dakota Century Code, relating to statutes of limitations and civil remedies for certain commodities activities; to amend and reenact subsection 1 of section 10-04-17, subsection 1 of section 43-10.1-06.2, section 43-10.1-08, subsection 5 of section 51-19-12, and subdivisions f and g of subsection 2 of section 51-19-13 of the North Dakota Century Code, relating to statutes of limitations for certain securities and commodities activities and civil remedies for violations of certain pre-need funeral activities and franchise investment activities; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 10-04-09 of the North Dakota Century Code is created and enacted as follows:

No action may be brought under this section by the commissioner after ten years from the date of the alleged violation.

SECTION 2. A new subsection to section 10-04-10.1 of the 1993 Supplement to the North Dakota Century Code is created and enacted as follows:

No action may be brought under this section by the commissioner after six years from the date of the alleged violation.

SECTION 3. A new subsection to section 10-04-11 of the 1993 Supplement to the North Dakota Century Code is created and enacted as follows:

No action may be brought under this section by the commissioner after ten years from the date of the alleged violation.

SECTION 4. A new subsection to section 10-04-15 of the North Dakota Century Code is created and enacted as follows:

No action may be brought under this section by the commissioner after six years from the date of the alleged violation.

SECTION 5. AMENDMENT. Subsection 1 of section 10-04-17 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. That no action shall ~~may~~ be brought under this section for the recovery of the purchase price after five years from the date of such sale or contract for sale nor more than one year after the purchaser has received information as to matter or matters upon which the proposed recovery is based ~~that the aggrieved party knew or reasonably should have known about the facts that are the basis for the alleged violation;~~ and

SECTION 6. A new subsection to section 10-04-18 of the North Dakota Century Code is created and enacted as follows:

No action may be brought under this chapter by the commissioner after five years from the date that the commissioner knew or reasonably should have known about the facts that are the basis for the alleged violation. This subsection does not apply to any action under sections 10-04-09, 10-04-10.1, 10-04-11, and 10-04-15.

SECTION 7. A new subsection to section 43-10.1-06.1 of the North Dakota Century Code is created and enacted as follows:

No action may be brought under this section by the commissioner after six years from the date of the violation.

SECTION 8. AMENDMENT. Subsection 1 of section 43-10.1-06.2 of the North Dakota Century Code is amended and reenacted as follows:

1. Issue any order, including ~~but not limited to~~ cease and desist, stop, and suspension orders, which he the

commissioner deems necessary or appropriate in the public interest or for the protection of purchasers; ~~provided, however, that any.~~ The commissioner may, in addition to any other remedy authorized by this chapter, impose by order and collect a civil penalty in an amount not to exceed ten thousand dollars for each violation against any person found in an administrative action to have violated this chapter. The attorney general, upon the request of the commissioner, may bring an action in district court to recover penalties under this section. Any person aggrieved by an order issued pursuant to under this subsection may request a hearing before the commissioner if such the request is made within ten days after receipt of the order. Such The hearing and any appeal therefrom must be held in accordance with chapter 28-32 as must be any appeal therefrom.

SECTION 9. AMENDMENT. Section 43-10.1-08 of the North Dakota Century Code is amended and reenacted as follows:

43-10.1-08. Penalties. Any person who willfully violates any provision of this chapter or any rule or order of the commissioner made pursuant to ~~the provisions of this chapter, or who engages in any act, practice, or transaction declared by any provision of this chapter to be unlawful is guilty of a class C B felony.~~

SECTION 10. A new section to chapter 43-10.1 of the North Dakota Century Code is created and enacted as follows:

Statute of limitations. No action may be brought under this chapter by the commissioner after five years from the date that the commissioner knew or reasonably should have known about the facts that are the basis for the alleged violation. This section does not apply to section 43-10.1-06.1.

SECTION 11. A new subsection to section 51-19-09 of the North Dakota Century Code is created and enacted as follows:

No action may be brought under this section by the commissioner after ten years from the date of the alleged violation.

SECTION 12. A new subsection to section 51-19-11 of the North Dakota Century Code is created and enacted as follows:

No action may be brought under this section by the commissioner after ten years from the date of the alleged violation.

SECTION 13. AMENDMENT. Subsection 5 of section 51-19-12 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

5. No action may be brought under this section after ~~three five~~ years from the date of ~~such sale or contract for sale nor more than one year after the purchaser has received information as to matter or matters upon which the proposed recovery is based that the aggrieved party knew or reasonably should have known about the facts that are the basis for the alleged violation.~~ This subsection does not apply to any action under sections 51-19-09 and 51-19-11.

