

## JOURNAL OF THE HOUSE

## Fifty-second Legislative Assembly

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Bismarck, February 14, 1991

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

The prayer was offered by the Rev. Ed J. Johnson, Sr., Chaplain, United Tribes Technical College, Bismarck.

The roll was called and all members were present except Representatives Coats and Gorman.

A quorum was declared by the Speaker.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2086, SB 2180, SB 2192, SB 2212, SB 2253, SB 2278, SB 2348, SB 2349, SB 2353, SB 2363, SB 2409, SB 2444, SB 2484, SB 2517, SB 2526, SB 2530, SB 2557, SB 2558, SB 2569.

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 1044, HB 1180, HB 1212, HB 1256, HB 1290, HB 1296, HB 1319, HB 1322, HB 1380, HB 1381, HB 1387, HB 1400, HB 1446, HB 1492, HB 1551.

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

MR. PRESIDENT: The House has passed unchanged: SB 2164.

## HOUSE ENGROSSING REPORT

The following bills and resolution were engrossed: HB 1125, HB 1153, HB 1196, HB 1234, HB 1262, HB 1323, HB 1329, HB 1337, HB 1373, HB 1376, HB 1450, HB 1479, HB 1495, HB 1556, HB 1601, HCR 3038.

## MOTIONS

REP. KLOUBEC MOVED that the rules be suspended and that the House consider all amendments on the Sixth order in one motion, which motion prevailed.

REP. KLOUBEC MOVED that the rules be suspended and that all the amendments on the Sixth order of business to HB 1015, HB 1043, HB 1158, HB 1166, HB 1168, HB 1179, HB 1218, HB 1276, HB 1343, HB 1407, HB 1464, HB 1507, HB 1508, HB 1516, HB 1526, HB 1541, HB 1545, HB 1553, HB 1581, SB 2035 and SB 2111 be adopted, which motion prevailed.

HB 1158, as amended, was rereferred to the Committee on Appropriations.

REP. KLOUBEC MOVED that HB 1015, HB 1043, HB 1166, HB 1168, HB 1179, HB 1218, HB 1276, HB 1343, HB 1407, HB 1464, HB 1507, HB 1508, HB 1516, HB 1526, HB 1541, HB 1545, HB 1553, HB 1581, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SB 2035 and SB 2111, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. OBAN MOVED that the House reconsider its action whereby HB 1532 passed, which motion lost on a verification vote.

REP. CARLISLE MOVED that the House reconsider its action whereby HB 1260 failed to pass.

## REQUEST

REP. SNYDER REQUESTED a recorded roll call vote on the motion to reconsider the action whereby HB 1260 failed to pass, which request was granted.

## ROLL CALL

The question being on the motion to reconsider the action whereby HB 1260 failed to pass, the roll was called and there were 65 YEAS, 39 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Bateman; Berg, G.; Bodine; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Clayburgh; DeWitz; Erickson; Flaagan; Freier; Gates; Gilmore; Gorder; Grumbo; Hanson; Henegar; Howard; Huether; Jensen; Kelsch; Kerzman; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Meyer; Miller; Muhs; Myrdal; Nicholas; Nichols; Nowatzki; Olson, A.; Porter; Price; Rennerfeldt; Ritter; Rydell; Schimke; Schmidt; Skar; Snyder; St. Aubyn; Starke; Svedjan; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Speaker R. Anderson

NAYS: Aarsvold; Belter; Berg, R.; Bernstein; Brokaw; Cleary; Dalrymple; Delzer; DeMers; Dorso; Enget; Gabrielson; Gerntholz; Goffe; Grosz; Hausauer; Hokana; Jacobson; Kaldor; Kloubec; Martinson; Mutzenberger; Nelson; Oban; Olsen, D.; Payne; Peterson; Pyle; Ring; Scherber; Schindler; Schneider; Shide; Skjerven; Soukup; Stofferahn; Thompson; Wilkie; Williams

ABSENT AND NOT VOTING: Coats; Gorman

So the motion to reconsider the action whereby HB 1260 failed to pass prevailed.

## SECOND READING OF HOUSE BILL

HB 1260: A BILL for an Act to amend and reenact section 53-06.2-11 of the North Dakota Century Code, relating to expenses for horse racing licensees.

