

## JOURNAL OF THE HOUSE

## Fifty-second Legislative Assembly

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Bismarck, February 1, 1991

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

The prayer was offered by Bishop Barry L. Lee, Church of God of Prophecy, Bismarck.

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

A quorum was declared by the Speaker.

## HOUSE ENGROSSING REPORT

The following bills were engrossed: HB 1240, HB 1280, HB 1286, HB 1336, HB 1405, HB 1412, HB 1424, HB 1436, HB 1550.

## MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1102, HB 1200, HB 1226, HB 1239, HB 1255, HB 1320, HB 1353, HB 1359, HB 1413, HB 1415, HB 1425, HB 1430, HB 1467, HB 1480, HB 1481.

## MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1046.

## SENATE AMENDMENTS TO ENGROSSED HB 1046

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 12.1-30 and a new section to chapter 34-06 of the North Dakota Century code, relating to business leases or agreements and an employee day of rest; to amend and reenact sections 12.1-30-01 and 12.1-30-02 of the North Dakota Century Code, relating to the conduct of business on Sundays; to provide a penalty; and to declare an emergency.

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

SECTION 1. AMENDMENT. Section 12.1-30-01 of the North Dakota Century Code is amended and reenacted as follows:

12.1-30-01. Business or labor on Sunday - Exemptions - Classification of offenses.

1. Except as otherwise provided in sections 12.1-30-02 and 12.1-30-03, it is a class B misdemeanor for any person between the hours of twelve midnight and twelve noon on Sunday to do any of the following activities:
  - a. Engage in or conduct business or labor for profit in the usual manner and location.
  - b. Operate a place of business open to the public.
  - c. Authorize or direct that person's employees or agents to take action prohibited under this section.
2. The prohibition in subsection 1 does not apply to a person who in good faith observes a day other than Sunday as the Sabbath, if that person refrains from engaging in or conducting business or labor for profit and closes the place of business to the public between the hours of twelve midnight and twelve noon on the day observed as the Sabbath.

3. The attorney general, a state's attorney, a mayor, a city manager, or a city attorney may petition a district court, for the district where a violation is occurring, to enjoin a violation of this section.

SECTION 2. AMENDMENT. Section 12.1-30-02 of the North Dakota Century Code is amended and reenacted as follows:

12.1-30-02. Items prohibited from sale or rental on Sunday. Except for items sold at hobby shows, craft shows, fairs, exhibits, occasional rummage sales including garage sales or other sales for which a sales tax permit is not required, and tourist attractions that derive at least fifty percent of their annual gross sales from seasonal or tourist customers, the sale or rental of any of the following items between the hours of twelve midnight and twelve noon on Sunday is prohibited:

1. Clothing other than work gloves and infant supplies.
2. Clothing accessories.
3. Wearing apparel other than that sold to a transient traveler under emergency conditions.
4. Footwear.
5. Headwear.
6. Home, business, office, or outdoor furniture.
7. Kitchenware.
8. Kitchen utensils.
9. China.
10. Home appliances.
11. Stoves.
12. Refrigerators.
13. Air conditioners.
14. Electric fans.
15. Radios.
16. Television sets.
17. Washing machines.
18. Dryers.
19. Cameras.
20. Hardware other than emergency plumbing, heating, cooling, or electrical repair or replacement parts and equipment.
21. Tools other than manually driven hand tools.
22. Jewelry.
23. Precious or semiprecious stones.
24. Silverware.

25. Watches.
26. Clocks.
27. Luggage.
28. Motor vehicles other than the daily rental of vehicles by businesses whose sole activity is automobile rental.
29. Musical instruments.
30. The sale of aural or video recordings, records, or tapes. Rental of these items is permitted.
31. Toys other than those customarily sold as novelties or souvenirs.
32. Mattresses.
33. Bed coverings.
34. Household linens.
35. Floor coverings.
36. Lamps.
37. Draperies.
38. Blinds.
39. Curtains.
40. Mirrors.
41. Cloth piece goods.
42. Lawnmowers.
43. Sporting or recreational goods other than those sold or rented on the premises where sports or recreational activities are conducted.
44. Paint and building and lumber supplies.

SECTION 3. A new section to chapter 12.1-30 of the North Dakota Century Code is created and enacted as follows:

Retail business leases or agreements - Penalty. A retail business may not be required to be open on Sunday as a part of a lease agreement, franchise agreement, or any other contractual arrangement. A violation of this section is a class A misdemeanor.

SECTION 4. A new section to chapter 34-06 of the North Dakota Century Code is created and enacted as follows:

One day of rest in seven - Penalty.

