

## JOURNAL OF THE HOUSE

## Fifty-second Legislative Assembly

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Bismarck, February 18, 1991  
The House convened at 1:00 p.m., with Speaker R. Anderson presiding.

The prayer was offered by Father Julian Nix, Chaplain, St. Alexius Medical Center, Bismarck.

The roll was called and all members were present except Representatives R. Berg, Gorman, Hausauer, and Thorpe.

A quorum was declared by the Speaker.

## CORRECTION and REVISION of the JOURNAL (Rep. Schmidt, Chairman)

MR. SPEAKER: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Thirtieth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 541, line 32, delete the words "REP. KLOUBEC MOVED that"

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

## HOUSE ENGROSSING REPORT

The following bills were engrossed: HB 1138, HB 1243, HB 1249, HB 1394, HB 1402, HB 1441, HB 1462, HB 1485, HB 1499, HB 1519, HB 1535, HB 1556 (emergency clause removed).

## 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 1125, HB 1196, HB 1234, HB 1260, HB 1262, HB 1329, HB 1337, HB 1373, HB 1376, HB 1450, HB 1495.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2100, SB 2145, SB 2158, SB 2178, SB 2189, SB 2234, SB 2257, SB 2266, SB 2324, SB 2339, SB 2356, SB 2411, SB 2423, SB 2429, SB 2482, SB 2513, SB 2534, SB 2553, SCR 4024.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2164.

## MOTION

REP. KLOUBEC MOVED that the rules be suspended and that the House consider all amendments on the Sixth order in one motion, with the exception of HB 1391 and HB 1533, which motion prevailed.

## REQUEST

REP. SCHNEIDER REQUESTED that HB 1593 also be removed from the list, which request was granted.

## MOTION

REP. KLOUBEC MOVED that the rules be suspended and that all amendments on the Sixth order of business to HB 1009, HB 1014, HB 1019, HB 1027, HB 1098, HB 1103, HB 1139, HB 1193, HB 1194, HB 1261, HB 1285, HB 1287, HB 1333, HB 1395, HB 1406, HB 1414, HB 1471, HB 1472, HB 1475, HB 1505, HB 1543, HB 1559, HB 1578, and HB 1602 be adopted, which motion prevailed.

HB 1009, HB 1014, HB 1019, HB 1027, HB 1098, HB 1103, HB 1139, HB 1193, HB 1194, HB 1261, HB 1285, HB 1287, HB 1333, HB 1395, HB 1406, HB 1414, HB 1471, HB 1472, HB 1475, HB 1505, HB 1543, HB 1578, and HB 1602, as

amended, were placed on the Eleventh order of business for the succeeding legislative day.

HB 1559, as amended, was rereferred to the Committee on Appropriations.

#### MOTION

REP. KLOUBEC MOVED that HB 1391 be placed at the bottom of the Sixth order, which motion prevailed.

#### SIXTH ORDER OF BUSINESS

HB 1533: REP. TIMM (Committee on Finance and Taxation) MOVED that the amendments on HJ page 576 be adopted and then be REREFERRED to the Committee on Appropriations with DO PASS, which motion prevailed on a verification vote.

HB 1533, as amended, was rereferred to the Committee on Appropriations.

#### SIXTH ORDER OF BUSINESS

HB 1593: REP. GATES (Committee on Education) MOVED that the amendments on HJ pages 578-579 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

#### REQUEST

REP. SCHNEIDER REQUESTED that the Majority Leader suspend the rules and place HB 1593, as amended, on the Eleventh order for second reading and final passage, which request was granted.

#### MOTION

REP. KLOUBEC MOVED that the rules be suspended and that HB 1593 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1593: A BILL for an Act to amend and reenact section 15-38.1-13 of the North Dakota Century Code, relating to teachers' representation and negotiation; to repeal sections 15-38.1-03, 15-38.1-04, 15-38.1-05, and 15-38.1-06 of the North Dakota Century Code, relating to the education factfinding commission and the cost of factfinding; and to provide an expiration date.