SECTION 14. AMENDMENT. Subdivisions f and g of subsection 2 of section 51-19-13 of the 1993 Supplement to the North Dakota Century Code are amended and reenacted as follows:

- f. If, in the opinion of the commissioner, the offer of any franchise is subject to registration under this chapter and it is being or has been offered for sale without ~~such~~ the offer first being registered, the commissioner may order the franchiser or offeror of ~~such~~ the franchise to desist and refrain from the further offer or sale of ~~such~~ the franchise unless and until ~~such~~ the offer has been duly registered under this chapter. The commissioner may, in addition to any other remedy authorized by this chapter, impose by order and collect a civil penalty in an amount not to exceed ten thousand dollars for each violation against any person found in an administrative action to have violated this chapter. The attorney general, upon the request of the commissioner, may bring an action in district court to recover penalties under this section. If, after ~~such an~~ the order has been made, a request for a hearing is filed in writing by the person to whom ~~such~~ the order was directed, a hearing must be held; ~~unless such.~~ Unless the hearing is commenced within fifteen business days after the request is made or the person affected consents to a later date, ~~such~~ the order must be deemed is rescinded.
- g. If, in the opinion of the commissioner, the offer of any franchise exempt from registration under this chapter is being or has been offered for sale without complying with ~~the provisions of~~ section 51-19-04 or subsection 2 of section 51-19-11, the commissioner may order the franchiser or offeror of ~~such~~ the franchise to desist and refrain from the further offer or sale of ~~such~~ the franchise unless and until ~~such an~~ an offer is made in compliance with this chapter. The commissioner may, in addition to any other remedy authorized by this chapter, impose by order and collect a civil penalty in an amount not to exceed ten thousand dollars for each violation against any person found in an administrative action to have violated this chapter. The attorney general, upon the request of the commissioner, may bring an action in district court to recover penalties under this section. If, after ~~such an~~ the order has been made, a request for a hearing is filed in writing by the person to whom ~~such~~ the order was directed, a hearing must be held. Unless ~~such~~ the hearing is commenced within fifteen business days after the date, ~~such~~ the order ~~must be deemed is~~ rescinded.

SECTION 15. A new subsection to section 51-19-13 of the 1993 Supplement to the North Dakota Century Code is created and enacted as follows:

No action may be brought under this chapter by the commissioner after five years from the date that the commissioner knew or reasonably should have known about the facts that are the basis for the alleged violation. This subsection does not apply to any action under sections 51-19-09 and 51-19-11.

SECTION 16. A new subsection to section 51-23-07 of the North Dakota Century Code is created and enacted as follows:

No action may be brought under this section by the commissioner after six years from the date of the alleged violation.

SECTION 17. A new subsection to section 51-23-20 of the North Dakota Century Code is created and enacted as follows:

No action may be brought under this chapter after five years from the date that the commissioner knew or reasonably should have known about the facts that are the basis for the alleged violation. This subsection does not apply to any action under section 51-23-07.

SECTION 18. A new section to chapter 51-23 of the North Dakota Century Code is created and enacted as follows:

Remedies. Every sale or contract for sale made in violation of this chapter, or of any rule or order issued by the commissioner under this chapter, is voidable at the election of the purchaser. The person making a sale or contract for sale, and every director, officer, salesperson, or agent of or for the person who participated or aided in any way in making the sale is jointly and severally liable to the purchaser. The purchaser may sue either to recover the full amount paid by the purchaser and any court costs, interest at the federal treasury rate, and reasonable attorney's fees, less the amount of any income received on the commodities upon tender to the seller of the commodities sold or of the contracts made. If the person no longer owns the commodities, the person may sue for damages that would be recoverable upon a tender, less the value of the commodities when the purchaser disposed of the commodities and interest from the date of disposition. However:

1. No action may be brought under this section for the recovery of the purchase price after five years from the date of the sale or contract for sale.
2. No purchaser may claim or have the benefit of this section if the purchaser refused or failed to accept, within thirty days from the date of the offer, an offer in writing of the seller to take back the commodity contract in question and to refund the full amount paid by the purchaser, together with interest on the amount for the period from the date of payment by the purchaser to the date of repayment.
3. This chapter does not limit any statutory or common-law right of any person in any court for any act involved in the sale of commodities."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1168: Judiciary Committee (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1168 was placed on the Sixth order on the calendar.