1. An employer may not require an employee to work seven consecutive days in a business that sells merchandise at retail. An employer may not deny an employee at least one period of twenty-four consecutive hours of time off for rest or worship in each seven-day period. The time off must be in addition to the regular periods of rest allowed during each day worked. An employer shall accommodate the religious beliefs and practices of an employee unless the employer can

demonstrate that to do so would constitute an undue hardship on the conduct of the employer's business. However, if an employee requests time off to attend one regular worship service a week, an employer may not require the employee to work during that period unless:

- a. Honoring the employee's request would cause the employer substantial economic burdens or would require the imposition of significant burdens on other employees required to work in place of the Sabbath observer; or
- b. The employer has made a reasonable effort to accommodate the employee's request.

2. A violation of this section is a class B misdemeanor. It is an affirmative defense to prosecution under this section that the employee volunteered for work on the seventh consecutive day and the employee executed a written statement so stating. The statement must also contain a provision, signed by the employer or the employer's agent, that the employer did not require such work.

SECTION 5. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

#### SENATE FLOOR AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1046

Page 1, line 1, after the first "to" insert "the establishment of a North Dakota rural area development corporation to administer a rural development revolving loan fund and to provide for"

Page 1, line 3, remove "and" and after "penalty" insert "; and to provide a contingent appropriation"

Page 1, after line 4, insert:

"SECTION 1. Definitions. As used in sections 1 through 3 of this Act, unless the context otherwise requires:

1. "Board of directors" means the board of directors of the equity development corporation as established under chapter 10-30.3.
2. "Corporation" means the equity development corporation established under chapter 10-30.3.
3. "Primary sector business" means an individual, corporation, partnership, or association which through a process employing knowledge and labor adds value to a product or service produced for resale.
4. "Region" means the area delineated by executive order of the governor under section 54-40.1-02.
5. "Rural area" means any area in the state that is not within five miles [8.05 kilometers] of any city with a population of more than eight thousand.

SECTION 2. Economic development commission to act in advisory capacity. The economic development commission shall act in an advisory capacity to the board of directors of the equity development corporation for purposes of this Act, and shall:

1. Advise the board of directors regarding the regional rural revolving loan fund established by section 3 of this Act;

2. Establish guidelines for fund matching requirements, eligibility criteria, financing terms and conditions, solicitation and review of applications for assistance, and determination of projects to be funded under section 3 of this Act;
3. Develop priorities for projects and activities relating to the development of rural areas; and
4. Coordinate the rural area development plans and programs of the various regions of the state and encourage the collocation of assistance programs for rural areas in each region.

**SECTION 3. Regional rural development revolving loan fund - Appropriation.** There is established in the Bank of North Dakota a regional rural development revolving loan fund to be administered by the board of directors. All moneys transferred to the regional rural development revolving loan fund, interest on moneys in the fund, and payments to the fund of principal and interest on loans made by the fund are hereby appropriated to the corporation for the purpose of providing technical assistance, research and development assistance, and loans or equity or debt financing on a matching basis to new or expanding primary sector businesses in rural areas. The funds available under this section must be allocated equally for the benefit of each region."

Page 2, after line 12, insert:

"**SECTION 6. APPROPRIATION.** There is hereby appropriated, subject to the availability of state general fund revenues as provided in section 7 of this Act, out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$9,500,000 which shall be transferred by the state treasurer to the regional rural development revolving loan fund to carry out the purposes of sections 1 through 3 of this Act, for the biennium beginning July 1, 1991, and ending June 30, 1993.

**SECTION 7. CONTINGENT APPROPRIATION.** The amount appropriated in section 6 of this Act may be made available only upon determination by the director of the office of management and budget that estimated general fund revenues for the biennium ending June 30, 1993, are greater than estimated at the close of the fifty-second legislative assembly and are available only to the extent the estimated revenues exceed original estimates by at least \$11,000,000, with only the amount in excess of \$11,000,000, up to a total of \$9,500,000, available for the purpose of sections 1 through 3 this Act. The director of the office of management and budget shall, before July 1, 1992, make a revised estimate of general fund revenues for the biennium ending June 30, 1993, shall report the amount of revenues the director expects in excess of estimates, and shall inform the equity development corporation of the appropriation available to it for the remainder of the biennium under sections 1 through 3 of this Act."

Renumber accordingly

**SENATE FLOOR AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1046**

In lieu of the amendments adopted by the Senate as printed on pages 246-247 of the Senate Journal, Engrossed House Bill No. 1046 is amended as follows:

Page 1, line 1, after the first "to" insert "the establishment of a North Dakota rural area development corporation to administer a rural development revolving loan fund and to provide for"

Page 1, line 3, remove "and" and after "penalty" insert "; and to provide a contingent appropriation"

Page 1, after line 4, insert:

"SECTION 1. Definitions. As used in sections 1 through 3 of this Act, unless the context otherwise requires:

1. "Board of directors" means the board of directors of the equity development corporation as established under chapter 10-30.3.
2. "Corporation" means the equity development corporation established under chapter 10-30.3.
3. "Primary sector business" means an individual, corporation, partnership, or association which through a process employing knowledge and labor adds value to a product or service produced for resale.
4. "Region" means the area delineated by executive order of the governor under section 54-40.1-02.
5. "Rural area" means any area in the state that is not within five miles [8.05 kilometers] of any city with a population of more than eight thousand.

