

## JOURNAL OF THE HOUSE

## Sixty-sixth Legislative Assembly

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**Bismarck, February 12, 2019**

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

The prayer was offered by Pastor Bob GrayEagle, Prairie Family Church, Bismarck.

The roll was called and all members were present except Representative Kiefert.

A quorum was declared by the Speaker.

**MOTION**

**REP. LOUSER MOVED** that HB 1158, which is on the Eleventh order, be laid over one legislative day, and that HB 1159, which is on the Eleventh order, be laid over one legislative day, and that HB 1424, which is on the Eleventh order, be laid over one legislative day, and that HB 1481, which is on the Eleventh order, be laid over one legislative day, which motion prevailed on a voice vote.

**MOTION**

**REP. LOUSER MOVED** that Engrossed HB 1482, which is on the Eleventh order, be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Rep. Louser's motion, Engrossed HB 1482 was rereferred.

**SIXTH ORDER OF BUSINESS**

**SPEAKER KLEMIN DEEMED** approval of the amendments to HB 1010, HB 1191, HB 1354, HB 1363, HB 1383, HB 1418, HB 1435, HB 1462, Engrossed HB 1480, and HB 1523.

HB 1383 and HB 1435, as amended, were rereferred to the **Appropriations Committee**.

HB 1010, HB 1191, HB 1354, HB 1363, HB 1418, HB 1462, Engrossed HB 1480, and HB 1523, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**SECOND READING OF HOUSE BILL**

**HB 1426:** A BILL for an Act to create and enact four new sections to chapter 43-20 of the North Dakota Century Code, relating to regulation of dental therapists; and to amend and reenact sections 43-20-01.1 and 43-20-08 of the North Dakota Century Code, relating to dental therapist definition and unlawful practice of dental hygiene, dental therapy, and dentistry.

**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 31 YEAS, 62 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson, D.; Becker; Boe; Boschee; Buffalo; Delzer; Devlin; Dobervich; Eidson; Ertelt; Fegley; Guggisberg; Hager; Hanson; Holman; Hoverson; Johnston; Kreidt; Laning; Nelson, J.; Nelson, M.; Paur; Rohr; Schauer; Schmidt; Schneider; Simons; Toman; Vetter; Vigesaa; Weisz

**NAYS:** Adams; Anderson, B.; Anderson, P.; Beadle; Bellew; Blum; Bosch; Brandenburg; Damschen; Dockter; Fisher; Grueneich; Hatlestad; Headland; Heinert; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Koppelman, B.; Koppelman, K.; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; O'Brien; Owens; Paulson; Pollert; Porter; Pyle; Richter; Roers Jones; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schobinger; Schreiber-Beck; Skroch; Steiner; Strinden; Trottier; Tveit; Westlind; Zubke; Speaker Klemin

**ABSENT AND NOT VOTING:** Kiefert

Engrossed HB 1426 failed.

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**MOTION**

**REP. LOUSER MOVED** that a committee of two be appointed to escort Miss North Dakota, Katie Olson, to the podium, which motion prevailed on a voice vote.

**SPEAKER KLEMIN APPOINTED** Reps. Hatlestad and Richter to the escort committee.

**REMARKS OF MISS NORTH DAKOTA 2018 KATIE OLSON**

Good Afternoon, my name is Katie Olson and I am Miss North Dakota 2018. I am honored to be speaking to you all today, as this is a very special and notable tradition for Miss North Dakota. I am also very proud to be standing in a room where many important decisions that shaped my childhood have been made. I grew up in Williston, North Dakota and I am very proud of that fact. Not only has Williston overcome many challenges and obstacles in the past years, but it also introduced me to my current job. This year will mark the thirty-third year of the Miss North Dakota competition being held in Williston, ND, and being able to grow up watching and volunteering with this organization has changed my life.

Not only has this organization granted me my dream job, but it has also allowed me to make valuable career connections, go to college debt free, and to serve my state wholeheartedly. On June 9th, 2018 I was blessed to be chosen Miss North Dakota out of a group of twenty women. The first and most common question I get as Miss North Dakota is "what do you do?" At first glance, it may appear as though my job is strictly appearance based, and although I do take pride in my crown and sash there is much more to my job beyond the glitter. As a national nonprofit, the Miss America Organization partners with the Children's Miracle Network, giving local, state, and national titleholders the honor of raising money for and volunteering with this organization. As Miss North Dakota I do many fundraising events for the Children's Miracle Network, and visits to children's hospitals that partner with this group. There is no bigger an honor than being able to help put a smile on a child's face when they are facing hospitalization. I am very grateful for these visits, and I hope to do more before my year is up.