## 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 58 YEAS, 46 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Bateman; Berg, G.; Bodine; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Clayburgh; DeWitz; Erickson; Flaagan; Freier; Gilmore; Grumbo; Hanson; Henegar; Howard; Huether; Jacobson; Jensen; Kelsch; Kerzman; Kolbo; Kretschmar; Kroeber; Kunkel; Laughlin; Linderman; Mahoney; Martinson; Meyer; Miller; Muhs; Nicholas; Nichols; Nowatzki; Porter; Price; Rennerfeldt; Schimke; Skar; Snyder; St. Aubyn; Starke; Svedjan; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie

NAYS: Aarsvold; Belter; Berg, R.; Bernstein; Brokaw; Cleary; Dalrymple; Delzer; DeMers; Dorso; Enget; Gabrielson; Gates; Gerntholz; Goffe; Gorder; Grosz; Hausauer; Hokana; Kaldor; Kloubec; Larson; Martin; Mutzenberger; Myrdal; Nelson; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Pyle; Ring; Ritter; Rydell; Scherber; Schindler; Schmidt; Schneider; Shide; Skjerven; Soukup; Stofferahn; Thompson; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Coats; Gorman

HB 1260 passed and the title was agreed to.

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## MOTION

REP. NICHOLAS MOVED that HB 1570 be returned to the House floor from the Committee on Agriculture for the purpose of withdrawal, which motion prevailed.

## REQUEST

REP. RENNERFELDT REQUESTED the unanimous consent of the House to withdraw HB 1570. There being no objection, it was so ordered by the Speaker.

## SECOND READING OF HOUSE BILLS

HB 1125: A BILL for an Act to amend and reenact sections 23-27-01, 23-27-02, and 23-27-04 of the North Dakota Century Code, relating to licensing ambulance services.

## 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 103 YEAS, 1 NAY, 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; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; 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; Williams; Speaker R. Anderson

NAYS: Cleary

ABSENT AND NOT VOTING: Coats; Gorman

HB 1125 passed and the title was agreed to.

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HB 1153: A BILL for an Act to create and enact a new section to chapter 32-19 of the North Dakota Century Code, relating to commercial real property deficiency judgments.

## 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 2 YEAS, 101 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Larson; Rydell

NAYS: 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; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; 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: Coats; Gorman; Nicholas

HB 1153 was declared lost.

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## MOTION

REP. TOLLEFSON MOVED that the House waive the reading of the title to HB 1196, which motion prevailed.

## SECOND READING OF HOUSE BILLS

HB 1196: A BILL for an Act to create three new subsections to section 20.1-01-02 of the North Dakota Century Code to provide definitions for certain types of wildlife; to amend and reenact subsections 32 and 42 of section 20.1-01-02, subsection 14 of section 20.1-02-05, sections 20.1-02-15 and 20.1-03-12 of the North Dakota Century Code, relating to definitions of wildlife and shooting preserves powers of the game and fish commissioner to regulate possession and propagation of wildlife; to repeal chapter 20.1-09 of the North Dakota Century Code, relating to fees for propagation and shipment of wildlife and protected birds and animals; to provide a penalty; and to provide an expiration date.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 76 YEAS, 26 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bateman; Belter; Bernstein; Bodine; Boehm; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Dalrymple; DeMers; Dorso; Enget; Flaagan; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Grumbo; Hanson; Hausauer; Henegar; Huether; Kaldor; Kelsch; Kerzman; Kloube; Kretschmar; Kunkel; Larson; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schmidt; Schneider; Shide; Snyder; Soukup; St. Aubyn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Urlacher; Wald; Wardner; Wentz; Whalen; Williams; Speaker R. Anderson

NAYS: Anderson, B.; Berg, G.; Boucher; Brokaw; Delzer; DeWitz; Erickson; Freier; Gorder; Grosz; Hokana; Howard; Jacobson; Jensen; Kolbo; Kroeber; Linderman; Nelson; Schimke; Schindler; Skar; Skjerven; Starke; Stofferahn; Trautman; Wilkie

ABSENT AND NOT VOTING: Berg, R.; Coats; Gorman; Laughlin

HB 1196 passed and the title was agreed to.

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HB 1234: A BILL for an Act to amend and reenact section 15-47-27.1 of the North Dakota Century Code, relating to renewal of first-year teacher contracts.

## 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 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; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; 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; Thorpe; Timm; Tollefson; Trautman;

Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams;  
Speaker R. Anderson

ABSENT AND NOT VOTING: Coats; Gorman; Thompson

HB 1234 passed and the title was agreed to.

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HB 1262: A BILL for an Act to create and enact a new section to chapter 32-03.1 of the North Dakota Century Code, relating to providing immunity to retired physicians and physicians serving under a medical residency who render medical care on a voluntary basis at free clinics.

#### 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 101 YEAS, 0 NAYS, 0 EXCUSED, 5 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; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; 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; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Coats; Gorman; Schmidt; Thompson; Whalen

HB 1262 passed and the title was agreed to.

