

JOURNAL OF THE HOUSE

Fiftieth Legislative Assembly

TWENTY-SECOND DAY

Bismarck, February 4, 1987

The House convened at 12:30 p.m., with Speaker Kloubec presiding.

The prayer was offered by Barry Lee, Church of God of Prophecy, Bismarck, North Dakota.

ROLL CALL

The roll was called and all Representatives were present, except Representatives Kent, Kingsbury, Lindgren and Wald.

A quorum was declared by the Speaker.

CORRECTION AND REVISION OF THE JOURNAL

MR. SPEAKER: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Twenty-first Day and finds the same to be correct.

REP. THOMPSON, Chairman

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

MOTION

REP. STRINDEN MOVED that HCR 3026 be returned to the House floor from the Committee on Human Services and Veterans Affairs for the purpose of withdrawal, which motion prevailed.

REQUEST

REP. O'CONNELL REQUESTED the unanimous consent of the House to withdraw HCR 3026. There being no objection, it was so ordered by the Speaker.

MOTION

REP. GATES MOVED that HB 1592 be returned to the House floor from the Committee on Education for the purpose of withdrawal, which motion prevailed.

REQUEST

REP. PETERSON REQUESTED the unanimous consent of the House to withdraw HB 1592. There being no objection, it was so ordered by the Speaker.

MOTIONS

REP. STRINDEN MOVED that HB 1350 be removed from the Eleventh order on the calendar and be rereferred to the Committee on Industry, Business and Labor, which motion prevailed.

SPEAKER KLOUBEC ANNOUNCED that HB 1350 was rereferred to the Committee on Industry, Business and Labor.

REP. MARTINSON MOVED that HB 1043 and HB 1148 be returned to the House floor from the Committee on State and Federal Government for the purpose of withdrawal, which motion prevailed.

REQUEST

REP. MARTINSON REQUESTED the unanimous consent of the House to withdraw HB 1043 and HB 1148. There being no objection, it was so ordered by the Speaker.

MOTION

REP. STRINDEN MOVED that HB 1041 be removed from the Eleventh order on the calendar and be rereferred to the Committee on Industry, Business and Labor, which motion prevailed.

SPEAKER KLOUBEC ANNOUNCED that HB 1041 was rereferred to the Committee on Industry, Business and Labor.

SIXTH ORDER OF BUSINESS

REP. WHALEN MOVED that the amendments to HB 1122 as recommended by the Committee on Industry, Business and Labor as printed on page 652 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1122 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. NICHOLAS MOVED that the amendments to HB 1207 as recommended by the Committee on Agriculture as printed on page 652 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1207 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. MOORE MOVED that the amendments to HB 1297 as recommended by the Committee on Political Subdivisions as printed on pages 652-653 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1297 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. MOORE MOVED that the amendments to HB 1521 as recommended by the Committee on Political Subdivisions as printed on page 654 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1521 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

HR 1

ROY GILBREATH, Chief Clerk

DELIVERY OF ENROLLED RESOLUTION

THE SPEAKER ANNOUNCED that the following resolution was delivered to the Secretary of State for his filing at the hour of 11:25 a.m., February 4, 1987:

HR 1

DOCTOR OF THE DAY SCHEDULE

February 6: William Buckingham, M.D. - Bismarck

MOTIONS

REP. STRINDEN MOVED that HB 1303 be laid over one legislative day, which motion prevailed.

REP. SHOCKMAN MOVED that the House reconsider its action whereby HB 1444 failed to pass.

REQUEST

REP. MERTENS REQUESTED a recorded roll call vote on the motion to reconsider the action whereby HB 1444 failed to pass, which request was granted.

ROLL CALL

The question being on the motion to reconsider the action whereby HB 1444 failed to pass, the roll was called and there were 58 YEAS, 45 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Almlie; Anderson; Berg, G.; Brokaw; Christman; Dalrymple; DeMers, J.; DeMers, P.; Dotzenrod; Enget; Flaagan; Frey; Gerntholz; Graba; Halmrast; Hanson, L.; Haugen; Hill; Hoffner; Hokana; Kelly; Klundt; Kolbo; Laughlin; Linderman; Marks; Martin; Melby; Mertens; Meyer; Murphy; Nelson, C.; Nelson, J.; Nowatzki; Oban; O'Connell; Olson, V.; Opedahl; O'Shea; Peterson; Riehl; Rydell; Schneider; Shockman; Skjerven; Solberg; Sorensen; Starke; Stofferahn; Tokach; Tollefson; Tomac; Ulmer; Watne; Wilkie; Williams, A.; Williams, C.; Williams, W.

NAYS: Aas; Belter; Berg, R.; Cleveland; Dorso; Gates; Goetz; Gorman; Gunsch; Hamerlik; Hanson, O.; Haugland; Hausauer, A.; Hausauer, R.; Kent; Kingsbury; Knell; Koland; Kretschmar; Kuchera; Lang; Larson; Martinson; Moore; Myrdal; Nicholas; Olsen, D.; Olson, A.; Payne; Rice; Scherber; Schindler; Shaft; Shaw; Shide; Smette; Strinden; Thompson; Trautman; Vander Vorst; Wald; Wentz; Whalen; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Knudson; Lautenschlager; Lindgren

So the motion to reconsider the action whereby HB 1444 failed to pass prevailed.

MOTION

REP. STRINDEN MOVED that HB 1444 be laid over one legislative day, which motion prevailed on a verification vote.

SECOND READING OF SENATE BILL

SB 2479: A BILL for an Act to create and enact a new section to chapter 16.1-01 of the North Dakota Century Code, relating to the calling of a special election by the governor; and to declare an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 104 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: None

ABSENT AND NOT VOTING: Knudson; Lindgren

SB 2479 passed, the title was agreed to, and the emergency clause carried.