As Miss North Dakota the largest part of my job is to embark on a statewide school tour informing children K12 of my message "The Motivation Mindset: Positivity at Every Turn." So far I have spoken to thousands of students at almost fifty schools with the goal of teaching kids about their mindsets when things may not go our way in life. Having a positive mindset and finding motivation when I was faced with obstacles was a journey I struggled with greatly growing up. But, as I've learned and grown within my journey I have learned that there is no greater skill than to understand our own mindset. In my presentations, I teach students how to recognize when their mindset needs improvement and how with different techniques, tools, and strategies they can change their viewpoint on life. We also discuss goals and the hard work, difficulties, and failures we might encounter on our journeys. When I ask young children about what they want to be when they grow up all hands shoot into the air and the answers are always boundless. I've gotten responses from children wanting to be teachers or race car drivers and artists. But I've noticed the older the students I'm speaking to get the fewer the hands to go up, and the options become more limited. As a future educator teaching students about their value and endless potential in life has always been a goal of mine and as Miss North Dakota my biggest goal is that each person I speak to knows that they can do anything that they set their mind to, so that they never limit themselves when they answer the question of "What do you want to be when you grow up?"

I also bring these messages of positivity and motivation to businesses. I truly believe that each day of our lives may not be great, but there are great things each day. So before I leave today I have a mission to bring this message to all of you as well. Each of you does amazing things for our state; but, your job can be difficult, frustrating, and overwhelming at times. I ask that all of you in your moments of indignation find three things you are grateful for. This is one of five skills I teach students to find moments of positivity in their busy days. Taking a break to think of things that make us happy or what we are grateful for in moments of turmoil, lessens the negative feelings we experience at times. I also ask that each of you not only find gratitude for your situations and surroundings but for each other as well. Each of you took your positions to make North Dakota a better state to live in, and I'm sure all of

you send more than enough emails or letters every day. But, I challenge you to send out just one more each day. One letter or email of thanks or praise each morning for someone you work with because the quickest way to build motivation and happiness is to invest in your social relationships. It's quick and easy and not only puts a smile on your face each morning but will also make someone else smile.

I would like to thank you all for what you do for our state, and for welcoming me today. This has been a wonderful afternoon and an honor I will not forget. I sincerely hope each of you finds gratitude in each moment. Being Miss North Dakota has taught me that each moment is fleeting and the only thing we truly hold on to is those memories of gratitude. I only have four months left of this incredible job, and I plan to make the best of each day. Thank you again, and have a wonderful day

#### MOTION

**REP. LOUSER MOVED** that the remarks of Miss Katie Olson be printed in the journal, which motion prevailed on a voice vote.

#### SECOND READING OF HOUSE BILL

**HB 1330:** A BILL for an Act to amend and reenact sections 12.1-20-12.1 and 23-12-16 of the North Dakota Century Code, relating to breastfeeding; and to provide a penalty.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 32 YEAS, 61 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, P.; Beadle; Blum; Boe; Boschee; Buffalo; Devlin; Dobervich; Eidson; Guggisberg; Hager; Hanson; Holman; Johnson, C.; Johnson, M.; Keiser; Laning; Mitskog; Mock; Nelson, J.; Nelson, M.; O'Brien; Paur; Porter; Pyle; Roers Jones; Sanford; Schneider; Schreiber-Beck; Toman; Westlind

**NAYS:** Anderson, B.; Anderson, D.; Becker; Bellew; Bosch; Brandenburg; Damschen; Delzer; Dockter; Ertelt; Fegley; Fisher; Grueneich; Hatlestad; Headland; Heinert; Hoverson; Howe; Johnson, D.; Johnston; Jones; Kading; Karls; Kasper; Kempenich; Koppelman, B.; Koppelman, K.; Kreidt; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; McWilliams; Meier; Monson; Nathe; Owens; Paulson; Pollert; Richter; Rohr; Ruby, D.; Ruby, M.; Satrom; Schatz; Schauer; Schmidt; Schobinger; Simons; Skroch; Steiner; Strinden; Trotter; Tveit; Vetter; Vigesaa; Weisz; Zubke; Speaker Klemm

**ABSENT AND NOT VOTING:** Kiefert

HB 1330 failed.