#### MOTION

REP. STOFFERAHN 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 PASS, the roll was called and there were 57 YEAS, 47 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Berg, R.; Bodine; Boucher; Carlisle; Carlson; Clayburgh; Cleary; Coats; DeMers; Gabrielson; Gates; Gilmore; Goffe; Grumbo; Hanson; Hausauer; Henegar; Hokana; Huether; Jensen; Kelsch; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Linderman; Mahoney; Martinson; Miller; Muhs; Mutzenberger; Nelson; Nicholas; Nowatzki; Oban; Payne; Peterson; Porter; Price; Pyle; Ring; Rydell; Scherber; Schneider; Skar; Snyder; St. Aubyn; Stofferahn; Svedjan; Timm; Wardner; Wentz; Williams

NAYS: Bateman; Belter; Bernstein; Boehm; Brokaw; Brown; Byerly; Dalrymple; Delzer; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gerntholz; Gorder; Grosz; Howard; Jacobson; Kaldor; Kerzman; Kloubecc; Laughlin; Martin; Meyer; Myrdal; Nichols; Olsen, D.; Olson, A.; Rennerfeldt; Ritter; Schimke; Schindler; Schmidt; Shide; Skjerven; Soukup; Starke; Thompson; Tollefson; Trautman; Urlacher; Wald; Whalen; Wilkie; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Thorpe

Engrossed HB 1593 passed and the title was agreed to.

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#### MOTION

REP. KOLBO MOVED that the vote by which HB 1593 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed on a verification vote.

#### SIXTH ORDER OF BUSINESS

HB 1391: REP. THOMPSON (Committee on Appropriations) MOVED that the amendments on HJ page 571 be adopted and then be placed on the Eleventh order with DO PASS.

#### REQUEST

REP. MARTINSON REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to HB 1391, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the amendments to HB 1391, the roll was called and there were 89 YEAS, 15 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Belter; Carlisle; Clayburgh; DeWitz; Gerntholz; Henegar; Kelsch; Kunkel; Martin; Martinson; Rydell; Schindler; Shide; Urlacher; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Thorpe

The motion to adopt the amendments to HB 1391 passed.

#### MOTION

REP. KLOUBEC MOVED that the rules be suspended and that HB 1391 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1391: A BILL for an Act to provide an appropriation to the national guard tuition trust fund.

#### 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; 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; 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; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Wentz

ABSENT AND NOT VOTING: Gorman; Thorpe

Engrossed HB 1391 passed and the title was agreed to.

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#### MOTIONS

REP. KLOUBEC MOVED that HB 1516 and HB 1517, which are on the Eleventh order, be laid over one legislative day, which motion prevailed.

REP. KLOUBEC MOVED that HB 1243, HB 1324, HB 1476, HB 1506, and HB 1168, which are on the Eleventh order of business, be laid over until Thursday, February 21, 1991, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

HB 1541: A BILL for an Act to state legislative intent regarding assessment of student needs; to create and enact a new section to chapter 15-41 of the North Dakota Century Code, relating to course selection by high school students; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 26 YEAS, 75 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Bateman; Bernstein; Boehm; Brokaw; DeWitz; Dorso; Gabrielson; Gilmore; Hokana; Huether; Jacobson; Kaldor; Kerzman; Meyer; Mutzenberger; Myrdal; Oban; Olsen, D.; Olson, A.; Peterson; Pyle; Schimke; Starke; Stofferahn; Wentz; Wilkie

NAYS: Aarsvold; Anderson, B.; Belter; Berg, G.; Berg, R.; Bodine; Boucher; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; Enget; Erickson; Flaagan; Freier; Gates; Gerntholz; Goffe; Gorder; Grosz; Grumbo; Hanson; Henegar; Howard; Jensen; Kelsch; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Miller; Muhs; Nelson; Nicholas; Nichols; Nowatzki; Payne; Porter; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Whalen; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Hausauer; Kloubec; Price; Thorpe

HB 1541 was declared lost.