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HB 1323: A BILL for an Act to amend and reenact subsection 4 of section 20.1-03-11 of the North Dakota Century Code, relating to nonresident landowner licenses to hunt deer.

#### 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 23 YEAS, 80 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bernstein; Bodine; Boehm; Boucher; Brown; DeWitz; Erickson; Freier; Hokana; Howard; Huether; Kolbo; Kretschmar; Mahoney; Martin; Muhs; Myrdal; Olsen, D.; Olson, A.; Schindler; Shide; Timm; Urlacher

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Brokaw; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Dalrymple; Delzer; DeMers; Dorso; Enget; Flaagan; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kroeber; Kunkel; Larson; Laughlin; Linderman; Martinson; Meyer; Miller; Mutzenberger; Nelson; Nicholas; Nichols; Nowatzki; Oban; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schneider; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Tollefson; Trautman; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Coats; Gorman; Schmidt

HB 1323 was declared lost.

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HB 1329: A BILL for an Act to amend and reenact section 20.1-08-05 of the North Dakota Century Code, relating to publication of gubernatorial game and fish proclamations.

#### 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 89 YEAS, 14 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Bodine; Brown; Delzer; DeWitz; Flaagan; Grosz; Jacobson; Kretschmar; Laughlin; Mahoney; Miller; Muhs; Starke; Wentz

ABSENT AND NOT VOTING: Coats; Gorman; Schmidt

HB 1329 passed and the title was agreed to.

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HB 1337: A BILL for an Act to create and enact a new chapter to title 35 of the North Dakota Century Code, relating to liens on property in self-service storage facilities.

#### 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 54 YEAS, 49 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bateman; Belter; Bernstein; Boehm; Brown; Byerly; Carlisle; Clayburgh; Cleary; Dalrymple; Delzer; DeWitz; Dorso; Freier; Gates; Gilmore; Grosz; Henegar; Howard; Jensen; Kelsch; Kretschmar; Kunkel; Larson; Martin; Martinson; Miller; Muhs; Myrdal; Nowatzki; Olsen, D.; Olson, A.; Peterson; Porter; Price; Pyle; Rennerfeldt; Ritter; Rydell; Schimke; Schindler; Schneider; Shide; St. Aubyn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Wald; Wardner; Whalen; Speaker R. Anderson

NAYS: Aarsvold; Anderson, B.; Berg, G.; Berg, R.; Bodine; Boucher; Brokaw; Carlson; DeMers; Enget; Erickson; Flaagan; Gabrielson; Gerntholz; Goffe; Gorder; Grumbo; Hanson; Hausauer; Hokana; Huether; Jacobson; Kaldor; Kerzman; Kloubec; Kolbo; Kroeber; Laughlin; Linderman; Mahoney; Meyer; Mutzenberger; Nelson; Nicholas; Nichols; Oban; Payne; Ring; Scherber; Skar; Skjerven; Snyder; Soukup; Starke; Stofferahn; Urlacher; Wentz; Wilkie; Williams

ABSENT AND NOT VOTING: Coats; Gorman; Schmidt

HB 1337 passed and the title was agreed to.

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HB 1373: A BILL for an Act to amend and reenact subsection 3 of section 53-06.1-11 of the North Dakota Century Code, relating to the calculation of expenses incurred for games of chance.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 95 YEAS, 8 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kloube; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martinson; 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; Schneider; Shide; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Aarsvold; Brown; Gorder; Kerzman; Martin; Meyer; Skar; Thorpe

ABSENT AND NOT VOTING: Coats; Gorman; Schmidt

HB 1373 passed and the title was agreed to.

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HB 1376: A BILL for an Act to provide for creation of the southwest water authority; 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 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; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; 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

ABSENT AND NOT VOTING: Coats; Gorman

HB 1376 passed, the title was agreed to, and the emergency clause carried.

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HB 1450: A BILL for an Act to create and enact a new section to chapter 15-41 of the North Dakota Century Code, relating to high school diplomas for students receiving home-based instruction.

## 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 102 YEAS, 2 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; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gerntholz; Gilmore; Goffe; Grosz; Grumbo; Hanson; Hausauer; 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; Williams; Speaker R. Anderson

NAYS: Gates; Gorder

ABSENT AND NOT VOTING: Coats; Gorman

HB 1450 passed and the title was agreed to.

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## MOTION

REP. LARSON MOVED that HB 1479, be laid over one legislative day, which motion prevailed.