SECTION 2. Economic development commission to act in advisory capacity. The economic development commission shall act in an advisory capacity to the board of directors of the equity development corporation for purposes of sections 1 through 3 of this Act, and shall:

1. Advise the board of directors regarding the regional rural revolving loan fund established by section 3 of this Act;
2. Establish guidelines for fund matching requirements, eligibility criteria, financing terms and conditions, solicitation and review of applications for assistance, and determination of projects to be funded under section 3 of this Act;
3. Develop priorities for projects and activities relating to the development of rural areas; and
4. Coordinate the rural area development plans and programs of the various regions of the state and encourage the collocation of assistance programs for rural areas in each region.

SECTION 3. Regional rural development revolving loan fund - Appropriation. There is established in the Bank of North Dakota a regional rural development revolving loan fund to be administered by the board of directors. All moneys transferred to the regional rural development revolving loan fund, interest on moneys in the fund, and payments to the fund of principal and interest on loans made by the fund are hereby appropriated to the corporation for the purpose of providing technical assistance, research and development assistance, and loans or equity or debt financing on a matching basis to new or expanding primary sector businesses in rural areas. The funds available under this section must be allocated equally for the benefit of each region."

Page 2, after line 12, insert:

"SECTION 6. APPROPRIATION. There is hereby appropriated, subject to the availability of state general fund revenues as provided in section 7 of this Act, out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$9,500,000 which shall be transferred by the state treasurer to the regional rural

development revolving loan fund to carry out the purposes of sections 1 through 3 of this Act, for the biennium beginning July 1, 1991, and ending June 30, 1993.

**SECTION 7. CONTINGENT APPROPRIATION.** The amount appropriated in section 6 of this Act is available only upon determination by the director of the office of management and budget that estimated general fund revenues for the biennium ending June 30, 1993, are greater than the estimates that were made at the close of the fifty-second legislative assembly. The director of the office of management and budget shall make estimates every six months during the biennium on or before June thirtieth and December thirty-first of each year. The amount that is appropriated under section 6 of this Act is limited to the amount in excess of \$11,000,000 over the amount estimated by the fifty-second legislative assembly, up to a total of \$9,500,000. If the balance in the general fund at the end of the biennium ending June 30, 1993, is \$11,000,000 or more above the estimate made by the fifty-second legislative assembly, the amount in excess of \$11,000,000, up to a total of \$9,500,000, is appropriated for the purposes of section 6 of this Act. The provisions of section 54-44.1-11 do not apply to any appropriation that is based upon the actual ending balance. For purposes of this section, the estimate at the close of the fifty-second legislative assembly may not include the tax revenues generated as a result of this Act. The director of the office of management and budget shall inform the equity development corporation of the appropriation available to it under this Act."

Renumber accordingly

**MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)**

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2092, SB 2151, SB 2174, SB 2191, SB 2240, SB 2251, SCR 4021.

#### **MOTION**

**REP. KLOUBEC MOVED** that the rules be suspended and that the amendments on the Sixth order of business to HB 1253, HB 1289, and HB 1367 be adopted, which motion prevailed.

HB 1253, HB 1289, and HB 1367, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### **SIXTH ORDER OF BUSINESS**

**HB 1165: REP. KRETSCHMAR (Committee on Judiciary) MOVED** that the amendments on HJ pages 341-342 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

#### **MOTION**

**REP. KLOUBEC MOVED** that the rules be suspended and that HB 1165 be deemed properly engrossed and placed on today's calendar, as amended, for second reading and final passage, which motion prevailed.

#### **SECOND READING OF HOUSE BILLS**

**HB 1165: A BILL** for an Act to amend and reenact subsections 1 and 2 of section 12-44.1-06 of the North Dakota Century Code, relating to grades of jail facilities; and to declare an emergency.