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#### SECOND READING OF HOUSE BILL

**HB 1500:** A BILL for an Act to create and enact chapter 15-10.5 of the North Dakota Century Code, relating to a new state higher education governance structure; members, terms, duties, and authority for new entities comprising the new state higher education governance structure; and transferring duties of the state board of higher education, the commissioner of higher education, the North Dakota university system, and the North Dakota university system office to new entities comprising the new state higher education governance structure; to amend and reenact sections 1-01-49 and 11-38-12, subdivisions s and w of subsection 2 of section 12-60-24, sections 15-10.1-01.1, 15-10.1-02, 15-10.1-03, 15-10.1-04, 15-10.1-05, 15-10.3-02, 15-10.3-03, 15-10.3-04, 15-11-15, 15-11-22, and 15-11-30, subsection 2 of section 15-11-35, sections 15-12-10, 15-12.1-01, 15-12.1-02, and 15-12.1-04, subsection 4 of section 15-12.1-14, sections 15-12.1-17, 15-17-03, 15-17-05, 15-18-06, 15-18.1-01, 15-18.1-02, 15-18.1-03, 15-18.1-04, 15-18.1-05, 15-18.1-06, 15-18.1-07, 15-18.1-10, and 15-18.1-12, subsection 4 of section 15-18.1-13, section 15-18.1-15, subsection 2 of section 15-18.1-16, sections 15-18.2-01, 15-18.2-02, and 15-18.2-03, subsection 1 of section 15-18.2-04, sections 15-18.2-05 and 15-20.1-02, subdivision d of subsection 12 of section 15-39.1-04, sections 15-39.1-25, 15-39.2-01, 15-39.2-01.1, 15-39.2-04.1, 15-39.2-05, and 15-52-02, subdivision b of subsection 2 of section 15-52-03, sections 15-52-05 and 15-52-10,

subsection 1 of section 15-52-16, sections 15-52-25, 15-52-26, 15-52-28, 15-52-29, 15-52-30, 15-52-31, 15-55-01, 15-55-02, 15-55-03, 15-55-04.1, 15-55-05.1, 15-55-06, 15-55-07, 15-55-09, 15-55-10, 15-55-14, 15-55-20, 15-62.4-01, 15-62.4-02, 15-62.4-03, 15-62.4-05, 15-62.5-01, 15-62.5-02, 15-62.5-03, 15-62.5-04, 15-63-01, 15-69-01, 15-69-03, 15-70-03, 15-70-04, 15-71-01, 15-71-02, 15-71-03, 15.1-01-02, and 15.1-07-25.1, subsection 1 of section 15.1-15-12, sections 15.1-21-02.6 and 15.1-21-02.8, subdivision f of subsection 1 of section 15.1-37-02, sections 18-12-03, 18-12-04, and 18-12-23, subdivision e of subsection 12 of section 20.1-02-05, subsection 7 of section 26.1-05-19, subdivision j of subsection 2 of section 28-32-01, section 29-29.5-03, subsection 5 of section 34-11.1-04, sections 37-07.2-01 and 44-04-18.4, subsection 1 of section 44-04-18.15, sections 44-04-18.16 and 44-04-18.28, subsection 7 of section 44-04-20, subsection 2 of section 44-08-05.1, section 48-01.2-02, subsection 7 of section 51-35-01, subdivision c of subsection 13 of section 52-02.1-01, sections 52-08-08, 52-08-09, 52-08-10, 52-08-11, 54-10-22.1, 54-10-30, and 54-12-08, subsections 1 and 5 of section 54-12-35, sections 54-27-10, 54-27-11, 54-27-12, and 54-27-27, subsection 1 of section 54-27-27.1, sections 54-27-27.2, 54-35-15.2, and 54-44.1-04, subsection 4 of section 54-44.1-06, subsection 8 of section 54-44.3-20, section 54-44.4-11, subsections 1 and 2 of section 54-44.4-13, subsection 1 of section 54-46-02, subsection 3 of section 54-52.6-01, subsection 1 of section 54-57-03, sections 54-59-02.1, 54-59-05, 54-59-07, and 54-59-11.1, section 54-59-12, subdivision c of subsection 2 of section 54-59-17, section 54-59-22, subdivision e of subsection 1 of section 54-59-22.1, subsection 1 of section 54-59-23, subsection 1 of section 54-59-32, subdivision f of subsection 4 of section 54-59-34, section 54-60-06, subdivision a of subsection 1 of section 54-60-19, section 54-60-26, subdivision h of subsection 1 of section 54-63-03, subsection 6 of section 54-65-01, subsection 6 of section 54-65-02, and section 65-05.1-06.3 of the North Dakota Century Code, relating to a new state higher education governance structure; members, terms, duties, and authority for new entities comprising the new state higher education governance structure; and transferring duties of the state board of higher education, the commissioner of higher education, the North Dakota university system, and the North Dakota university system office to new entities comprising the new state higher education governance structure; to repeal chapter 15-10 of the North Dakota Century Code, relating to the state board of higher education; to provide a penalty; and to provide a contingent 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 19 YEAS, 74 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson, P.; Beadle; Blum; Boschee; Buffalo; Eidson; Hanson; Howe; Johnson, M.; Kasper; Mitskog; Nelson, J.; Pyle; Roers Jones; Schneider; Schobinger; Schreiber-Beck; Strinden; Vetter