MESSAGE TO THE SENATE
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to transmit herewith the following which the House has passed and your favorable consideration is requested on:

HB 1114, HB 1333, HB 1365, HB 1378, HB 1387, HB 1398,
HB 1402, HB 1407, HB 1408, HB 1411, HB 1428, HB 1446,
HB 1456, HB 1471, HB 1519, HCR 3012, HCR 3015, HCR 3016,
HCR 3038, HCR 3039, HCR 3040, HCR 3041, HCR 3042, HCR 3043
ROY GILBREATH, Chief Clerk

MOTION

REP. ANDERSON MOVED that the House reconsider its action whereby HB 1129 failed to pass, which motion prevailed on a verification vote.

SECOND READING OF HOUSE BILL

HB 1129: A BILL for an Act to amend and reenact section 38-08-06.3 of the North Dakota Century Code, relating to information that must accompany payments to royalty owners.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 56 YEAS, 48 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Berg, G.; Brokaw; Christman; DeMers, J.; DeMers, P.; Dotzenrod; Enget; Flaagan; Frey; Goetz Craba; Halmarst; Hanson, O.; Hausauer, A.; Hill Hoffner; Hokana; Kingsbury; Klundt; Kolbo; Kuchera Lang; Laughlin; Linderman; Marks; Martin; Melby Mertens; Meyer; Murphy; Nowatzki; Oban; O'Connell Opedahl; O'Shea; Rice; Riehl; Scherber; Schindler Shaft; Shaw; Shockman; Skjerven; Solberg; Starke Stofferahn; Thompson; Tomac; Ulmer; Wald; Watne; Wentz Wilkie; Williams, A.; Winkelman

NAYS: Aas; Almlie; Belter; Berg, R.; Cleveland; Dalrymple; Dorso; Gates; Gerntholz; Gorman; Gunsch Hamerlik; Hanson, L.; Haugen; Haugland; Hausauer, R. Kelly; Kent; Knell; Koland; Kretschmar; Larson Lautenschlager; Martinson; Moore; Myrdal; Nelson, C. Nelson, J.; Nicholas; Olsen, D.; Olson, A.; Olson, V. Payne; Peterson; Rydell; Schneider; Shide; Smette Sorensen; Strinden; Tokach; Tollefson; Trautman Vander Vorst; Whalen; Williams, C.; Williams, W. Speaker Kloubec

ABSENT AND NOT VOTING: Knudson; Lindgren

HB 1129 passed and the title was agreed to.

MESSAGES FROM THE SENATE
SENATE CHAMBER

MR. SPEAKER: have the honor to transmit herewith the following which the Senate has passed and your favorable consideration is requested on:

SB 2032, SB 2036, SB 2159, SB 2205, SB 2236, SB 2237,
SB 2278, SB 2287, SB 2309, SB 2338, SB 2402, SB 2404,
SB 2430

PERRY GROTEBERG, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to transmit herewith the following which the Senate has passed and your favorable consideration is requested on:

SCR 4040

PERRY GROTEBERG, Secretary

MOTION

REP. STRINDEN MOVED that SB 2296 and SCR 4024 be placed at the top of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2296: A BILL for an Act to provide for certain reductions in general fund appropriation authority; to provide for a reduction in insurance tax to fire districts appropriation authority; to provide for a transfer of fire and tornado funds; to provide for a transfer of coal development impact funds; to provide for a contingent appropriation to the department of human services; to provide an effective date; and to declare an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 97 YEAS, 6 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide;

Shockman; Skjerven; Smette; Solberg; Sorensen; Starke;
 Stofferahn; Strinden; Thompson; Tokach; Tollefson;
 Tomac; Trautman; Vander Vorst; Wald; Watne; Wentz;
 Wilkie; Williams, A.; Williams, C.; Williams, W.;
 Winkelman; Speaker Kloubec

NAYS: Cleveland; Gunsch; Hamerlik; Haugen; Knell; Ulmer

ABSENT AND NOT VOTING: Knudson; Lindgren; Whalen

SB 2296 passed, the title was agreed to, and the emergency clause carried.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4024: A concurrent resolution for the amendment of section 13 of article IV of the Constitution of the State of North Dakota, relating to the effective date of appropriation measures for support and maintenance of state departments and institutions and tax measures that change tax rates.

Which has been read.

ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were 97 YEAS, 0 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.;
 Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.;
 DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey;
 Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch;
 Halmrast; Hamerlik; Hanson, L.; Haugen; Haugland;
 Hausauer, A.; Hill; Hoffner; Hokana; Kent; Kingsbury;
 Knell; Koland; Kolbo; Kretschmar; Kuchera; Lang;
 Larson; Laughlin; Lautenschlager; Linderman; Marks;
 Martin; Martinson; Melby; Mertens; Moore; Murphy;
 Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki;
 Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.;
 Opedahl; O'Shea; Payne; Rice; Riehl; Rydell; Scherber;
 Schindler; Schneider; Shaft; Shaw; Shide; Shockman;
 Skjerven; Smette; Solberg; Sorensen; Starke;
 Stofferahn; Strinden; Thompson; Tokach; Tollefson;
 Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne;
 Wentz; Whalen; Wilkie; Williams, A.; Williams, W.;
 Winkelman; Speaker Kloubec

NAYS: None

ABSENT AND NOT VOTING: Hanson, O.; Hausauer, R.; Kelly;
 Klundt; Knudson; Lindgren; Meyer; Peterson;
 Williams, C.

SCR 4024 was declared adopted.