## SECOND READING OF HOUSE BILLS

HB 1495: A BILL for an Act to create and enact two new sections to chapter 65-02 of the North Dakota Century Code, relating to requiring the workers compensation bureau to establish a managed care program; and to amend and reenact subsection 6 of section 65-01-02 and section 65-05-28 of the North Dakota Century Code, relating to the implementation of a managed care program.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 13 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Linderman; Martin; Martinson; Meyer; Miller; Muhs; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; 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; Williams; Speaker R. Anderson

NAYS: Aarsvold; Carlson; Cleary; Erickson; Flaagan; Kaldor; Laughlin; Mahoney; Mutzenberger; Oban; Olsen, D.; Ring; Wilkie

ABSENT AND NOT VOTING: Coats; Gorman; Olson, A.

HB 1495 passed and the title was agreed to.

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**HB 1556:** A BILL for an Act to create and enact a new section to chapter 49-21 of the North Dakota Century Code, relating to call identification services; 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 NOT PASS, the roll was called and there were 47 YEAS, 56 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Anderson, B.; Berg, G.; Bodine; Boucher; Carlson; Cleary; DeMers; Enget; Erickson; Flaagan; Gabrielson; Gilmore; Goffe; Grumbo; Hanson; Hokana; Huether; Jacobson; Jensen; Kaldor; Kolbo; Kroeber; Laughlin; Linderman; Mahoney; Martinson; Mutzenberger; Nowatzki; Oban; Peterson; Price; Pyle; Ring; Ritter; Rydell; Scherber; Schneider; Skar; Snyder; Starke; Stofferahn; Svedjan; Thorpe; Wentz; Wilkie; Williams

**NAYS:** Bateman; Belter; Berg, R.; Bernstein; Boehm; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Dalrymple; Delzer; DeWitz; Dorso; Freier; Gates; Gerntholz; Gorder; Grosz; Hausauer; Henegar; Howard; Kelsch; Kerzman; Kloubec; Kretschmar; Kunkel; Larson; Martin; Meyer; Miller; Muhs; Myrdal; Nelson; Nichols; Olsen, D.; Olson, A.; Payne; Porter; Rennerfeldt; Schimke; Schindler; Schmidt; Shide; Skjerven; Soukup; St. Aubyn; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Whalen; Speaker R. Anderson

**ABSENT AND NOT VOTING:** Coats; Gorman; Nicholas

HB 1556 was declared lost.

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#### MOTION

**REP. DORSO MOVED** that the House reconsider its action whereby HB 1564 passed, which motion prevailed on a verification vote.

#### SECOND READING OF HOUSE BILL

**HB 1564:** A BILL for an Act to provide an appropriation for asbestos removal from facilities at San Haven.

#### MOTION

**REP. PORTER 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 47 YEAS, 56 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Anderson, B.; Berg, G.; Boucher; Brokaw; Carlson; Cleary; DeMers; Enget; Flaagan; Gabrielson; Gilmore; Goffe; Grumbo; Hanson; Hokana; Huether; Jacobson; Kaldor; Kerzman; Kolbo; Kretschmar; Kroeber; Laughlin; Linderman; Meyer; Mutzenberger; Nelson; Nichols; Nowatzki; Oban; Peterson; Price; Pyle; Ring; Ritter; Scherber; Schmidt; Schneider; Skar; Skjerven; Snyder; Starke; Thorpe; Wentz; Wilkie; Williams

**NAYS:** Bateman; Belter; Berg, R.; Bernstein; Bodine; Boehm; Brown; Byerly; Carlisle; Clayburgh; Dalrymple; Delzer; DeWitz; Dorso; Erickson; Freier; Gates; Gerntholz; Gorder; Grosz; Hausauer; Henegar; Howard; Jensen; Kelsch; Kloubec; Kunkel; Larson; Mahoney; Martin; Martinson; Miller; Muhs; Myrdal; Nicholas; Olsen, D.; Olson, A.; Payne; Porter; Rennerfeldt; Rydell; Schimke; Schindler; Shide; Soukup; St. Aubyn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Whalen; Speaker R. Anderson

**ABSENT AND NOT VOTING:** Coats; Gorman; Stofferahn

HB 1564 was declared lost.

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## MOTIONS

REP. KLOUBEC MOVED that the absent members 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 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., Friday, February 15, 1991, which motion prevailed.

## REPORTS OF STANDING COMMITTEES

HB 1001: Committee on Appropriations (Rep. Thompson, Chairman) recommends DO PASS (20 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1001 was placed on the Eleventh order on the calendar.