#### **ROLL CALL**

The question being on the final passage of the amended bill which has been read and has committee recommendation of DO PASS, the roll was called and there were 76 YEAS, 29 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Clayburgh; Dalrymple; Delzer; DeWitz; Dorso; Enget; Erickson; Freier; Gates; Gerntholz; Goffe; Gordier; Gorman; Grosz; Grumbo; Hanson; Henegar; Howard; Huether; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson;

Linderman; Martin; Martinson; Meyer; Miller; Muhs; Myrdal; Nicholas; Nichols; Nowatzki; Olsen, D.; Olson, A.; Payne; Porter; Price; Rennerfeldt; Ritter; Rydell; Schimke; Schindler; Schmidt; Shide; Skjerven; Soukup; St. Aubyn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Speaker R. Anderson

**YAYS:** Aarsvold; Anderson, B.; Bodine; Brokaw; Carlson; Cleary; Coats; DeMers; Flaagan; Gabrielson; Gilmore; Hokana; Jacobson; Laughlin; Mahoney; Mutzenberger; Nelson; Oban; Peterson; Pyle; Ring; Scherber; Schneider; Skar; Snyder; Starke; Stofferahn; Thorpe; Williams

**ABSENT AND NOT VOTING:** Hausauer

HB 1165 passed, the title was agreed to, and the emergency clause carried.

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**HB 1286:** A BILL for an Act to amend and reenact section 57-02-27.1 of the North Dakota Century Code, relating to assessed values for property acquired at tax sales; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 104 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gertholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Speaker R. Anderson

**NAYS:** Williams

**ABSENT AND NOT VOTING:** Hausauer

HB 1286 passed and the title was agreed to.

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#### MOTION

**REP. WALD MOVED** that HB 1361 be returned to the House floor from the Committee on Appropriations for the purpose of withdrawal, which motion prevailed.

#### REQUEST

**REP. GABRIELSON REQUESTED** the unanimous consent of the House to withdraw HB 1361. There being no objection, it was so ordered by the Speaker.

#### MOTIONS

**REP. KLOUBEC MOVED** that HB 1336, which is on the Eleventh order, be rereferred to the Committee on Appropriations, which motion prevailed. Pursuant to Rep. Kloubec's motion, HB 1336 was rereferred.

**REP. BELTER MOVED** that HB 1263 be returned to the House floor from the Committee on Transportation for the purpose of withdrawal, which motion prevailed.



## REQUEST

REP. SKAR REQUESTED the unanimous consent of the House to withdraw HB 1263. There being no objection, it was so ordered by the Speaker.

## SECOND READING OF HOUSE BILLS

HB 1405: A BILL for an Act to amend and reenact section 15-41-24 of the North Dakota Century Code, relating to high school curricula.

## 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 75 YEAS, 31 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Freier; Gabrielson; Gates; Gorman; Grumbo; Hausauer; Henegar; Hokana; Howard; Huether; Jensen; Kelsch; Kloube; Kolbo; Kretschmar; Kunkel; Larson; Martin; Miller; Muhs; Myrdal; Nelson; Nowatzki; Olsen, D.; Olson, A.; Payne; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schindler; Schmidt; Schneider; Shide; Skar; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thorpe; Timm; Tollefson; Urlacher; Wald; Wentz; Whalen; Wilkie

NAYS: Coats; Erickson; Flaagan; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Hanson; Jacobson; Kaldor; Kerzman; Kroeber; Laughlin; Linderman; Mahoney; Martinson; Meyer; Mutzenberger; Nicholas; Nichols; Oban; Peterson; Schimke; Skjerven; Stofferahn; Thompson; Trautman; Wardner; Williams; Speaker R. Anderson

HB 1405 passed and the title was agreed to.

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HB 1424: A BILL for an Act to amend and reenact section 26.1-17-12 of the North Dakota Century Code, relating to contract limitations of a health service corporation.

## 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 106 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloube; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

HB 1424 passed and the title was agreed to.

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HB 1436: A BILL for an Act to create and enact a new section to chapter 49-02 of the North Dakota Century Code, relating to adoption of rules by the public service commission concerning the disconnection of residential energy utility customers during cold weather.

## MOTION

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

## 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 39 YEAS, 66 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bodine; Boucher; Brokaw; Carlson; Cleary; Coats; DeMers; Flaagan; Gabrielson; Gilmore; Hanson; Hokana; Jacobson; Jensen; Kelsch; Kolbo; Kroeber; Laughlin; Mahoney; Mutzenberger; Nelson; Oban; Peterson; Pyle; Ring; Ritter; Rydell; Scherber; Schneider; Skar; Snyder; Starke; Stofferahn; Thorpe; Wentz; Wilkie; Williams

NAYS: Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Boehm; Brown; Byerly; Carlisle; Clayburgh; Dalrymple; Delzer; DeWitz; Dorso; Enget; Erickson; Freier; Gates; Gerntholz; Goffe; Gorder; Gorman; Grosz; Grumbo; Hausauer; Henegar; Howard; Huether; Kaldor; Kerzman; Kloubec; Kretschmar; Kunkel; Larson; Linderman; Martin; Martinson; Meyer; Miller; Muhs; Myrdal; Nicholas; Nichols; Nowatzki; Olsen, D.; Olson, A.; Payne; Porter; Price; Rennerfeldt; Schimke; Schindler; Schmidt; Shide; Skjerven; Soukup; St. Aubyn; Svedjan; Thompson; Timm; Trautman; Urlacher; Wald; Wardner; Whalen; Speaker R. Anderson

ABSENT AND NOT VOTING: Tollefson

HB 1436 was declared lost.