FIRST READING OF A SENATE CONCURRENT RESOLUTION

SCR 4040: A concurrent resolution expressing the deep appreciation and affection of the Fiftieth Legislative Assembly of North Dakota for Lieutenant Governor Ruth Meiers.

Was read the first time.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that SCR 4040 not be referred to committee, be read in title only, and placed on the calendar for second reading and final passage, which motion prevailed.

SECOND READING OF A SENATE CONCURRENT RESOLUTION

SCR 4040: A concurrent resolution expressing the deep appreciation and affection of the Fiftieth Legislative Assembly of North Dakota for Lieutenant Governor Ruth Meiers.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4040 was declared adopted.

MOTION

REP. STRINDEN MOVED that the rules be suspended and that SCR 4040 be messaged to the Senate immediately, which motion prevailed.

MESSAGE TO THE SENATE
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith the following which the House has passed unchanged:

SCR 4040

ROY GILBREATH, Chief Clerk

REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your procedural Committee on Delayed Bills recommends that the following be introduced:

HB 1666

REP. STRINDEN, Chairman

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

MOTION

REP. GOETZ MOVED that the House waive the reading of the title to HB 1228, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1228: A BILL for an Act to create and enact a new subsection to section 39-06-32 and two new subsections to section 39-06-40 of the North Dakota Century Code, relating to operator's license suspensions and the unlawful use of an operator's license, permit, or nondriver photo identification card and the revoking of the operator's license, permit, or nondriver photo identification card; and to amend and reenact subsection 5 of section 39-06-03.1, sections 39-06-04, 39-06-05, 39-06-06, 39-06-07.1, 39-06-10, subsection 3 of section 39-06-17, section 39-06-24, subsection 3 of section 39-06-32, subsection 2 of section 39-06-37, sections 39-06-38, 39-06-40, and subsections 1, 2, and 4 of section 39-06-40.1 of the North Dakota Century Code, relating to the use of nondriver photo identification cards, operator permits and license applications, financial responsibility of minors, restriction or cancellation of operators' licenses, fraudulent or unlawful use of an operator's license, surrender and return of an operator's license, foreign operators' licenses, and reproducing an operator's license, permit, or personal identification card.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 102 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kingsbury; Klundt; Knell; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Linderman; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: None

ABSENT AND NOT VOTING: Kent; Knudson; Lautenschlager;
Lindgren

HB 1228 passed and the title was agreed to.

MOTION

REP. ANDERSON MOVED that the vote by which HB 1129 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed on a verification vote.

SECOND READING OF HOUSE BILLS

HB 1263: A BILL for an Act to amend and reenact section 20.1-05-04 of the North Dakota Century Code, relating to the use of horses and mules in the taking of big game.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 96 YEAS, 3 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Brokaw; Christman; Cleveland; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Koland; Kolbo; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Marks; Martin; Martinson; Melby; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Gunsch; Kretschmar; Vander Vorst

ABSENT AND NOT VOTING: Berg, R.; Dalrymple;
Hausauer, R.; Knudson; Lindgren; Mertens; Wilkie

HB 1263 passed and the title was agreed to.

HB 1298: A BILL for an Act to create and enact a new section to chapter 61-16.1 of the North Dakota Century Code, relating to agreements between water resource boards and state and federal agencies for certain improvements.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 100 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gertholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kent; Kingsbury; Klundt; Knell; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: None

ABSENT AND NOT VOTING: Kelly; Knudson; Lindgren; Olsen, D.; Whalen; Wilkie

HB 1298 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3007: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of restoring Devils Lake through alternate sources of water.

Which has been read.

The question being on the adoption of the resolution, as amended.

HCR 3007 was declared adopted.

SECOND READING OF HOUSE BILLS

HB 1467: A BILL for an Act to amend and reenact subsection 5 of section 39-04-19 of the North Dakota Century Code, relating to registration of certain farm motor vehicles.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 64 YEAS, 38 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Anderson; Berg, C.; Brokaw; Christman; Dalrymple; Dotzenrod; Enget; Flaagan; Frey; Gerntholz; Graba; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kingsbury; Klundt; Kolbo; Lang; Laughlin; Lautenschlager; Linderman; Marks; Martin; Melby; Mertens; Meyer; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Opedahl; O'Shea; Riehl; Rydell; Schindler; Shaw; Shide; Shockman; Skjerven; Solberg; Starke; Strinden; Tokach; Tomac; Trautman; Ulmer; Vander Vorst; Watne; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.

NAYS: Aas; Almlie; Belter; Berg, R.; Cleveland; DeMers, J.; DeMers, P.; Dorso; Gates; Goetz; Gorman; Gunsch; Halmrast; Hamerlik; Haugen; Kelly; Kent; Knell; Koland; Kretschmar; Kuchera; Larson; Martinson; Moore; Olson, V.; Payne; Rice; Scherber; Schneider; Shaft; Smette; Sorensen; Stofferahn; Tollefson; Wald; Wentz; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Knudson; Lindgren; Peterson; Thompson

HB 1467 passed and the title was agreed to.