HB 1079: Committee on Judiciary (Rep. Kretschmar, Chairman) A MAJORITY of your committee (Reps. Kretschmar, Clayburgh, Kelsch, Byerly, Brown, DeWitz, Miller, Bateman, Kerzman, Skar, Grumbo) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Committee on Appropriations.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 19-03.1 of the North Dakota Century Code, relating to minimum terms of imprisonment; to"

Page 2, line 27, remove the overstrike over "Any" and remove "Except"

Page 2, remove lines 28 and 29

Page 3, remove lines 1 through 5

Page 3, line 6, remove "requirement, any"

Page 5, line 10, remove ", to be served"

Page 5, line 11, remove "without benefit of parole"

Page 5, remove lines 16 through 19

Page 7, after line 17, insert:

"SECTION 4. A new section to chapter 19-03.1 of the North Dakota Century Code is created and enacted as follows:

Minimum terms of imprisonment - Deferred or suspended sentence limited. Whenever a minimum term of imprisonment is prescribed as a penalty for violation of this chapter, the court may not defer imposition of sentence, nor may the court suspend any part of a specified minimum term, either at the time of or after the imposition of the sentence, unless the court first finds that extenuating or mitigating circumstances exist which justify a suspension. The court shall announce the circumstances that justify a suspension in open court when sentence is imposed and recite these circumstances in the sentence or order suspending part of the sentence."

Renumber accordingly

HB 1079: Committee on Judiciary (Rep. Kretschmar, Chairman) A MINORITY of your committee (Reps. Ring, Snyder, Bodine, Erickson, Jacobson) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Committee on Appropriations.

Page 1, line 1, after "Act" insert "to create and enact two new sections to chapter 19-03.1 of the North Dakota Century Code, relating to minimum

terms of imprisonment and mitigating and aggravating factors allowing departure from sentences for certain drug offenses;"

Page 2, line 27, remove the overstrike over "~~Any~~" and remove "Except"

Page 2, remove lines 28 and 29

Page 3, remove lines 1 through 5

Page 3, line 6, remove "requirement, any"

Page 5, line 10, remove ", to be served"

Page 5, line 11, remove "without benefit of parole"

Page 5, remove lines 16 through 19

Page 7, after line 17, insert:

"SECTION 4. Two new sections to chapter 19-03.1 of the North Dakota Century Code are created and enacted as follows:

Minimum terms of imprisonment - Deferred or suspended sentence limited. Whenever a minimum term of imprisonment is prescribed as a penalty for violation of this chapter, the court may not defer imposition of sentence, nor may the court suspend any part of a specified minimum term, either at the time of or after the imposition of the sentence, unless the court first finds that extenuating or mitigating circumstances exist which justify a suspension. The court shall announce the circumstances that justify a suspension in open court when sentence is imposed and recite these circumstances in the sentence or order suspending part of the sentence.

Mitigating and aggravating factors - Departure from required minimum terms of imprisonment.

1. The court may impose a term of imprisonment other than that required by section 19-03.1-23 if the court finds that mitigating or aggravating factors exist which require a departure from the sentence imposed by section 19-03.1-23. The court's finding of mitigating or aggravating factors and the factual basis relied upon by the court must be in writing.
2. The court, in a finding of mitigating or aggravating factors, may not consider the following factors as reasons for departure from the sentence imposed by section 19-03.1-23:
  - a. The defendant's race or sex.
  - b. Employment factors, including:
    - (1) The defendant's occupation or the impact of the sentence on the defendant's profession;
    - (2) The defendant's employment history; or
    - (3) The defendant's employment at the time of the offense or sentencing.
  - c. Social factors, including:
    - (1) The defendant's educational attainment;
    - (2) The defendant's living arrangements at the time of the offense or sentencing;

- (3) The defendant's length of residence; or
- (4) The defendant's marital status.
- d. The defendant's exercise of constitutional rights during the adjudicative process.
- 3. The following factors may be used by the court in departing from the sentence imposed by section 19-03.1-23:
  - a. Mitigating factors, including:
    - (1) The defendant played a minor or passive role in the offense or participated under coercion or duress;
    - (2) The defendant, because of physical or mental impairment, lacked substantial capacity for judgment when the offense was committed. The voluntary use of intoxicating liquor or controlled substances is not included in this factor; or
    - (3) Other substantial grounds that tend to excuse or mitigate the defendant's culpability, although not amounting to a defense.
  - b. Aggravating factors, including:
    - (1) The offense involved at least three separate transactions in which controlled substances were manufactured, delivered, or possessed with the intent to do so;
    - (2) The offense involved an attempted or actual delivery of controlled substances in a quantity substantially larger than for personal use;
    - (3) The circumstances of the offense reveal the defendant to have occupied a high position in the controlled substance distribution hierarchy;
    - (4) The offense involved a high degree of sophistication or planning or occurred over a lengthy period of time or involved a broad geographical area of distribution; or
    - (5) The defendant used the defendant's position or status to facilitate the commission of the offense, including positions of trust, confidence, or fiduciary relationships, such as pharmacist, physician, or other medical professional."