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HB 1550: A BILL for an Act to provide for rates and conditions of service for small power producers and cogenerators.

## 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 17 YEAS, 88 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bateman; Boehm; Carlson; Cleary; DeMers; Gilmore; Jensen; Myrdal; Olson, A.; Pyle; Ring; Scherber; Snyder; Thorpe; Trautman; Wentz

NAYS: Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Coats; Dalrymple; Delzer; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Payne; Peterson; Porter; Price; Rennerfeldt; Ritter; Rydell; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Urlacher; Wald; Wardner; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Kolbo

HB 1550 was declared lost.

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HB 1170: A BILL for an Act to create and enact subsections 26 and 27 to section 20.1-02-05 and a new subsection to section 20.1-02-15.1 of the North Dakota Century Code, relating to powers of the game and fish commissioner, deputy commissioner, chief game wardens, or district game wardens.

## 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 20 YEAS, 85 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Carlson; Cleary; Coats; DeMers; Goffe; Hanson; Hokana; Huether; Jacobson; Kretschmar; Kroeber; Mutzenberger; Oban; Ring; Scherber; Schneider; Skjerven; Snyder; Williams

**NAYS:** Aarsvold; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Dalrymple; Delzer; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Gorder; Gorman; Grosz; Grumbo; Hausauer; Henegar; Howard; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ritter; Rydell; Schimke; Schindler; Schmidt; Shide; Skar; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Speaker R. Anderson

**ABSENT AND NOT VOTING:** Kolbo

HB 1170 was declared lost.

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**HB 1250:** A BILL for an Act to amend and reenact section 20.1-12-03 of the North Dakota Century Code, relating to permits for private shooting preserves.

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

**YEAS:** Bateman; Berg, R.; Bernstein; Boehm; Brokaw; Gerntholz; Goffe; Kunkel; Rennerfeldt; Schmidt; Thompson; Speaker R. Anderson

**NAYS:** Aarsvold; Anderson, B.; Belter; Berg, G.; Bodine; Boucher; Brown; Byerly; Carlisle; Carlson; Clayburgh; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gilmore; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kretschmar; Kroeber; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams

**ABSENT AND NOT VOTING:** Cleary; Kolbo

HB 1250 was declared lost.

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**HB 1267:** A BILL for an Act to repeal sections 20.1-02-19, 20.1-02-20, 20.1-02-21, and 20.1-02-22 of the North Dakota Century Code, relating to the game and fish hearing board.

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

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Kolbo; Rydell

HB 1267 passed and the title was agreed to.

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HB 1309: A BILL for an Act to create and enact a new section to chapter 43-17 of the North Dakota Century Code, relating to national practitioner data bank reports filed with the board of medical examiners.

## ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 96 YEAS, 8 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ritter; Scherber; Schimke; Schindler; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Bodine; Brokaw; Mahoney; Nelson; Ring; Schmidt; Schneider; Stofferahn

ABSENT AND NOT VOTING: Kolbo; Rydell

HB 1309 passed and the title was agreed to.

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HB 1313: A BILL for an Act to create and enact two new subsections to section 20.1-03-12 of the North Dakota Century Code, relating to fees for game and fish licenses and permits; and to amend and reenact section 20.1-03-12.2 of the North Dakota Century Code, relating to game and fish application fees.

## MOTION

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

## 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 69 YEAS, 35 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Belter; Berg, G.; Bernstein; Boucher; Brokaw; Carlson; Clayburgh; Cleary; Dalrymple; DeMers; Dorso; Enget; Freier; Gabrielson; Gates; Gerntholz; Goffe; Gorman; Grumbo; Hanson; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kroeber; Kunkel; Larson; Linderman; Mahoney; Martin; Meyer; Myrdal; Nelson; Nicholas; Nowatzki; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Ring; Ritter; Scherber; Schneider; Shide; Skjerven; Snyder; Soukup; St. Aubyn; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Williams

NAYS: Aarsvold; Bateman; Berg, R.; Bodine; Boehm; Brown; Byerly; Carlisle; Coats; Delzer; DeWitz; Erickson; Flaagan; Gilmore; Gorder; Grosz; Hausauer; Kretschmar; Laughlin; Martinson; Miller; Muhs; Mutzenberger; Nichols; Oban; Olsen, D.; Rennerfeldt; Schimke; Schindler; Schmidt; Skar; Starke; Whalen; Wilkie; Speaker R. Anderson

ABSENT AND NOT VOTING: Kolbo; Rydell

HB 1313 passed and the title was agreed to.