HB 1285: A BILL for an Act to create and enact a new section to chapter 63-01.1 of the North Dakota Century Code, relating to legal assistance to county weed boards and enforcement of the noxious weed control laws by state's attorneys; to amend and reenact section 63-01.1-15 of the North Dakota Century Code, relating to enforcement of noxious weed control laws; and to provide a penalty.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 42 YEAS, 55 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Berg, G.; Dalrymple; Dorso; Dotzenrod; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hokana; Kent; Kolbo; Kuchera; Lang; Marks; Melby; Mertens; O'Connell; Olson, A.; Olson, V.; Opedahl; Rice; Schindler; Shaft; Shaw; Shockman; Skjerven; Smette; Solberg; Stofferahn; Tokach; Tomac; Trautman; Ulmer; Watne; Wentz; Whalen; Williams, W.; Winkelman

NAYS: Belter; Berg, R.; Brokaw; Christman; Cleveland; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Hamerlik; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Kelly; Kingsbury; Klundt; Knell; Koland; Kretschmar; Larson; Laughlin; Lautenschlager; Linderman; Martin; Martinson; Moore; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; Olsen, D.; O'Shea; Payne; Riehl; Rydell; Scherber; Shide; Starke; Tollefson; Vander Vorst; Wald; Wilkie; Williams, A.; Williams, C.; Speaker Kloubec

ABSENT AND NOT VOTING: Knudson; Lindgren; Meyer; Murphy; Peterson; Schneider; Sorensen; Strinden; Thompson

HB 1285 was declared lost.

HB 1336: A BILL for an Act to provide for disposition of funds maintained by the board of massage; and to repeal chapter 43-25 of the North Dakota Century Code, relating to massage registration.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 7 YEAS, 93 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Kingsbury; Koland; Kretschmar; Murphy; Shockman; Vander Vorst; Winkelman

NAYS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Klundt; Knell; Kolbo; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Marks; Martin; Martinson; Melby; Meyer; Moore; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Rice; Riehl; Rydell; Scherber; Schindler;

Schneider; Shaft; Shaw; Shide; Skjerven; Smette;
 Solberg; Sorensen; Starke; Stofferahn; Strinden;
 Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer;
 Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.;
 Williams, C.; Williams, W.; Speaker Kloubec

ABSENT AND NOT VOTING: Goetz; Kent; Knudson; Lindgren;
 Mertens; Peterson

HB 1336 was declared lost.

HB 1351: A BILL for an Act to amend and reenact sections 37-07.1-03 and 37-07.2-01 of the North Dakota Century Code, relating to national guard tuition waivers and grants.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 8 YEAS, 95 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Enget; Frey; Graba; Nelson, J.; O'Connell;
 Scherber; Shockman; Tollefson

NAYS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.;
 Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.;
 DeMers, P.; Dorso; Dotzenrod; Flaagan; Gates;
 Gerntholz; Goetz; Gorman; Gunsch; Halmrast; Hamerlik;
 Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.;
 Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent;
 Kingsbury; Klundt; Knell; Koland; Kolbo; Kretschmar;
 Kuchera; Lang; Larson; Laughlin; Lautenschlager;
 Linderman; Marks; Martin; Martinson; Melby; Mertens;
 Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nicholas;
 Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.;
 Opedahl; O'Shea; Payne; Rice; Riehl; Rydell; Schindler;
 Schneider; Shaft; Shaw; Shide; Skjerven; Smette;
 Solberg; Sorensen; Starke; Stofferahn; Strinden;
 Thompson; Tokach; Tomac; Trautman; Ulmer; Vander Vorst;
 Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.;
 Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Knudson; Lindgren; Peterson

HB 1351 was declared lost.

HB 1361: A BILL for an Act to create and enact a new section to chapter 14-05 of the North Dakota Century Code, relating to predivorce counseling.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 27 YEAS, 76 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Almlie; Anderson; Belter; Brokaw; Dalrymple; Dotzenrod; Haugen; Hoffner; Hokana; Kretschmar; Kuchera; Lang; Laughlin; Marks; Melby; Myrdal; Olsen, D.; Olson, A.; Rice; Rydell; Schindler; Shaw; Shide; Shockman; Strinden; Tokach; Ulmer

NAYS: Aas; Berg, G.; Berg, R.; Christman; Cleveland; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hausauer, R.; Hill; Kelly; Kent; Kingsbury; Klundt; Knell; Koland; Kolbo; Larson; Lautenschlager; Linderman; Martin; Martinson; Mertens; Meyer; Moore; Murphy; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olson, V.; Opedahl; O'Shea; Payne; Riehl; Scherber; Schneider; Shaft; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Thompson; Tollefson; Tomac; Trautman; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Knudson; Lindgren; Peterson

HB 1361 was declared lost.

HB 1372: A BILL for an Act to amend and reenact section 37-01-25 of the North Dakota Century Code, relating to paid leave of absence for officers or employees of the state or a political subdivision during service in the national guard or federal service.

Which has been read.

MOTION

REP. AAS MOVED the previous question, which motion prevailed.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 35 YEAS, 67 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Anderson; Berg, R.; Brokaw; Dalrymple; DeMers, J.; Dorso; Enget; Frey; Gates; Goetz; Graba; Gunsch; Haugen; Kuchera; Marks; Meyer; Murphy; Nelson, J.; Opedahl; Riehl; Scherber; Shockman; Solberg; Sorensen; Strinden; Thompson; Tokach; Tollefson; Tomac; Wald; Watne; Whalen; Wilkie; Williams, A.; Speaker Kloubec

NAYS: Aas; Almlie; Belter; Berg, G.; Christman; Cleveland; DeMers, P.; Dotzenrod; Flaagan; Gerntholz; Gorman; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Koland; Kolbo; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Linderman; Martin; Martinson; Melby; Moore; Myrdal; Nelson, C.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Rice; Rydell; Schindler; Schneider; Shaft; Shaw; Shide; Skjerven; Smette; Starke; Stofferahn; Trautman; Ulmer; Vander Vorst; Wentz; Williams, C.; Williams, W.; Winkelman

ABSENT AND NOT VOTING: Knudson; Lindgren; Mertens; Peterson

HB 1372 was declared lost.