**NAYS:** Adams; Anderson, B.; Anderson, D.; Becker; Bellew; Boe; Bosch; Brandenburg; Damschen; Delzer; Devlin; Dobervich; Dockter; Ertelt; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hatlestad; Headland; Heinert; Holman; Hoverson; Johnson, C.; Johnson, D.; Johnston; Jones; Kading; Karls; Keiser; Kempenich; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; McWilliams; Meier; Mock; Monson; Nathe; Nelson, M.; O'Brien; Owens; Paulson; Paur; Pollert; Porter; Richter; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Simons; Skroch; Steiner; Toman; Trottier; Tveit; Vigasaa; Weisz; Westlind; Zubke; Speaker Klemin

**ABSENT AND NOT VOTING:** Kiefert

Engrossed HB 1500 failed.

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### SECOND READING OF HOUSE BILL

**HB 1508:** A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to a common process for applying to nursing

programs at state institutions of higher education.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 16 YEAS, 77 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, P.; Boe; Boschee; Buffalo; Delzer; Dobervich; Eidson; Guggisberg; Hager; Hanson; Mitskog; Mock; Ruby, D.; Schneider; Schreiber-Beck

**NAYS:** Anderson, B.; Anderson, D.; Beadle; Becker; Bellew; Blum; Bosch; Brandenburg; Damschen; Devlin; Dockter; Ertelt; Fegley; Fisher; Grueneich; Hatlestad; Headland; Heinert; Holman; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; McWilliams; Meier; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schobinger; Simons; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Klemm

**ABSENT AND NOT VOTING:** Kiefert

HB 1508 failed.

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#### SECOND READING OF HOUSE BILL

**HB 1037:** A BILL for an Act to amend and reenact subsection 2 of section 16.1-08.1-03.1 of the North Dakota Century Code, relating to campaign finance disclosure statements for measure committees.

#### 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 89 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, B.; Anderson, D.; Beadle; Becker; Bellew; Blum; Boe; Bosch; Boschee; Brandenburg; Damschen; Delzer; Devlin; Dobervich; Dockter; Eidson; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Klemm

**NAYS:** Anderson, P.; Buffalo; Ertelt; Schneider

**ABSENT AND NOT VOTING:** Kiefert

HB 1037 passed.

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#### SECOND READING OF HOUSE BILL

**HB 1459:** A BILL for an Act to amend and reenact section 12-63-03 of the North Dakota Century Code, relating to peace officer duties or activities.

#### 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 15 YEAS, 78 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, P.; Beadle; Becker; Dobervich; Eidson; Guggisberg; Johnson, M.; Mitskog; Nelson, M.; Paur; Pyle; Roers Jones; Schneider; Vetter

**NAYS:** Anderson, B.; Anderson, D.; Bellew; Blum; Boe; Bosch; Boschee; Brandenburg; Buffalo; Damschen; Delzer; Devlin; Dockter; Ertelt; Fegley; Fisher; Grueneich; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; McWilliams; Meier; Mock; Monson; Nathe; Nelson, J.; O'Brien; Owens; Paulson; Pollert; Porter; Richter; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vigesaa; Weisz; Westlind; Zubke; Speaker Klemin

**ABSENT AND NOT VOTING:** Kiefert

HB 1459 failed.

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### SECOND READING OF HOUSE BILL

**HB 1442:** A BILL for an Act to create and enact a new section to chapter 39-07 of the North Dakota Century Code, relating to requiring reasonable suspicion for certain traffic stops.

### 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 79 YEAS, 14 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Beadle; Becker; Bellew; Blum; Boe; Bosch; Brandenburg; Delzer; Devlin; Dockter; Ertelt; Fegley; Fisher; Grueneich; Hatlestad; Headland; Holman; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Kasper; Kempenich; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Klemin

**NAYS:** Adams; Anderson, P.; Boschee; Buffalo; Damschen; Dobervich; Eidson; Guggisberg; Hager; Hanson; Heinert; Karls; Keiser; Schneider

**ABSENT AND NOT VOTING:** Kiefert

HB 1442 passed.

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### SECOND READING OF HOUSE BILL

**HB 1252:** A BILL for an Act to create and enact a new subsection to section 12.1-34-02 of the North Dakota Century Code, relating to rights of victims; and to amend and reenact subsection 1 of section 12.1-32-02, subsection 1 of section 12.1-32-08, and subsection 10 of section 12.1-34-01 of the North Dakota Century Code, relating to contact with victims, the definition of victim, and restitution.