Page 9, line 8, remove the overstrike over "~~from~~"

Page 9, line 16, remove "poker, calcuttas."

Page 13, line 18, remove the overstrike over "~~one~~" and remove "three"

Page 13, line 19, remove the overstrike over "~~six~~"

Page 13, line 20, remove "twelve"

Page 13, line 21, overstrike the comma

Page 13, line 22, remove "poker, and calcuttas"

Page 14, line 27, after "thirtieth" insert "or on a calendar-year basis"

Page 17, line 14, remove the underscored comma

Page 17, line 15, remove "calcutta, and sports pool"

Page 17, line 16, after "that" insert "is a licensed organization or organization that"

Page 17, line 18, remove ", calcutta, and sports"

Page 17, line 19, remove "pool"

Page 28, line 2, remove the overstrike over "~~A~~-licensed" and remove "An eligible"

Page 28, line 16, remove the overstrike over "~~A~~-licensed" and remove "An eligible"

Page 31, line 2, remove the overstrike over "~~one~~" and remove "three"

Page 31, line 3, remove the overstrike over "~~three~~" and remove "six"

Page 35, line 3, after "returns" insert "or reports"

Page 39, line 23, remove the overstrike over "~~in advance~~"

Page 41, line 13, after the comma insert "determine compliance with this chapter or any gaming rule,"

Page 44, line 27, remove "calcuttas, poker,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1212, as engrossed: Judiciary Committee (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1212 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "or collegiate"

Page 1, line 12, remove "or collegiate"

Page 1, line 14, after the underscored comma insert "all participants are twenty-one years of age or older,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1245: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1245 was placed on the Sixth order on the calendar.

Page 1, line 1, replace the first comma with "and" and remove ", and"

Page 1, line 2, remove "54-06-09"

Page 2, line 4, replace "five" with "four"

Page 2, line 7, replace "seven" with "six" and remove "and fifty cents"

Page 2, line 9, replace "thirteen" with "ten" and overstrike "and fifty cents"

Page 2, line 11, remove the overstrike over "~~thirty-five~~" and remove "forty"

Page 2, line 12, after "dollars" insert "plus any additional applicable state or local taxes on lodging"

Page 3, line 26, remove the overstrike over "~~six~~" and remove "seven"

Page 4, line 16, remove the overstrike over "~~six~~" and remove "seven"

Page 5, remove lines 7 through 28

Page 6, remove lines 1 through 28

Page 7, remove lines 1 through 19

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1289: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1289 was placed on the Sixth order on the calendar.

Page 1, line 19, remove the overstrike over "~~Any moneys received or generated by the pride of Dakota program~~"

Page 1, remove the overstrike over line 20

Page 5, line 14, replace "fun" with "fund"

Page 5, line 27, remove "A portion of the fund may be"

Page 5, remove lines 28 and 29

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1316: Human Services Committee (Rep. Svedjan, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1316 was placed on the Sixth order on the calendar.

Page 2, line 3, after the underscored period insert "Inspections of the same licensed retail outlet may not be conducted less than fifteen days apart."

Page 3, line 7, remove "past", after "months" insert "preceding the offense", remove "shall pay", and remove "one"

Page 3, line 8, replace "hundred" with "fifty", after "dollars" insert "must be imposed", remove "past", after "months" insert "preceding the offense, a civil penalty of one hundred dollars must be imposed for a third offense within the twelve months preceding the offense", and remove "must have"

Page 3, line 9, replace "the" with "a", replace "suspended" with "suspension", after "days" insert "must be imposed", and replace "third" with "fourth"

Page 3, line 10, remove "past", after "months" insert "preceding the offense", replace "must have the" with "a", and replace "revoked" with "revocation"

Page 3, line 11, replace "not less than" with "up to", after "year" insert "must be imposed", replace "fourth" with "fifth", and remove "past"

Page 3, line 12, after "months" insert "preceding the offense"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1347: Human Services Committee (Rep. Svedjan, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1347 was placed on the Sixth order on the calendar.

Page 1, line 5, remove "section 26.1-36-37.2,"

Page 3, line 12, remove "or"

Page 3, line 13, remove "disability commencing"

Page 3, line 19, remove "short-term major medical."