HB 1396: A BILL for an Act to create and enact a new section to chapter 24-06 of the North Dakota Century Code, relating to maintenance of township road ditches.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 55 YEAS, 46 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Almlie; Anderson; Belter; Berg, G.; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Gates; Gerntholz; Goetz; Gorman; Gunsch; Hanson, L.; Hanson, O.; Haugen; Haugland; Hoffner; Hokana; Kelly; Kent; Kingsbury; Knell; Kolbo; Kretschmar; Kuchera; Larson; Martin; Martinson; Moore; Nelson, C.; Nicholas; Oban; Olsen, D.; Olson, A.; Olson, V.; Payne; Rice; Rydell; Schindler; Schneider; Shaft; Shaw; Shockman; Skjerven; Solberg; Stofferahn; Thompson; Ulmer; Wald; Whalen; Wilkie; Speaker Kloubec

NAYS: Aas; Berg, R.; Brokaw; Christman; Cleveland; Flaagan; Frey; Graba; Halmrast; Hamerlik; Hausauer, A.; Hausauer, R.; Hill; Klundt; Koland; Laughlin; Lautenschlager; Linderman; Marks; Melby; Mertens; Meyer; Murphy; Myrdal; Nelson, J.; Nowatzki; O'Connell; Opedahl; O'Shea; Riehl; Scherber; Shide; Smette; Sorensen; Starke; Tokach; Tollefson; Tomac; Trautman; Vander Vorst; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman

ABSENT AND NOT VOTING: Knudson; Lang; Lindgren; Peterson; Strinden

HB 1396 passed and the title was agreed to.

HB 1417: A BILL for an Act to provide for judicial review of proceedings by political subdivisions relating to the issuance of evidence of indebtedness.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 102 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Koland; Kolbo; Kretschmar; Kuchera; Larson; Laughlin; Lautenschlager; Linderman; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: None

ABSENT AND NOT VOTING: Knudson; Lang; Lindgren; Peterson

HB 1417 passed and the title was agreed to.

HB 1457: A BILL for an Act to amend and reenact sections 5-01-08.1 and 5-01-08.2 of the North Dakota Century Code, relating to misrepresentation of age by minors purchasing alcoholic beverages.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 101 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Murphy; Shockman

ABSENT AND NOT VOTING: Knudson; Lindgren; Peterson

HB 1457 passed and the title was agreed to.

MOTIONS

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

REP. GOETZ MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House be on the Ninth order of business, and at the conclusion of the Ninth order, the House be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the House stand adjourned until 12:30 p.m., Thursday, February 5, 1987, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs to which was referred HB 1034 has had the same under consideration and recommends by a vote of 12 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 10, line 31, after the period insert the following: "The department shall be structured to promote efficient and effective operations and, consistent with fulfilling its prescribed statutory duties, shall act as the official agency of the state in the discharge of the following functions not otherwise by law made the responsibility of another state agency:

1. Administration of programs for children and families, including adoption services and the licensure of child-placing agencies, foster care services and the licensure of foster care arrangements, child protection services, state youth authority, licensure of day care homes and facilities, services to unmarried parents, refugee services, in-home community-based services, and administration of the interstate compacts on the placement of children and juveniles.
2. Administration of programs for persons with developmental disabilities, including licensure of facilities and services, and the design and implementation of a community-based service system for persons in need of habilitation.
3. Administration of aging service programs, including nutrition, transportation, advocacy, social, ombudsman, recreation, and related services funded under the Older Americans Act of 1965 [42 U.S.C. 3001, et seq.], home and community-based services, licensure of adult family care homes, and the fund matching program for city or county tax levies for senior citizen activities and services.
4. Administration of mental health programs, including planning and implementing preventive, consultative, diagnostic, treatment, and rehabilitative services for persons with mental or emotional disorders and psychiatric conditions.
5. Administration of programs for crippled children, including the provision of services and assistance to crippled children and their families, and the development and operation of clinics for the identification, screening, referral, and treatment of crippled children.
6. Administration of alcohol and drug abuse programs, including establishing quality assurance standards for the licensure of programs, services, and facilities, planning and coordinating a system of prevention, intervention, and treatment services, providing policy leadership in cooperation with other public and private agencies, and disseminating information to local service providers and the general public.

7. Administration of economic assistance programs, including aid to families with dependent children, food stamps, fuel assistance, child support enforcement, refugee assistance, work experience, work incentive, and quality control.
8. Administration of medical service programs, including medical assistance for needy persons, early and periodic screening, diagnosis and treatment, the licensure of boarding homes for the aged and infirm, utilization control, and claims processing."

And renumber the lines, sections, and pages accordingly

REP. HAUGLAND, Chairman

HB 1034 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred HB 1051 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, after line 18, insert the following subsection:

- "3. "Court" means the supreme court, district courts, county courts, and municipal courts of the North Dakota judicial system."

On page 1, line 19, after the word "government" insert the words "law enforcement"

On page 2, line 11, delete the words "Person in interest" and insert in lieu thereof the words "Record subject"

On page 2, line 20, after the underscored period insert the following sentence: "The term includes only those events in which the subject of the event is an adult or a juvenile adjudicated as an adult."