### 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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker; Bellew; Blum; Boe; Bosch; Boschee; Brandenburg; Buffalo; Damschen; Delzer; Devlin; Dobervich; Dockter; Eidson; Ertelt; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hanson;

Hatlestad; Headland; Heinert; Holman; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Klemin

**ABSENT AND NOT VOTING:** Kiefert

HB 1252 passed.

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### SECOND READING OF HOUSE BILL

**HB 1186:** A BILL for an Act to provide for a pilot project regarding oil and gas tax revenue hedging; to provide for a report to the legislative management; and to provide an appropriation.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 46 YEAS, 47 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker; Boe; Boschee; Brandenburg; Dockter; Fegley; Fisher; Hager; Heinert; Holman; Hoverson; Johnston; Karls; Kasper; Keiser; Kempenich; Lefor; Louser; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nelson, J.; Nelson, M.; O'Brien; Paulson; Porter; Richter; Ruby, D.; Ruby, M.; Schatz; Schauer; Schneider; Schreiber-Beck; Simons; Trottier; Vetter; Weisz; Zubke

**NAYS:** Bellew; Blum; Bosch; Buffalo; Damschen; Delzer; Devlin; Dobervich; Eidson; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Kading; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Longmuir; Magrum; Marschall; Nathe; Owens; Paur; Pollert; Pyle; Roers Jones; Rohr; Sanford; Satrom; Schmidt; Schobinger; Skroch; Steiner; Strinden; Toman; Tveit; Vigesaa; Westlind; Speaker Klemin

**ABSENT AND NOT VOTING:** Kiefert

Engrossed HB 1186 failed.

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### MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

**MR. SPEAKER:** The Senate does not accede to the House request for the return of: HB 1275.

### MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

**MR. PRESIDENT:** The House has passed, and your favorable consideration is requested on: HB 1045, HB 1073, HB 1123, HB 1142, HB 1240, HB 1248, HB 1333, HB 1337, HB 1468, HB 1469, HB 1477, HB 1513, HB 1524, HB 1545.

### MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1171.

### MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SB 2001, SB 2182, SB 2195, SB 2202, SB 2213, SB 2224, SB 2251, SB 2260, SB 2263, SB 2264, SCR 4012.

### MOTION

**REP. LOUSER MOVED** that the absent member be excused, which motion prevailed on a

voice vote.

### MOTION

**REP. LOUSER MOVED** that the House be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Wednesday, February 13, 2019, which motion prevailed on a voice vote.

### REPORT OF STANDING COMMITTEE

**HB 1016: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1016 was placed on the Sixth order on the calendar.

Page 1, replace lines 10 through 21 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$27,155,566	\$3,196,656	\$30,352,222
Operating expenses	11,501,255	6,339,640	17,840,895
Capital assets	20,000	0	20,000
Grants	5,458,571	707,541	6,166,112
Reed Act - unemployment insurance	<u>11,209,557</u>	<u>(122,591)</u>	<u>11,086,966</u>
computer modernization			
Total all funds	\$55,344,949	\$10,121,246	\$65,466,195
Less estimated income	<u>54,899,156</u>	<u>10,136,618</u>	<u>65,035,774</u>
Total general fund	\$445,793	(\$15,372)	\$430,421
Full-time equivalent positions	181.61	(9.00)	172.61"

Page 1, line 22, after "**FUNDING**" insert "**- EFFECT ON BASE BUDGET - REPORT TO SIXTY-SEVENTH LEGISLATIVE ASSEMBLY**"

Page 1, line 23, after "biennium" insert "and the 2019-21 biennium one-time funding items included in the appropriation in section 1 of this Act"

Page 2, replace line 1 with:

"Renovation of Bismarck regional office	\$100,000	\$0
Unemployment insurance modernization project	<u>0</u>	<u>611,852</u>
Total all funds	\$100,000	\$611,852
Total special funds	<u>0</u>	<u>611,852"</u>

Page 2, after line 2, insert:

"The 2019-21 biennium one-time funding amounts are not a part of the entity's base budget for the 2021-23 biennium. Job service North Dakota shall report to the appropriations committees of the sixty-seventh legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2019, and ending June 30, 2021."

Page 2, line 5, replace "\$11,209,557" with "\$11,086,966"

Page 2, replace lines 10 through 14 with:

**"SECTION 4. NEW JOBS TRAINING.** During the biennium beginning July 1, 2019, and ending June 30, 2021, job service North Dakota may not award more than \$2,500,000 for new agreements related to the new jobs training program under chapter 52-02.1."