Renumber accordingly

The reports of the majority and the minority were placed on the Sixth order of business on the calendar for the succeeding legislative day.

#### DIVIDED REPORTS OF STANDING COMMITTEE DIVIDED REPORT A

HB 1138: Committee on Judiciary (Rep. Kretschmar, Chairman) EIGHT MEMBERS of your committee (Reps. Kretschmar, Clayburgh, Kelsch, DeWitz, Miller, Bateman, Brown, Byerly) recommend AMENDMENTS AS FOLLOWS and when so amended, recommend DO PASS.

Page 1, line 15, after "chapter" insert "in which fraud is determined"

Page 3, line 17, replace "53.06.1-14" with "53-06.1-14"

Page 4, after line 26, insert:

"At the end of each fiscal year any moneys in the fund in excess of the amounts required for subsections 1, 2, and 3 must be deposited in the general fund. The attorney general, with the concurrence of the director of the office of management and budget, shall establish the necessary accounting procedures for use of the attorney general refund fund, particularly with respect to expenditures under subsection 4."

Renumber accordingly

Divided Report A was placed on the Sixth order of business on the calendar for the succeeding legislative day.

#### DIVIDED REPORT B

HB 1138: Committee on Judiciary (Rep. Kretschmar, Chairman) THE OTHER EIGHT MEMBERS of your committee (Reps. Ring, Bodine, Snyder, Erickson, Jacobson, Grumbo, Kerzman, Skar) recommend AMENDMENTS AS FOLLOWS and when so amended, recommend DO PASS.

Page 1, line 15, after "chapter" insert "in which fraud is determined"

Renumber accordingly

Divided Report B was placed on the Sixth order of business on the calendar for the succeeding legislative day.

#### REPORTS OF STANDING COMMITTEES

HB 1185: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1185 was placed on the Eleventh order on the calendar.

HB 1215, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends DO PASS (18 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). HB 1215 was placed on the Eleventh order on the calendar.

HB 1240, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends DO NOT PASS (18 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1240 was placed on the Eleventh order on the calendar.

HB 1243: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 11, replace the first "five" with "two", after "hundred" insert "fifty", and replace the second "five" with "two"

Page 1, line 12, after "hundred" insert "fifty" and replace "five" with "two"

Page 1, line 13, after "hundred" insert "fifty"

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

Page 2, line 4, after the period insert "An employer shall notify the bureau of an alleged injury within fifteen days after the employer has been notified of the alleged injury by the employee."

Page 2, line 10, replace "five" with "two" and after "hundred" insert "fifty"

Page 2, line 13, replace "five" with "two" and after "hundred" insert "fifty"

Renumber accordingly

HB 1247: Committee on Appropriations (Rep. Thompson, Chairman) recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (20 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1247 was placed on the Eleventh order on the calendar.

HB 1249: Committee on Education (Rep. Gates, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 3, replace "sections" with "section" and remove "15-47-27.1 and"

Page 1, line 10, remove the overstrike over "and", remove the first underscored comma, and remove "and 15-47-38,"

Page 1, line 13, remove the overstrike over "~~The term "teacher", as~~"

Page 1, line 14, remove the overstrike over "~~used in section 15-47-38, must be construed to include all teachers~~" and insert immediately thereafter an underscored comma and remove the overstrike over "and"

Page 1, line 15, remove the overstrike over "~~principals~~" and insert immediately thereafter ", superintendents, assistant superintendents, and chief administrators of multidistrict special education units and area vocational and technology centers" and remove the overstrike over "~~in all public school districts within this state, and all persons~~"

Page 1, remove the overstrike over lines 16 through 21

Page 2, remove the overstrike over lines 1 and 2

Page 4, after line 27, insert:

"A school board dismissing a teacher for cause under this subsection shall report the dismissal to the teachers' professional practices commission."

Page 5, line 29, remove the overstrike over "~~The administrator shall substantiate the~~"

Page 6, line 1, remove the overstrike over "~~reasons with written or oral evidence presented at the meeting~~" and insert immediately thereafter "unless the administrator is the subject of the contemplated nonrenewal, in which case the board shall substantiate the reasons with written or oral evidence presented at the meeting" and remove the overstrike over the period

Page 7, line 10, replace "Sections" with "Section" and remove "15-47-27.1 and"

Page 7, line 11, replace "are" with "is"

Re-number accordingly

HB 1339: Committee on Natural Resources (Rep. A. Olson, Chairman) recommends DO NOT PASS (11 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). HB 1339 was placed on the Eleventh order on the calendar.

HB 1356, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends DO NOT PASS (21 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1356 was placed on the Eleventh order on the calendar.