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HB 1435: A BILL for an Act to amend and reenact subsection 11 of section 20.1-01-02 and subsection 2 of section 20.1-03-07 of the North Dakota Century Code, relating to the definition of fur-bearers and to nonresidents taking fur-bearers.

## 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 17 YEAS, 86 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bateman; Boehm; Brokaw; Delzer; DeWitz; Dorso; Kunkel; Miller; Muhs; Myrdal; Olsen, D.; Olson, A.; Price; Skar; Snyder; Stofferahn

NAYS: Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boucher; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kretschmar; Kroeber; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Mutzenberger; Nelson; Nicholas; Nichols; Nowatzki; Oban; Payne; Peterson; Porter; Pyle; Rennerfeldt; Ring; Ritter; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skjerven; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Brown; Kolbo; Rydell

HB 1435 was declared lost.

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HB 1501: A BILL for an Act to amend and reenact subsection 25 of section 15-29-08 of the North Dakota Century Code, relating to a school district's official newspaper.

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

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Kolbo; Rydell; Thompson

HB 1501 passed and the title was agreed to.

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## MOTIONS

REP. KLOUBEC MOVED that the rules be suspended and that HB 1253, HB 1289, and HB 1367, which were acted upon on the Sixth order today, be deemed properly engrossed and placed on the Eleventh order on today's calendar for second reading and final passage, which motion prevailed.

REP. KLOUBEC MOVED that HB 1289 be placed at the bottom of the calendar, which motion prevailed.

## SECOND READING OF HOUSE BILLS

HB 1253: A BILL for an Act to create and enact a new section to chapter 53-06.1 of the North Dakota Century Code, relating to the issuance of conditional licenses to conduct games of chance; and to declare an emergency.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DD PASS, the roll was called and there were 94 YEAS, 10 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Gorman; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ritter; Scherber; Schindler; Schmidt; Schneider; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Williams; Speaker R. Anderson

NAYS: Brokaw; Delzer; Goffe; Gorder; Grosz; Ring; Schimke; Shide; Skar; Wilkie

ABSENT AND NOT VOTING: Kolbo; Rydell

HB 1253 passed, the title was agreed to, and the emergency clause carried.

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HB 1367: A BILL for an Act to amend and reenact subsection 1 of section 51-18-02 and subsection 4 of section 51-18-07 of the North Dakota Century Code, relating to cancellation of personal solicitation sales.

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

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjervan; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Kolbo; Rydell

HB 1367 passed and the title was agreed to.

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HB 1289: A BILL for an Act to create and enact a new chapter to title 51 of the North Dakota Century Code, relating to restrictions on telephone solicitations; and to provide a penalty.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 33 YEAS, 70 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Berg, G.; Bodine; Boucher; Brokaw; Carlson; Coats; DeMers; Enget; Erickson; Flaagan; Gabrielson; Jacobson; Kunkel; Laughlin; Linderman; Mahoney; Meyer; Miller; Muhs; Myrdal; Nelson; Nicholas; Nowatzki; Oban; Olson, A.; Ring; Schneider; Skar; Skjervan; Snyder; Wilkie; Williams

NAYS: Aarsvold; Bateman; Belter; Berg, R.; Bernstein; Boehm; Brown; Byerly; Carlisle; Clayburgh; Cleary; Dalrymple; Delzer; DeWitz; Dorso; Freier; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Henegar; Hokana; Howard; Huether; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kretschmar; Kroeber; Larson; Martin; Martinson; Mutzenberger; Nichols; Olsen, D.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ritter; Scherber; Schimke; Schindler; Schmidt; Shide; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Speaker R. Anderson

ABSENT AND NOT VOTING: Hausauer; Kolbo; Rydell

HB 1289 was declared lost.

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## MOTIONS

REP. KLOUBEC MOVED that the absent member be excused, which motion prevailed.

REP. KLOUBEC MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the House be on the Sixteenth order of business, and at the conclusion of the Sixteenth order, the House stand adjourned until 1:00 p.m., Monday, February 4, 1991, which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

HB 1032: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends DO NOT PASS (9 YEAS, 8 NAYS, 0 ABSENT AND NOT VOTING). HB 1032 was placed on the Eleventh order on the calendar.

HB 1033: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends DO PASS (9 YEAS, 8 NAYS, 0 ABSENT AND NOT VOTING). HB 1033 was placed on the Eleventh order on the calendar.

HB 1094: Committee on Agriculture (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 2 of section 4-09-15 of the North Dakota Century Code, relating to recordkeeping requirements for sellers of seed or grain.