Renumber accordingly



## STATEMENT OF PURPOSE OF AMENDMENT:

## House Bill No. 1016 - Job Service North Dakota - House Action

	Base Budget	House Changes	House Version
Salaries and wages	\$27,155,566	\$3,196,656	\$30,352,222
Operating expenses	11,501,255	6,339,640	17,840,895
Capital assets	20,000		20,000
Grants	5,458,571	707,541	6,166,112
Reed Act - Computer modernization	11,209,557	(122,591)	11,086,966
Total all funds	\$55,344,949	\$10,121,246	\$65,466,195
Less estimated income	54,899,156	10,136,618	65,035,774
General fund	\$445,793	(\$15,372)	\$430,421
FTE	181.61	(9.00)	172.61

## Department 380 - Job Service North Dakota - Detail of House Changes

	Adjusts Funding for Base Payroll Changes <sup>1</sup>	Adds Funding for Salary and Benefit Increases <sup>2</sup>	Removes Unfunded Positions <sup>3</sup>	Adjusts Funding for Operating Expenses <sup>4</sup>	Adds Grant Funding <sup>5</sup>	Adds Funding for Unemployment System Modernization <sup>6</sup>
Salaries and wages	\$1,763,190	\$1,433,466				
Operating expenses			(\$22,290)	(\$191,469)		\$5,405,800
Capital assets						
Grants					\$707,541	
Reed Act - Computer modernization	(734,443)					
Total all funds	\$1,028,747	\$1,433,466	(\$22,290)	(\$191,469)	\$707,541	\$5,405,800
Less estimated income	1,029,081	1,431,205	0	(191,803)	707,541	5,405,800
General fund	(\$334)	\$2,261	(\$22,290)	\$334	\$0	\$0
FTE	0.00	0.00	(9.00)	0.00	0.00	0.00

	Adds Funding for Registration System <sup>7</sup>	Adds Funding for Microsoft Office 365 Licensing <sup>8</sup>	Adds One-Time Funding for Unemployment System Modernization <sup>9</sup>	Total House Changes
Salaries and wages				\$3,196,656
Operating expenses	\$1,069,980	\$77,619		6,339,640
Capital assets				
Grants				707,541
Reed Act - Computer modernization			\$611,852	(122,591)
Total all funds	\$1,069,980	\$77,619	\$611,852	\$10,121,246
Less estimated income	1,069,980	72,962	611,852	10,136,618
General fund	\$0	\$4,657	\$0	(\$15,372)
FTE	0.00	0.00	0.00	(9.00)

<sup>1</sup> Funding is adjusted for base payroll changes.

<sup>2</sup> The following funding is added for 2019-21 biennium salary adjustments of 2 percent per year and increases in health insurance premiums from \$1,241 to \$1,427 per month:

	General Fund	Other Funds	Total
Salary increase	\$1,145	\$672,024	\$673,169
Health insurance increase	1,116	759,181	760,297
Total	\$2,261	\$1,431,205	\$1,433,466

<sup>3</sup> This amendment removes 9 FTE unfunded positions and related operating expenses of \$22,290.

<sup>4</sup> Funding is adjusted for operating expenses, primarily related to decreases in postage, repairs, and professional services and increases in IT supplies, data processing, and contractual services.

<sup>5</sup> Funding for grants is increased to provide total grant funding of \$6,166,112.

<sup>6</sup> Funding is added for an unemployment insurance system modernization project.

<sup>7</sup> Funding is added for an unemployment insurance registration project.

<sup>8</sup> Funding is added for Microsoft Office 365 license expenses.

<sup>9</sup> One-time funding of \$611,852 is provided for an unemployment insurance system modernization project to provide total funding of \$16,492,766, of which \$11,086,966 is in the Reed Act - Unemployment insurance computer modernization line item and \$5,405,800 is in the operating expenses line item.

This amendment also:

- Removes Section 4 of the bill which relates to funding received by the agency from rent revenue.
- Adds a section to provide that not more than \$2.5 million may be awarded during the 2019-21 biennium for new agreements related to the new jobs training program.

#### REPORT OF STANDING COMMITTEE

**HB 1017: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1017 was placed on the Sixth order on the calendar.

Page 1, replace lines 8 through 14 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$1,191,850	\$52,092	\$1,243,942
Operating expenses	<u>1,726,784</u>	<u>(144,450)</u>	<u>1,582,334</u>
Total special funds	\$2,918,634	(\$92,358)	\$2,826,276
Full-time equivalent positions	5.00	0.00	5.00"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1017 - Office of Administrative Hearings - House Action

	<u>Base Budget</u>	<u>House Changes</u>	<u>House Version</u>
Salaries and wages	\$1,191,850	\$52,092	\$1,243,942
Operating expenses	<u>1,726,784</u>	<u>(144,450)</u>	<u>1,582,334</u>
Total all funds	\$2,918,634	(\$92,358)	\$2,826,276
Less estimated income	<u>2,918,634</u>	<u>(92,358)</u>	<u>2,826,276</u>
General fund	\$0	\$0	\$0
FTE	5.00	0.00	5.00