HB 1379: Committee on Appropriations (Rep. Thompson, Chairman) recommends DO NOT PASS (18 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1379 was placed on the Eleventh order on the calendar.

HB 1394: Committee on Education (Rep. Gates, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 7 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 6, after the underscored comma insert "county superintendents of schools."

Re-number accordingly

HB 1402: Committee on Education (Rep. Gates, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 6, after the period insert "As an alternative to the annexation procedure otherwise established in this chapter and notwithstanding the other provisions of this chapter, a resident may proceed to have that person's property annexed to another school district as provided in this section."

Page 1, line 7, replace "property owner" with "resident,"

Page 1, line 15, replace "may not be divided for purposes of complying with" with "to be transferred is an undivided parcel measuring no less than fifteen thousand square feet [1393.54 square meters], nor more than three hundred twenty acres [129.49 hectares]."

Page 1, remove line 16

Page 2, line 2, after the period insert "If the county committee determines that the applicant meets the criteria set forth in this section, the county committee shall forward the application, together with all accompanying documents and records, to the state board of public school education for recording. If the county committee determines that an application for transfer does not meet the criteria set forth in this section, the applicant may obtain a final determination from the state board of public school education."

Re-number accordingly

HB 1408: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends DO PASS (9 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1408 was placed on the Eleventh order on the calendar.

HB 1441: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 22, after the first "the" insert "review and" and after the underscored period insert "An existing county mutual insurance company that desires to expand its territory of operation shall submit a description of the current territory of operation and proposed territory of operation to the commissioner for review and approval."

Page 2, line 2, after "company" insert an underscored period

Page 2, remove line 3

Page 2, line 19, overstrike "the limits of the" and insert immediately thereafter "its authorized" and overstrike "comprised in"

Page 2, line 20, overstrike "the formation of the company" and insert immediately thereafter "of operation"

Page 2, line 22, overstrike the second "A"

Page 2, overstrike lines 23 through 29

Page 3, line 1, overstrike:

"2. The policy issued provides coverage"

Page 3, line 2, overstrike "on property located within the platted"

Page 3, line 3, overstrike "limits of any incorporated city"

Page 3, line 4, overstrike "located within the territory comprised in the"

Page 3, overstrike lines 5 through 7

Page 3, line 8, overstrike "company" and insert immediately thereafter  
"Policies issued on property located within the platted limits of any  
incorporated city may only cover the actual place of residence occupied  
by the policyholder and appurtenant structures and the contents thereof  
and must conform to rules adopted by the commissioner establishing  
requirements for underwriting risks and safeguarding financial  
solvency"

Re-number accordingly

HB 1462: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Committee on Appropriations (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 6, overstrike "In determining"

Page 1, line 7, overstrike "eligibility for medical assistance applicants and recipients, the" and insert immediately thereafter "The"

Page 1, line 8, overstrike the second "of"

Page 1, line 9, remove "sixty" and overstrike "thousand dollars for an ineligible community spouse" and insert immediately thereafter "equal to the maximum community spouse resource allowance permitted under 42 U.S.C. 1396r-5(f)(2)"

Re-number accordingly

HB 1485: Committee on Education (Rep. Gates, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (9 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 15, replace "physical handicap" with "disability"

Re-number accordingly

HB 1499: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 6, replace the first "an" with "a standing"

Page 1, line 9, replace "Continuing" with "Standing", remove "secretary of", after "state" insert "health officer", and remove "annually"

Page 1, line 12, remove "secretary of" and after "state" insert "health officer"

Re-number accordingly



HB 1519: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, remove "section 43-39-01 and"

Page 1, line 2, replace "services" with "audits of the board of athletic trainers."

Page 1, remove line 3

Page 1, remove lines 5 through 22

Renumber accordingly

HB 1535: Committee on Education (Rep. Gates, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (8 YEAS, 5 NAYS, 4 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 8, after "15-47-38" insert "or for reasons relating to the ability, competence, or qualifications of the teacher as a teacher"

Page 1, line 9, after the period insert "This section does not prohibit the nonrenewal of teachers based solely upon the reason that the school district is closing an elementary or secondary school."

Renumber accordingly

HB 1538: Committee on Agriculture (Rep. Nicholas, Chairman) recommends DO PASS (10 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1538 was placed on the Eleventh order on the calendar.

HCR 3016: Committee on Joint Constitutional Revision (Rep. Kretschmar, Chairman) recommends DO PASS (10 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3016 was placed on the Eleventh order on the calendar.

HCR 3032: Committee on Natural Resources (Rep. A. Olson, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (11 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). HCR 3032 was placed on the Tenth order.