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

SECTION 1. AMENDMENT. Subsection 2 of section 4-09-15 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. ~~Grain~~ Seed or grain that is not intended for planting purposes.
  - a. The seller shall indicate on a form provided by the seller the purpose for which the seed or grain is purchased. The form must be available for inspection by the seed department.
  - b. It is unlawful for the seller or buyer to make a false representation as to the use of the seed or grain.
  - c. A farmer selling the farmer's own seed or grain to a commercial establishment is exempt from the recordkeeping requirements of this subsection.

Renumber accordingly

HB 1174: Committee on Transportation (Rep. Belter, Chairman) recommends DO PASS (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1174 was placed on the Eleventh order on the calendar.

HB 1269: Committee on Agriculture (Rep. Nicholas, Chairman) recommends DO NOT PASS (14 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1269 was placed on the Eleventh order on the calendar.

HB 1271: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 3, line 13, replace "upon" with "on"

Renumber accordingly



HB 1279: Committee on Transportation (Rep. Belter, Chairman) recommends DO NOT PASS (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1279 was placed on the Eleventh order on the calendar.

HB 1291: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, remove "a new subsection to section 43-12.1-04,"

Page 1, line 5, replace "section" with "sections" and after "43-12.1-01" insert "and 43-12.1-04"

Page 2, line 13, replace "A new subsection to section 43-12.1-04 of the North Dakota" with "AMENDMENT. Section 43-12.1-04 of the North Dakota Century Code is amended and reenacted as follows:

43-12.1-04. Persons exempt from provisions of chapter. This chapter ~~shall~~ does not apply to:

1. Persons who give nursing assistance in cases of emergency or disaster, including persons who render assistance pursuant to chapter 23-27.
2. Students practicing nursing as a part of a board approved nursing education program.
3. Legally licensed nurses of another state who are employed in this state by the United States government or a bureau, division, or agency thereof.
4. Legally licensed nurses of another state or Canada, whose employment requires them to accompany and care for a patient who is in transit for medical treatment.
5. A person who provides nursing care or performs nursing functions or tasks for an immediate family member or a person who is not licensed and who provides direct care services in hospitals as defined in subsection 1 of section 23-30-01."

Page 2, remove lines 14 through 16

Renumber accordingly

HB 1302: Committee on Transportation (Rep. Belter, Chairman) recommends DO PASS (10 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1302 was placed on the Eleventh order on the calendar.

HB 1303: Committee on Transportation (Rep. Belter, Chairman) recommends DO NOT PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1303 was placed on the Eleventh order on the calendar.

HB 1310: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new subsection to section 23-06.4-11 of the North Dakota Century Code, relating to declarations governing the use, withholding, or withdrawal of life-prolonging treatment; and to", replace "section" with "subsection 4 of section 23-06.4-02, and sections", and after "23-06.4-03" insert "and 23-06.4-04"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Subsection 4 of section 23-06.4-02 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4. "Life-prolonging treatment" means any medical procedure, treatment, or intervention that, when administered to a qualified patient, will serve only to prolong the process of dying and where, in the judgment of the attending physician, death will occur whether or not the treatment is utilized. The term does not include the provision of appropriate nutrition and hydration or the performance of any medical procedure necessary to provide comfort, care, or alleviate pain; or medical procedures, treatment, or intervention performed in an emergency, prehospital situation."

Page 1, line 15, after the second "will" insert an underscored comma

Page 5, after line 4, insert:

"SECTION 3. AMENDMENT. Section 23-06.4-04 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

23-06.4-04. When declaration operative. A declaration becomes operative when it is communicated to the attending physician, and the declarant is determined by the attending physician and another physician to be in a terminal condition and no longer able to make decisions regarding administration of life-prolonging treatment. A declaration made under section 23-06.4-03 does not obligate the physician to use, withhold, or withdraw life-prolonging treatment but is presumptive evidence of the declarant's desires concerning the use, withholding, or withdrawal of such treatment and must be given great weight by the physician in determining the intent of the incompetent declarant. A declaration made under section 23-06.4-03 does not apply to emergency treatment performed in a prehospital situation.

SECTION 4. A new subsection to section 23-06.4-11 of the 1989 Supplement to the North Dakota Century Code is created and enacted as follows:

Declarations made under section 23-06.4-03 do not apply to emergency treatment performed in a prehospital situation."