#### Department 140 - Office of Administrative Hearings - Detail of House Changes

	<u>Adjusts Funding for Base Payroll Changes<sup>1</sup></u>	<u>Adds Funding for Salary and Benefit Increases<sup>2</sup></u>	<u>Reduces Funding for Operating Expenses<sup>3</sup></u>	<u>Total House Changes</u>
Salaries and wages	(\$1,483)	\$53,575		\$52,092
Operating expenses			(\$144,450)	(144,450)
Total all funds	(\$1,483)	\$53,575	(\$144,450)	(\$92,358)
Less estimated income	<u>(1,483)</u>	<u>53,575</u>	<u>(144,450)</u>	<u>(92,358)</u>
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

<sup>1</sup> Funding is adjusted for base payroll changes.

<sup>2</sup> The following funding is added for 2019-21 biennium salary adjustments of 2 percent per year and increases in health insurance premiums from \$1,241 to \$1,427 per month:

	<u>Other Funds</u>
Salary increase	\$31,265
Health insurance increase	<u>22,310</u>
Total	\$53,575

<sup>3</sup> Reduces funding for operating expenses by \$144,450 from other funds.

#### REPORT OF STANDING COMMITTEE

**HB 1124: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1124 was placed on the Sixth order on the calendar.

Page 1, line 8, after "a" insert "direct"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1211: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1211 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 section 12.1-32-09.1 of the North Dakota Century Code, relating to sentencing violent offenders; and to provide for retroactive application.

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

**SECTION 1. AMENDMENT.** Section 12.1-32-09.1 of the North Dakota Century Code is amended and reenacted as follows:

##### **12.1-32-09.1. Sentencing of violent offenders.**

1. Except as provided under section 12-48.1-02 and pursuant to rules adopted by the department of corrections and rehabilitation, an offender who is convicted of a crime in violation of section 12.1-16-01, 12.1-16-02, subsection 2 of section 12.1-17-02, section 12.1-18-01, subdivision a of subsection 1 or subdivision b of subsection 2 of section 12.1-20-03, section 12.1-22-01, subdivision b of subsection 2 of section 12.1-22-02, or an attempt to commit the offenses, and who receives a sentence of imprisonment is not eligible for release from confinement on any basis until ~~eighty-five~~sixty-five percent of the sentence imposed by the court has been served or the sentence is commuted. If an offender is eligible for release under this subsection, the offender may be eligible for parole.
2. In the case of an offender who is sentenced to a term of life imprisonment with opportunity for parole under subsection 1 of section 12.1-32-01, the term "sentence imposed" means the remaining life expectancy of the offender on the date of sentencing. The remaining life expectancy of the offender must be calculated on the date of sentencing, computed by reference to a recognized mortality table as established by rule by the supreme court.
3. Notwithstanding this section, an offender sentenced under subsection 1 of section 12.1-32-01 may not be eligible for parole until the requirements of that subsection have been met.
4. An offender who is convicted of a class C felony in violation of section 12.1-17-02, or an attempt to commit the offense, and who has received a sentence of imprisonment or a sentence of imprisonment upon revocation of probation before August 1, 2015, is eligible to have the offender's sentence considered by the parole board.

**SECTION 2. RETROACTIVE APPLICATION.** Section 1 of this Act applies retroactively to judgments of conviction for offenses subject to section 12.1-32-09.1 entered after July 31, 1995."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1226: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1226 was placed on the Sixth order on the calendar.

Page 2, line 1, after "2." insert "A person claiming to be a successor to the decedent's interest in unencumbered real property shall file the affidavit with the county recorder of the county the unencumbered real property of the decedent which is subject to the affidavit is located. The affidavit must be signed by all persons claiming to be successors or by legal parties legally acting on those person's behalf, and is prima facie evidence of the facts stated in the affidavit. The affidavit must include a certified or authenticated copy of the decedent's death certificate attached to the affidavit. In addition to the requirements under subsection 1, an affidavit for the collection of unencumbered real property must state:

- a. The claiming successor has made an investigation and has been unable to determine any subsequent will;
- b. Another person does not have a right to the interest of the decedent in the described unencumbered real property;
- c. The claiming successor's relationship to the decedent and the value of the entire estate of the decedent; and
- d. The person claiming to be a successor under the affidavit swears or affirms all statements in the affidavit are true and material and further acknowledges any false statement may subject the person to penalties under section 12.1-11-02.

3."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1234: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1234 was placed on the Sixth order on the calendar.