Page 4, line 1, remove "individual or"

Page 4, line 4, after "contracts" insert "other than guaranteed renewable policies"

Page 5, line 2, after "contracts" insert "that provide major medical, hospital-surgical, medical expense, and surgical expense benefits"

Page 5, remove lines 4 through 15

Page 5, line 16, replace "3" with "1" and replace "Notwithstanding subsections 1 and 2" with "Effective January 1, 1996"

Page 5, line 18, replace "three" with "four"

Page 5, line 19, after the underscored period insert "Effective January 1, 1997, the ratio may not exceed three to one."

Page 5, line 20, replace "4" with "2" and replace "A" with "Effective January 1, 1996, a"

Page 5, line 21, after the underscored period insert "A carrier may use healthy lifestyles as a factor to determine premium rates."

Page 5, replace lines 22 and 23 with:

"3. The commissioner shall design and adopt reporting forms to be used by an insurer to report, on a periodic basis, information concerning the insurer's experience as to insurance provided under this chapter to determine the impact of the reforms and the implementation of modified community rating contained in this chapter. The commissioner shall report the findings to the legislative assembly or a committee designated by the legislative council."

Page 6, remove lines 12 through 28

Page 7, remove lines 1 and 2

Page 7, line 26, after the underscored comma insert "effective January 1, 1996,"

Page 7, line 28, replace "two" with "four" and replace "however" with "Effective January 1, 1997, the ratio may not exceed three to one. Effective January 1, 1996"

Page 8, line 1, replace "Effective January 1, 1998, the" with "A carrier may use healthy lifestyles as a factor to determine premium rates."

Page 8, remove lines 2 and 3

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1352: Appropriations Committee (Rep. Dalrymple, Chairman) recommends DO NOT PASS (17 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1352 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1363: Political Subdivisions Committee (Rep. Soukup, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1363 was placed on the Sixth order on the calendar.

Page 1, line 11, remove "does not know" and overstrike "to be"

Page 1, line 12, replace "true" with "does not have evidence to support"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1365: Judiciary Committee (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1365 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 2 of section 53-06.2-11 of the North Dakota Century Code, relating to uses of racing funds in excess of expenses.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 2 of section 53-06.2-11 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. For each day of a live race meet or a simulcast day in this state for each daily double, quinella, exacta, trifecta, or other wager combining two or more horses for winning payoffs, the licensee shall deduct up to twenty-five percent of each wagering pool. Of this amount, the licensee may retain twenty-one percent for expenses. One-half of one percent must be paid to the ~~North Dakota racing commission to be used for the North Dakota deposited in the purse fund.~~ One-half of one percent must be paid to the commission to be deposited in the promotion fund. One-half of one percent must be paid to the ~~North Dakota racing commission to be used for the North Dakota deposited in the breeders' fund.~~ The remaining ~~three~~ two and one-half percent must be paid to the state treasurer to be deposited in the general fund."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1375: Natural Resources Committee (Rep. Olson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS,

0 NAYS, 2 ABSENT AND NOT VOTING). HB 1375 was placed on the Sixth order on the calendar.

Page 2, line 4, replace "one" with "two", after "hundred" insert "fifty", and replace "30.48" with "76.20"

Page 2, line 25, replace "one" with "two" and after "hundred" insert "fifty"

Page 2, line 26, replace "30.48" with "76.20" after "a" insert "person fishing from a", and remove "dock,"

Page 2, line 27, replace "a moored" with "an occupied"

Page 3, remove line 6

Page 3, line 7, replace "c" with "b", replace "one" with "two", after "hundred" insert "fifty", replace "30.48" with "76.20", after "a" insert "person fishing from a", and remove "dock,"

Page 3, line 8, replace "a moored" with "an occupied"

Page 3, line 10, replace "d" with "c"

Page 3, line 12, replace "e" with "d"

Page 3, line 16, replace "f" with "e"

Page 3, line 19, replace "g" with "f"

Page 3, line 20, replace "h" with "g"

Page 3, line 22, replace "i" with "h"

Page 3, line 25, replace "five" with "two", after "hundred" insert "fifty", and replace "152.4" with "76.20"

Page 3, line 27, replace "j" with "i"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1381: Human Services Committee (Rep. Svedjan, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1381 was placed on the Sixth order on the calendar.