On page 2, line 22, delete the numeral "5" and insert in lieu thereof the numeral "10"

On page 2, line 25, delete the numeral "3" and insert in lieu thereof the numeral "4"

On page 3, line 22, delete the words "clerk of each court" and insert in lieu thereof the words "prosecuting attorney"

On page 3, line 33, after the underscored semicolon insert the word "and"

On page 3, delete line 34

On page 4, delete lines 23 through 25

On page 4, line 27, delete the words "person in interest" and insert in lieu thereof the words "record subject"

On page 4, line 31, delete the numeral "5" and insert in lieu thereof the numeral "10"

On page 4, line 33, delete the words "and noncriminal"

On page 4, line 34, delete the words "justice agencies"

On page 5, delete lines 8 through 10

On page 5, after line 12, insert the following five new sections:

"SECTION 4. Reportable offenses. Criminal justice agencies shall report to the bureau reportable events for each felony and for each of the following misdemeanor offenses:

1. Class A misdemeanor offenses included in title 12.1.
2. Class A and B misdemeanor offenses in chapters 19-03.1 and 19-03.2, and in section 12-47-21.
3. Class B misdemeanor offenses in sections 12.1-17-01, 12.1-20-12.1, 12.1-21-05, 12.1-21-06, 12.1-23-05, and 12.1-29-03.
4. Class A misdemeanor offenses in sections 53-06.1-16 and 53-06.1-16.1.
5. Class A misdemeanor offenses in title 62.1.

SECTION 5. Exchange of criminal history record information among criminal justice agencies and the courts. The bureau and other criminal justice agencies shall disclose criminal history record information:

1. To a criminal justice agency that requests the information for its functions as a criminal justice agency or for use in hiring or retaining its employees.
2. To a court, on request, to aid in a decision concerning sentence, probation, or release pending trial or appeal.

3. Pursuant to a judicial, legislative, or administrative agency subpoena issued in this state.
4. As otherwise expressly required by law.

SECTION 6. Dissemination to parties not described in section 5. Only the bureau may disseminate criminal history record information to parties not described in section 5. The dissemination may be made only if all the following requirements are met:

1. The information has not been purged or sealed.
2. The information is of a conviction, or the information is of a reportable event occurring within one year preceding the request.
3. The request is written and contains:
 - a. The name of the requester.
 - b. The name of the record subject.
 - c. At least two items of information used by the bureau to retrieve criminal history records, including:
 - (1) The fingerprints of the record subject.
 - (2) The state identification number assigned to the record subject by the bureau.
 - (3) The social security number of the record subject.
 - (4) The date of birth of the record subject.
 - (5) A specific reportable event identified by date and either agency or court.
4. The identifying information supporting a request for a criminal history record does not match the record of more than one individual.

SECTION 7. Prohibited dissemination. If dissemination is prohibited under section 6, or there is no information, the bureau shall provide the following answer to the requester: "No information is available because either no information exists or dissemination is prohibited."

SECTION 8. Required disclosure of certain dissemination. If the bureau disseminates information

under section 6, unless the request was accompanied by an authorization on forms prescribed by the bureau and signed by the record subject, the bureau shall mail notice of that dissemination to the record subject at the last known address of the record subject."

On page 5, line 13, delete the words "A criminal justice agency" and insert in lieu thereof the words "The bureau"

On page 5, line 14, delete the word "may" and insert in lieu thereof the word "shall" and delete the words "not more than"

On page 5, line 15, after the word "agency" insert the words "that is not also a court" and delete the words "The fee may be used to"

On page 5, delete lines 16 and 17

On page 5, line 18, delete the word "Violation" and insert in lieu thereof the words "Any willful violation as defined in section 12.1-02-02"

On page 5, line 19, delete the numeral "4" and insert in lieu thereof the numeral "9"

And renumber the lines, sections, and pages accordingly
REP. KRETSCHMAR, Chairman

HB 1051 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

HB 1051 was rereferred to the Committee on Appropriations.

MR. SPEAKER: Your Committee on Transportation to which was referred HB 1123 has had the same under consideration and recommends by a vote of 13 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 18, delete the words "forty-eight hours" and insert in lieu thereof the words "fourteen days"

And renumber the lines, sections, and pages accordingly
REP. ANDERSON, Chairman

HB 1123 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation to which was referred HB 1131 has had the same under consideration and recommends by a vote of 10 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, delete the word "two" and insert in lieu thereof the word "a" and delete the word "subsections" and insert in lieu thereof the word "subsection"

On page 1, line 4, delete the words ", subsection 1 of section 39-29-03,"

On page 1, line 5, delete the words "subsection 1 of section 39-29-04, and section 39-29-10"

On page 1, line 7, delete the words "and all-terrain vehicle registration requirements, operation,"

On page 1, line 8, delete the word "education" and insert in lieu thereof the word "requirements"

On page 1, delete lines 24 through 28

On page 2, delete lines 1 through 25

On page 3, delete lines 1 through 20

And renumber the lines, sections, and pages accordingly

REP. ANDERSON, Chairman

HB 1131 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation to which was referred HB 1214 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, delete the words "section 39-16.1-04" and insert in lieu thereof the words "subsection 1 of section 39-16-05"

On page 1, line 4, after the word "to" insert the words "proof of financial responsibility after an accident,"

ON page 1, line 6, delete the words ", and"

On page 1, delete line 7

On page 1, line 8, delete the words "reinstatement of driving privileges upon discharge in bankruptcy"

On page 1, after line 10, insert the following new section:

"SECTION 1. AMENDMENT. Subsection 1 of section 39-16-05 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. The commissioner, within sixty days after the receipt of a report of a motor vehicle accident within this state for which a driver is required to file a report under section 39-08-09, shall suspend the license or nonresident operating privilege of each driver of each vehicle in any manner involved in the accident- if the driver is a nonresident, the commissioner shall suspend the driver's privilege of operating a motor vehicle within this state unless the driver deposits security as provided in sections 39-16-09 and 39-16-10 in a sum which is sufficient in the judgment of the commissioner to satisfy any judgment or judgments for damages resulting from the accident as may be recovered against such driver. Notice of suspension and opportunity for hearing must be sent by the commissioner to the driver not less than ten days prior to the effective date of the suspension and must state the amount required as security. However, if a driver, either resident or nonresident, involved in the accident purchases an insurance policy with at least the amount of coverage required by this section, and files proof and satisfies financial responsibility requirements thereof with the commissioner, that driver may retain the license or privilege until the driver has accepted responsibility for the accident or agreed to a settlement of claims arising from the accident or until a court of this state has determined that the driver was negligent or responsible for the accident in whole or in part. If the driver is found negligent or responsible for the accident, in whole or in part, the license or privilege must be suspended and will not be returned until the driver complies with this chapter.