Renumber accordingly

HB 1318: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 19, replace "realtor" with "broker"

Page 1, line 22, replace "realtor" with "broker"

Page 2, line 17, replace "association" with "real estate trust account committee"

Page 3, line 4, replace "association" with "real estate trust account committee"

Page 3, line 25, replace "board of directors of the North Dakota" with "real estate trust account committee"

Page 3, line 26, remove "association of realtors"

Page 3, line 28, remove the second "the"

Page 3, line 29, replace "board" with "committee"

Page 4, line 1, replace "shall execute an official bond of forty thousand dollars" with "may be required to provide a surety bond in an amount determined by the committee"

Page 4, line 2, remove "and the"

Page 4, line 3, remove "board"

Page 4, line 4, replace "board" with "committee"

Page 4, line 16, after "Each" insert "real estate broker's"

Page 4, line 17, replace "saving" with "savings"

Page 4, line 23, after "prudence" insert "unless otherwise agreed upon by the parties to the real estate transaction as provided by rule by the real estate commission"

Page 5, line 1, after "fees" insert "to the brokers or depository institution"

Page 5, line 4, remove "North Dakota"

Page 5, line 5, replace "association of realtors" with "real estate trust account committee"

Renumber accordingly

HB 1326: Committee on Transportation (Rep. Belter, Chairman) recommends DO NOT PASS (12 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1326 was placed on the Eleventh order on the calendar.

HB 1334: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends DO NOT PASS (16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1334 was placed on the Eleventh order on the calendar.

HB 1368: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1368 was placed on the Eleventh order on the calendar.

HB 1374: Committee on Transportation (Rep. Belter, Chairman) recommends DO NOT PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1374 was placed on the Eleventh order on the calendar.

HB 1375: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 12, after "large" insert "and not required to be a resident of the ward for which the person is elected" and remove "a provision other than"

Page 1, line 21, replace "two" with "ten"

Page 2, line 2, replace "must" with "may"

Page 2, line 3, after "and" insert "require that"

Renumber accordingly

HB 1392: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1392 was placed on the Eleventh order on the calendar.

HB 1423: Committee on Agriculture (Rep. Nicholas, Chairman) recommends DO NOT PASS (16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1423 was placed on the Eleventh order on the calendar.

HB 1426: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 9, after "to" insert "directly or indirectly"

Renumber accordingly

HB 1448: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1448 was placed on the Eleventh order on the calendar.

HB 1455: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1455 was placed on the Eleventh order on the calendar.

HB 1496: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (13 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 12, overstrike "records" and insert immediately thereafter "record" and after the second "the" insert "proceedings of the"

Renumber accordingly

HB 1512: Committee on Agriculture (Rep. Nicholas, Chairman) recommends DO PASS (13 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1512 was placed on the Eleventh order on the calendar.

HB 1543: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends DO PASS and BE REREFERRED to the Committee on Appropriations (15 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING).

HB 1577: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1577 was placed on the Eleventh order on the calendar.

HB 1587: Committee on Appropriations (Rep. Thompson, Chairman) recommends DO NOT PASS (23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1587 was placed on the Eleventh order on the calendar.

HCR 3015: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3015 was placed on the Tenth order.

HCR 3019: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3019 was placed on the Tenth order.

HCR 3020: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3020 was placed on the Tenth order.

HCR 3024: Committee on Agriculture (Rep. Nicholas, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3024 was placed on the Tenth order.

SB 2491: Committee on Agriculture (Rep. Nicholas, Chairman) recommends DO PASS (17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2491 was placed on the Fourteenth order on the calendar.

#### FIRST READING OF SENATE BILLS

SB 2031: A BILL for an Act to create and enact a new section to chapter 26.1-08, a new section to chapter 50-10, a new section to chapter 50-24.1, a new section to chapter 54-52.1, and a new section to chapter 65-05 of the North Dakota Century Code, relating to reimbursement for organ and tissue transplants under comprehensive health association plans, programs for aid to crippled children, programs for medical assistance, public employees retirement system insurance programs, and the workers' compensation fund; and to amend and reenact sections 23-01-02 and 23-01-03 of the North Dakota Century Code, relating to the members of special committees of the health council, and the powers and duties of the state health council.

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

SB 2111: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 19-03.1-36 of the North Dakota Century Code, relating to the forfeiture of real property used to commit or facilitate a violation of the controlled substance laws.

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

SB 2167: A BILL for an Act to amend and reenact subsection 5 of section 65-11-04 of the North Dakota Century Code, relating to the duty of the safety engineer to study accidents; and to repeal sections 65-11-02, 65-11-03, and 65-11-06 of the North Dakota Century Code, relating to the qualifications, salary, and removal of the safety engineer.

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

SB 2242: A BILL for an Act to create and enact a new subsection to section 54-44.2-02 of the North Dakota Century Code, relating to the duties of the information services division.

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

#### SIGNING OF BILLS and RESOLUTIONS

The Speaker signed the following enrolled resolution: HCR 3028.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HCR 3028.

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

ROY GILBREATH, Chief Clerk