Page 1, line 9, after "therapies" insert "for chelation"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1399: Judiciary Committee (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1399 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "inmates" with "community service workers"

Page 1, line 3, replace "Inmate" with "Community service worker" and replace "an inmate" with "a community service worker"

Page 1, line 4, replace "who is confined in any facility under the control of the department" with "sentenced by a court, granted a suspended sentence by a court, or subject to a court disposition order, and who pursuant to court order is performing work service in restitution, in

lieu of fees or court-ordered costs, in lieu of incarceration, or as a term or condition of sentence, suspended sentence, or suspended imposition of sentence, while performing the work."

Page 1, remove lines 5 through 9

Page 1, line 10, after "covered" insert "- Time limitation"

Page 1, line 12, replace "an inmate" with "a community service worker"

Page 1, line 16, replace "inmate" with "community service worker"

Page 1, line 17, after the period insert "Any claim made under this Act must be filed within thirty days of the personal injury or death."

Page 1, line 20, replace "inmate" with "community service worker"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1428: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (9 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1428 was placed on the Sixth order on the calendar.

Page 1, line 16, remove "and"

Page 1, line 19, after "bureau" insert "; and to provide an effective date"

Page 24, line 9, remove the overstrike over "~~director~~" and replace "chairman of" with "appointed by"

Page 27, remove line 24

Page 27, line 26, after the underscored period insert "The fund is an instrumentality of the state organized to function through a corporate structure."

Page 29, after line 6, insert:

"Fund to file annual operating statement. By December first of each year, the fund shall file with the legislative council a report covering the fund's operations for the preceding fiscal year."

Page 29, remove lines 12 and 13

Page 29, line 21, remove ", nor for purposes of sections 54-10-01 and 54-10-02"

Page 33, after line 12, insert:

"SECTION 44. EFFECTIVE DATE. This Act becomes effective on July 1, 1996."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1439: Judiciary Committee (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1439 was placed on the Sixth order on the calendar.

Page 2, line 13, remove "and" and after "insurance" insert ", and the securities commissioner"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1442: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1442 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1486: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (15 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING). HB 1486 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "sixty-six" with "fifty-five"

Page 1, line 9, replace "sixty-six" with "fifty-five"

Page 1, line 10, after the period insert "State employees not on an original probationary status are entitled to receive the increases provided in this section. Part-time employees must be provided pro rata increases in accordance with the number of hours worked."

Page 1, line 11, replace "make" with "appropriate for compensation adjustments to resolve problems of pay compression and salary inequities, \$855,018 from the general fund plus for agencies with special funds such additional special funds as may be necessary. The \$855,018 of general fund appropriations is to be distributed to agencies and institutions proportionately based upon total general fund appropriations for salaries and wages."

Page 1, remove lines 12 and 13

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1487: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1487 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 47-16 of the North Dakota Century Code, relating to the definition of dwelling unit.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 47-16 of the North Dakota Century Code is created and enacted as follows:

Dwelling unit - Definition. As used in this chapter, the term "dwelling unit" means a building used for human habitation, including a mobile home."

Renumber accordingly

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 2159, SB 2195, SB 2216, SB 2236, SB 2263, SB 2305, SB 2330, SB 2341, SB 2347, SB 2353, SB 2373, SB 2381, SB 2411, SB 2416, SB 2438, SB 2439, SB 2478, SB 2482, SCR 4051.

FIRST READING OF SENATE BILLS

SB 2159: A BILL for an Act to amend and reenact sections 15-21-13.1, 15-34.2-03, 15-40.1-01, 15-40.2-01, 15-40.2-05, 15-40.2-08, 15-47-01,

15-47-33, and 57-15-14.5 of the North Dakota Century Code, relating to uniform accounting and reporting, family transportation, definition of a high school student, tuition agreements in districts that do not provide grade levels of service, meetings of county committees regarding tuition hearings, students placed for reasons other than education, school age, length of school term, and long-distance learning levies.

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

SB 2195: A BILL for an Act to amend and reenact subsection 2 of section 4-18.1-03, subsections 1, 2, 6, and 7 of section 4-18.1-04, sections 4-18.1-12, 4-18.1-17, subsection 2 of section 4-18.1-18, and section 4-18.1-22 of the North Dakota Century Code, relating to renaming the milk stabilization board the milk marketing board, the executive officer of the milk marketing board, and assessments by the milk marketing board.

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

SB 2216: A BILL for an Act to amend and reenact subsection 19 of section 50-06-05.1 of the North Dakota Century Code, relating to administration of the energy assistance program.

Was read the first time and referred to the **Political Subdivisions Committee**.

SB 2236: A BILL for an Act to amend and reenact section 44-08-04 of the North Dakota Century Code, relating to state officer and employee expense reimbursement.