On page 1, delete lines 11 through 28

On page 2, delete lines 1 through 35

On page 3, delete lines 1 through 3

And renumber the lines, sections, and pages accordingly

REP. ANDERSON, Chairman

HB 1214 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HB 1247 has had the same under consideration and recommends by a vote of 11 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING

that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, delete the words "to create and enact a new subsection to section"

On page 1, delete lines 2 and 3

On page 1, line 6, delete the numerals "47-30.1-23,"

On page 4, delete lines 19 through 29

On page 5, line 6, delete the words "or private"

On page 6, delete lines 21 through 35

On page 7, delete lines 1 through 34

On page 8, delete lines 1 and 2

On page 8, line 30, delete the words "This section does not"

On page 8, delete lines 31 and 32

And renumber the lines, sections, and pages accordingly

REP. WHALEN, Chairman

HB 1247 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs to which was referred Engrossed HB 1254 has had the same under consideration and recommends by a vote of 14 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2 of the engrossed bill, line 2, delete the words "at least one" and delete the words "team in each" and insert in lieu thereof the words "teams on a"

On page 2 of the engrossed bill, line 3, after the word "county" insert the words "or multicounty basis" and delete the words "of this state"

And renumber the lines, sections, and pages accordingly

REP. HAUGLAND, Chairman

Engrossed HB 1254 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs to which was referred HB 1330 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT

VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 3, delete the words "medical facilities" and insert in lieu thereof the words "the attending physician"

On page 1, line 23, delete the word "division" and insert in lieu thereof the words "state department of health"

On page 1, line 26, delete the words "Hospitals or" and insert in lieu thereof the words "Attending physicians"

On page 1, line 27, delete the words "other medical facilities" and delete the word "division" and insert in lieu thereof the word "department"

On page 2, line 3, delete the word "division" and insert in lieu thereof the word "department"

On page 2, line 5, delete the word "division" and insert in lieu thereof the words "state department of health shall furnish a copy of the report to the department of human services. The department of human services"

On page 2, line 7, delete the words "furnish the information upon request to providers"

On page 2, line 8, delete the words "of referral or" and insert in lieu thereof the words "notify the attending physician of the"

And renumber the lines, sections, and pages accordingly

REP. HAUGLAND, Chairman

HB 1330 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HB 1355 has had the same under consideration and recommends by a vote of 15 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, delete the word "section" and insert in lieu thereof the word and numerals "sections 26.1-18-04," and after the numerals "26.1-30-20" insert a comma

On page 1, line 4, after the word "policies" insert the words "and notices of modification relating to the operation of a health maintenance organization"

On page 1, after line 6, insert the following new section:

"SECTION 1. AMENDMENT. Section 26.1-18-04 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

26.1-18-04. Notice of modification - Filing. A health maintenance organization must, unless otherwise provided in this chapter, file a notice describing any modification of the operation set out in the information required by section 26.1-18-03. The notice must be filed with the commissioner prior to effecting the modification. If the commissioner does not disapprove within fifteen days of the filing within the time period provided for approval in section 26.1-30-20, the modification is deemed approved.

The commissioner may adopt rules exempting those items the commissioner deems unnecessary from the filing requirements of this section."

On page 1, line 14, delete the word "sixty" and insert in lieu thereof the word "forty-five"

On page 1, line 16, delete the words "sixty-day" and insert in lieu thereof the words "forty-five-day"

On page 1, line 18, delete the words "sixty-day" and insert in lieu thereof the words "forty-five-day"

On page 1, line 26, delete the word "sixty" and insert in lieu thereof the words "forty-five"

And renumber the lines, sections, and pages accordingly
REP. WHALEN, Chairman

HB 1355 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs to which was referred HB 1386 has had the same under consideration and recommends by a vote of 15 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 2, delete the word "disposal" and insert in lieu thereof the words "the dispensing"

On page 1, line 9, overstrike the word "Disposal" and insert immediately thereafter the word "Dispensing"

On page 1, line 15, after the word "premises" insert the words "on Christmas Day,"

On page 1, line 16, overstrike the first comma and insert immediately thereafter the word "or"

On page 1, line 16, after the second comma overstrike the words "Christmas Day,"

And renumber the lines, sections, and pages accordingly

REP. HAUGLAND, Chairman

HB 1386 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs to which was referred HB 1406 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 17, after the first word "in" insert the word "a" and delete the words "in a"

On page 1, line 18, delete the words "of cosmetology"

On page 1, line 20, after the word "examination" insert an underscored period and delete the word "and" and insert in lieu thereof the words "Under this subdivision"

On page 1, line 21, delete the word "not" and delete the word "required" and insert in lieu thereof the word "waived"

On page 1, line 22, delete the word "their" and insert in lieu thereof the words "the applicant's teaching procedures"

On page 1, line 23, delete the word "instructions"

And renumber the lines, sections, and pages accordingly

REP. HAUGLAND, Chairman

HB 1406 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation to which was referred HB 1413 has had the same under consideration and recommends by a vote of 14 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. A. HAUSAUER, Chairman

HB 1413 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education to which was referred HB 1435 has had the same under consideration and recommends by a vote of 14 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. GATES, Chairman

HB 1435 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HB 1440 has had the same under consideration and recommends by a vote of 11 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1, line 9, delete the words ", repairs, or otherwise maintains"