HCR 3040: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3040 was placed on the Tenth order.

HCR 3041: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3041 was placed on the Tenth order.

SB 2193: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 9, remove "interest-bearing accounts at the Bank of North"

Page 1, line 10, replace "Dakota. The moneys in these accounts" with "special funds in the state treasury. These funds"

Renumber accordingly

## FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Reps. Miller, Laughlin introduced:

HCR 3043: A concurrent resolution directing the Legislative Council to study the methods and manner in which tax-exempt entities acquire and hold real property, the effect of such acquisition and ownership on local tax bases, and the feasibility and desirability of limiting such acquisition, eliminating or limiting such tax exemptions, or requiring divestiture of such property.

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

Rep. Bateman introduced:

HCR 3044: A concurrent resolution directing the Legislative Council to study the economic benefits of increases or decreases in wetlands acreages and the effect of the emission of wetlands gases on human health.

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

Reps. D. Olsen, A. Olson introduced:

HCR 3045: A concurrent resolution directing the Legislative Council to study water quality, with emphasis on the testing for nitrates in ground water.

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

## FIRST READING OF SENATE BILLS

SB 2039: A BILL for an Act to provide for implied consent to chemical testing for purposes of determining intoxication while operating a motorboat or vessel; to create and enact a new subsection to section 20.1-02-15.1 of the North Dakota Century Code, relating to the powers of the game and fish commissioner, deputy commissioner, and game wardens; and to provide a penalty.

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

SB 2169: A BILL for an Act to amend and reenact section 15-40.1-16 of the North Dakota Century Code, relating to schoolbus transportation aid payments.

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

SB 2249: A BILL for an Act to create and enact two new sections to chapter 57-06 of the North Dakota Century Code, relating to a property tax exemption for certain centrally assessed pipeline and associated property used to promote enhanced recovery of oil or natural gas and to provide for payments in lieu of taxes; and to provide an effective date.

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

SB 2311: A BILL for an Act to amend and reenact section 43-25-02 of the North Dakota Century Code, relating to the definition of massage therapist.

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

SB 2332: A BILL for an Act to prohibit the assisting of suicide and to provide for actions against any person assisting in the commission of a suicide; and to provide a penalty.

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

SB 2343: A BILL for an Act to amend and reenact sections 57-21-01, 57-21-03, 57-21-04, 57-21-08, 57-21-09, 57-21-10, and 57-21-12 of the North Dakota Century Code, relating to collection of rents for payment of taxes and special assessments.

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

SB 2392: A BILL for an Act to amend and reenact section 25-06-03 of the North Dakota Century Code, relating to the superintendent of the school for the blind.

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

SB 2406: A BILL for an Act to amend and reenact subsections 1 and 3 of section 13-03.1-17 of the North Dakota Century Code, relating to insurance, insurance policies, and existing insurance.

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

SB 2437: A BILL for an Act to amend and reenact section 50-24.4-16 of the North Dakota Century Code, relating to special cost payment rates for nursing homes with a capacity increase and for newly constructed nursing homes.

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

SB 2452: A BILL for an Act to create and enact a new subsection to section 15-29-08 of the North Dakota Century Code, relating to school district business managers; and to amend and reenact sections 15-27.5-03, 15-27.5-04, and 15-29-03 of the North Dakota Century Code, relating to school district business managers.

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

SB 2462: A BILL for an Act to create and enact a new section to chapter 54-17 of the North Dakota Century Code, relating to the establishment of a housing acquisition program; and to amend and reenact section 54-17-07.2 of the North Dakota Century Code, relating to definitions with respect to housing acquisition and finance programs.

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

SB 2494: A BILL for an Act to amend and reenact section 50-24.4-27 of the North Dakota Century Code, relating to medicare certification and charges by nursing homes.

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

SB 2501: A BILL for an Act to amend and reenact subsection 13 of section 20.1-01-02 of the North Dakota Century Code, relating to game and fish guides and outfitters.

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

SB 2512: A BILL for an Act to amend and reenact section 54-56-01 of the North Dakota Century Code, relating to the children's services coordinating committee membership.

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

SB 2535: A BILL for an Act authorizing the state board of higher education to convey certain real property in Grand Forks, North Dakota; and to declare an emergency.

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

SB 2554: A BILL for an Act to amend and reenact section 57-38-01, subdivision c of subsection 1 of section 57-38-01.3, and section 57-38-30 of the North Dakota Century Code, relating to the elimination of the alternative minimum income tax for corporations; and to provide an effective date.

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

#### FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4022: A concurrent resolution directing the Legislative Council to study and develop one or more legislative redistricting plans.

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

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

ROY GILBREATH, Chief Clerk