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

SB 2263: A BILL for an Act to create and enact a new section to chapter 12-60 of the North Dakota Century Code, relating to an automated fingerprint identification system by the bureau of criminal investigation.

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

SB 2305: A BILL for an Act to amend and reenact sections 6-09.10-02.1, 6-09.10-03, and subsection 1 of section 6-09.10-06 of the North Dakota Century Code, relating to funding of a coordinated farm management delivery system and extension of the expiration date of the agricultural mediation service; to provide a continuing appropriation; and to declare an emergency.

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

SB 2330: A BILL for an Act to amend and reenact section 57-51.1-07 of the North Dakota Century Code, relating to allocation of oil extraction tax revenues; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

SB 2341: A BILL for an Act to amend and reenact subsection 1 of section 57-38-60 of the North Dakota Century Code, relating to the time for filing of state income taxes; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

SB 2347: A BILL for an Act to amend and reenact section 27-20-11 of the North Dakota Century Code, relating to venue in child deprivation proceedings.

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

SB 2353: A BILL for an Act to create and enact a new section to chapter 40-57.4 of the North Dakota Century Code, relating to joint job development authorities.

Was read the first time and referred to the **Political Subdivisions Committee**.

SB 2373: A BILL for an Act to create and enact a new section to chapter 54-44.1 of the North Dakota Century Code, relating to conformity of

budget unit expenditures with legislative intent; and to amend and reenact section 54-44.1-12 of the North Dakota Century Code, relating to control over the rate of expenditures by the director of the budget. Was read the first time and referred to the **Government and Veterans Affairs Committee**.

SB 2381: A BILL for an Act to amend and reenact subsection 1 of section 25-03.1-25 of the North Dakota Century Code, relating to detention of mentally ill or chemically dependent individuals. Was read the first time and referred to the **Judiciary Committee**.

SB 2411: A BILL for an Act to create and enact a new section to chapter 57-51.1 of the North Dakota Century Code, relating to the filing of certifications to qualify for certain oil extraction tax exemptions and tax rate reductions; and to provide an effective date. Was read the first time and referred to the **Finance and Taxation Committee**.

SB 2416: A BILL for an Act to amend and reenact section 57-40.3-05.1 of the North Dakota Century Code, relating to a motor vehicle seller's certificate furnished by a seller to a purchaser. Was read the first time and referred to the **Transportation Committee**.

SB 2438: A BILL for an Act to create and enact a new section to chapter 43-15 of the North Dakota Century Code, relating to limited prescriptive practices by licensed pharmacists. Was read the first time and referred to the **Industry, Business and Labor Committee**.

SB 2439: A BILL for an Act to create and enact a new section to chapter 14-09, a new chapter to title 26.1, a new subsection to section 50-06-05.1, and a new section to chapter 50-24.5 of the North Dakota Century Code, relating to implementation of the medicaid requirements of the Omnibus Budget Reconciliation Act of 1993; and to amend and reenact section 14-09-08.11, subsection 5 of section 14-09-09.10, and sections 26.1-36-12 and 50-24.1-07 of the North Dakota Century Code, relating to implementation of the medicaid requirements of the Omnibus Budget Reconciliation Act of 1993. Was read the first time and referred to the **Human Services Committee**.

SB 2478: A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to direct insurance reimbursements for advanced registered nurse practitioners; to amend and reenact subsection 9 of section 26.1-17-01, subsection 1 of section 26.1-36-04, and section 26.1-36-05 of the North Dakota Century Code, relating to the definition of practitioner and benefits for services performed by registered nurses; and to repeal section 26.1-17-12.1 of the North Dakota Century Code, relating to reimbursement of nurses for services. Was read the first time and referred to the **Human Services Committee**.

SB 2482: A BILL for an Act to create and enact three new sections to chapter 11-19.1 and a new section to chapter 23-01 of the North Dakota Century Code, relating to the establishment of a state medical examiner; and to amend and reenact sections 11-19-09, 11-19.1-06, 11-19.1-17, and 12-45-01 of the North Dakota Century Code, relating to the office of coroner and the state medical examiner. Was read the first time and referred to the **Political Subdivisions Committee**.

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4051: A concurrent resolution directing the Legislative Council to study property tax assessment for irrigated and nonirrigated agricultural land. Was read the first time and referred to the **Finance and Taxation Committee**.

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

ROY GILBREATH, Chief Clerk