On page 1, line 24, delete the word "general" and insert in lieu thereof the words "workmen's compensation"

On page 5, line 33, after the word "utilities" insert the words ", coal gasification plants,"

On page 6, line 3, delete the word "superior" and insert in lieu thereof the word "equivalent"

And renumber the lines, sections, and pages accordingly
REP. WHALEN, Chairman

HB 1440 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HB 1463 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. WHALEN, Chairman

HB 1463 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HB 1488 has had the same under consideration and recommends by a vote of 14 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. WHALEN, Chairman

HB 1488 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HB 1503 has had the same under consideration and recommends by a vote of 14 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. WHALEN, Chairman

HB 1503 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred HB 1510 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. KRETSCHMAR, Chairman

HB 1510 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HB 1513 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. WHALEN, Chairman

HB 1513 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HB 1514 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. WHALEN, Chairman

HB 1514 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government to which was referred HB 1575 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. MARTINSON, Chairman

HB 1575 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education to which was referred HB 1578 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations:

On page 1, line 23, delete the word "tenth" and insert in lieu thereof the word "twentieth"

On page 2, line 28, delete the numeral "3.9" and insert in lieu thereof the numeral "3.6"

And renumber the lines, sections, and pages accordingly

REP. GATES, Chairman

HB 1578 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education to which was referred HB 1604 has had the same under consideration and recommends by a vote of 13 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. GATES, Chairman

HB 1604 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation to which was referred HB 1611 has had the same under consideration and recommends by a vote of 10 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. A. HAUSAUER, Chairman

HB 1611 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government to which was referred HB 1612 has had the same under consideration and recommends by a vote of 12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. MARTINSON, Chairman

HB 1612 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education to which was referred HB 1616 has had the same under consideration and recommends by a vote of 15 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. GATES, Chairman

HB 1616 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation to which was referred HB 1618 has had the same under consideration and recommends by a vote of 14 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. A. HAUSAUER, Chairman

HB 1618 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation to which was referred HB 1627 has had the same under consideration and recommends by a vote of 15 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. A. HAUSAUER, Chairman

HB 1627 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education to which was referred HB 1632 has had the same under consideration and recommends by a vote of 18 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. GATES, Chairman

HB 1632 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education to which was referred HCR 3024 has had the same under consideration and recommends by a vote of 18 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. GATES, Chairman

HCR 3024 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education to which was referred HCR 3025 has had the same under consideration and recommends by a vote of 18 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. GATES, Chairman

HCR 3025 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

FIRST READING OF HOUSE BILL

Rep. Strinden introduced:

(Approved by the Committee on Delayed Bills)

HB 1666: A BILL for an Act to create and enact a new section to chapter 10-04, a new subsection to section 10-04-05, and a new subsection to section 10-04-06, relating to securities transactions exempt from registration requirements; and to amend and reenact subsections 2, 5, 9, and 10 of section 10-04-02, subsection 1 of section 10-04-05, and subsections 2, 3, 5, and 9 of section 10-04-06, relating to the issuance and sale of securities.

Was read the first time and referred to the Committee on Industry, Business and Labor.

FIRST READING OF SENATE BILLS

SB 2115: A BILL for an Act to create and enact a new section to chapter 11-11, a new section to chapter 40-05, a new subsection to section 57-15-06.7, a new subsection to section 57-15-10, and a new section to chapter 57-15 of the North Dakota Century Code, relating to authorization and funding of county and city programs and activities for handicapped persons.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

SB 2256: A BILL for an Act to create and enact a new section to chapter 54-18 of the North Dakota Century Code, relating to

confidentiality of certain North Dakota mill and elevator and export trading company business.

Was read the first time and referred to the **Committee on State and Federal Government**.

SB 2277: A BILL for an Act to create and enact a new chapter to title 43 of the North Dakota Century Code, relating to licensing of addiction counselors; to amend and reenact section 23-17.1-04, subsections 6, 7, and 9 of section 25-03.1-02, and subsection 3 of section 31-01-06.3 of the North Dakota Century Code, relating to the certification of addiction counselors, to the definitions of expert examiner, independent expert examiner, and mental health professional, and to the definition of counselor; and to provide a penalty.

Was read the first time and referred to the **Committee on Human Services and Veterans Affairs**.

SB 2288: A BILL for an Act to amend and reenact sections 51-07-01, 51-07-01.1, and 51-07-03 of the North Dakota Century Code, relating to sales and exchanges between wholesalers, manufacturers, distributors, and retailers.

Was read the first time and referred to the **Committee on Industry, Business and Labor**.

SB 2300: A BILL for an Act to amend and reenact sections 40-49-05, 40-49-07, and 40-49-08 of the North Dakota Century Code, relating to coincidence of terms and election of office of park district commissioners and providing for sharing of costs of elections by cities and park districts.

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

SB 2403: A BILL for an Act to create a new chapter to title 51 of the North Dakota Century Code, relating to allowing retail dealers to return merchandise upon discontinuance of a franchise.

Was read the first time and referred to the **Committee on Industry, Business and Labor**.

SB 2412: A BILL for an Act to create and enact a new subsection to section 20.1-03-11 and a new section to chapter 20.1-08 of the North Dakota Century Code, relating to licenses issued to landowners to hunt elk and the governor's proclamation on the hunting of elk.

Was read the first time and referred to the **Committee on Natural Resources**.

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4007: A concurrent resolution recognizing the need for public awareness of the importance of physical fitness, designating the ninth day of March, 1987, as "Legislative Fitness Day", and urging all appropriate state agencies to promote public awareness of the importance of physical fitness.

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

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

ROY GILBREATH, Chief Clerk