Page 1, line 10, remove "the bureau of Indian affairs police; federal law enforcement officers;"

Page 1, line 14, after the period insert "The term does not include the bureau of Indian affairs police unless an agreement is in effect between the state and the bureau of Indian affairs relating to the reciprocal jurisdiction of state and bureau of Indian affairs law enforcement officers."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1259: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1259 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1266: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1266 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1302: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1302 was placed on the Sixth order on the calendar.

Page 1, line 3, remove the semicolon

Page 1, remove line 4

Page 1, line 5, remove "vacating property acquired through eminent domain for highways"

Page 1, remove lines 7 through 24

Page 2, remove lines 1 through 4

Page 2, line 7, replace "**no longer needed**" with "**not used for original purpose**"

Page 2, line 8, after "property" insert "is"

Page 2, line 8, remove the second "or"

Page 2, remove line 9

Page 2, line 10, replace "for taking by eminent domain is no longer needed" with "but not used"

Page 2, line 10, remove "or"

Page 2, line 11, remove "another purpose for which eminent domain may be exercised"

Page 2, line 12, remove "or that person's heirs or assignees"

Page 2, line 16, after "auction" insert ", and the mineral rights, if acquired through eminent domain for the same purpose, must revert to the person from whom the rights were acquired"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1318, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)** recommends **DO PASS** (19 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1318 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1355: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1355 was placed on the Sixth order on the calendar.

Page 3, line 4, overstrike "forty-eight-month" and insert immediately thereafter "seventy-two-month"

Page 3, line 26, overstrike "twenty-four-month" and insert immediately thereafter "forty-eight-month"

Page 4, after line 16, insert:

"9. Notwithstanding any other provision of this section, a nursing facility bed in the layaway program before July 1, 2019, may remain in the program for forty-eight months from the time the bed was first laid away."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1503: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1503 was placed on the Sixth order on the calendar.

Page 1, line 3, after "permission" insert "and a permanently affixed identifier"

Page 2, line 1, replace "a class B misdemeanor" with "an infraction"

Page 2, line 2, remove ", without written permission from the owner or occupant,"

Page 2, line 2, remove "or uses"

Page 2, line 3, after "wildlife" insert: "while the owner of the device is absent:"

- a. Without written permission from the owner or occupant of the property; or
- b. If the device does not have a permanently affixed metal or plastic tag with a registration number issued by the game and fish department, or the individual's name, address, and telephone number"

ReNUMBER accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1532: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1532 was placed on the Sixth order on the calendar.

Page 1, line 1, after "53-06.1-01" insert ", subsection 4 of section 53-06.1-01.1,"

Page 1, after line 9, insert:

**"SECTION 2. AMENDMENT.** Subsection 4 of section 53-06.1-01.1 of the North Dakota Century Code is amended and reenacted as follows:

- 4. The commission shall adopt rules in accordance with chapter 28-32, to administer and regulate the gaming industry, including methods of conduct, play, and promotion of games; minimum procedures and standards for recordkeeping and internal control; requiring tax returns and reports from organizations or distributors; methods of competition and doing business by distributors and manufacturers; acquisition and use of gaming equipment; quality standards or specifications for the manufacture of pull tabs, paper bingo cards, electronic pull tab devices, hand-held portable electronic pull tab devices, pull tab dispensing devices, bingo card marking devices, and fifty-fifty raffle systems; to ensure that net proceeds are used for educational, charitable, patriotic, fraternal, religious, or public-spirited uses; to protect and promote the public interest; to ensure fair and honest games; to ensure that fees and taxes are paid; and to prevent and detect unlawful gambling activity."

Page 1, line 16, remove the overstrike over "~~pull tab and~~"

Page 1, line 16, after "per" insert "electronic"

Page 1, line 18, after "The" insert "With the exception of electronic pull tabs, the"

Page 1, line 18, remove the overstrike over "~~game of pull tabs may only be conducted by commingling deals.~~"

Page 1, line 23, after the period insert "A device with a currency validator must accept United States paper currency or a credit ticket voucher through the device's currency validator."

Page 1, line 23, remove the overstrike over "not"

Page 2, line 1, remove the overstrike over "directly"

Page 2, line 1, remove the overstrike over "coins,"

Page 2, line 1, remove the overstrike over ", tokens,"

Page 2, line 1, remove the overstrike over "~~anything else of value other than~~"

Page 2, line 2, after the period insert "A separate credit redemption device may directly dispense coins, cash, tokens, or anything else of value."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1541: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1541 was placed on the Sixth order on the calendar.

Page 2, line 1, replace "Present annually at a professional development conference directed toward all" with "Provide information to"

Page 2, line 2, remove "all"

Page 2, line 2, remove ", which is hosted by educational organizations"

Page 2, line 3, remove the underscored comma

Renumber accordingly

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

**Buell J. Reich, Chief Clerk**