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HB 1545: A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to insurance benefits for part-time employees; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 52 YEAS, 52 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Bodine; Boucher; Brokaw; Carlson; Cleary; Coats; DeMers; Enget; Erickson; Flaagan; Gabrielson; Gilmore; Goffe; Grumbo; Hanson; Hokana; Huether; Jacobson; Kaldor; Kerzman;

Kolbo; Kroeber; Laughlin; Linderman; Mahoney; Martinson; Meyer; Muhs; Mutzenberger; Nelson; Nichols; Nowatzki; Oban; Peterson; Pyle; Ring; Ritter; Rydell; Scherber; Schneider; Skar; Skjerven; Snyder; Starke; Stofferahn; Trautman; Wentz; Wilkie; Williams

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

ABSENT AND NOT VOTING: Gorman; Thorpe

HB 1545 was declared lost for want of a Constitutional majority.

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HB 1581: A BILL for an Act to amend and reenact section 16.1-08-02 of the North Dakota Century Code, relating to campaign contributions by corporations, cooperative corporations, and associations; and to provide a penalty.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 101 YEAS, 2 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; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; 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; 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; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Cleary; Olsen, D.

ABSENT AND NOT VOTING: Freier; Gorman; Thorpe

HB 1581 passed and the title was agreed to.

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HB 1249: A BILL for an Act to amend and reenact sections 15-47-26 and 15-47-38 of the North Dakota Century Code, relating to the definition of teacher and discharge of teachers; and to repeal section 15-47-38.1 of the North Dakota Century Code, relating to evaluation and renewal of first year teachers and superintendents.

#### 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, 15 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boucher; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grumbo; Hanson;

Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kelsch; Kerzman; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schindler; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Williams

NAYS: Bateman; Boehm; Brokaw; Brown; Delzer; Grosz; Kaldor; Kloubec; Olsen, D.; Schimke; Schmidt; Thompson; Whalen; Wilkie; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Thorpe

HB 1249 passed and the title was agreed to.

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HB 1394: A BILL for an Act to create and enact a new section to title 15 of the North Dakota Century Code, relating to geographical boundaries for the delivery of public elementary and secondary education services; to amend and reenact section 15-27.6-02 and subdivision q of subsection 1 of section 28-32-01 of the North Dakota Century Code, relating to geographical boundary conformity in school district restructuring and the adoption of rules by the superintendent of public instruction; 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 57 YEAS, 46 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Belter; Berg, G.; Berg, R.; Boucher; Brokaw; Carlson; Clayburgh; Coats; Dalrymple; DeMers; Enget; Erickson; Flaagan; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Grumbo; Hanson; Hokana; Huether; Jacobson; Jensen; Kelsch; Kerzman; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Meyer; Miller; Muhs; Mutzenberger; Nelson; Nichols; Nowatzki; Oban; Peterson; Pyle; Ring; Ritter; Rydell; Scherber; Schneider; Skar; Snyder; St. Aubyn; Starke; Stofferahn; Svedjan; Wentz; Williams

NAYS: Bateman; Bernstein; Bodine; Boehm; Brown; Byerly; Carlisle; Cleary; Delzer; DeWitz; Dorso; Freier; Gorder; Grosz; Hausauer; Henegar; Howard; Kaldor; Kloubec; Linderman; Mahoney; Martin; Martinson; Myrdal; Olsen, D.; Olson, A.; Payne; Porter; Price; Rennerfeldt; Schimke; Schindler; Schmidt; Shide; Skjerven; Soukup; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Whalen; Wilkie; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Nicholas; Thorpe

HB 1394 passed and the title was agreed to.

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HB 1402: A BILL for an Act to create and enact a new section to chapter 15-27.2 of the North Dakota Century Code, relating to school district boundary changes.

#### 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 79 YEAS, 23 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Brokaw; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; Dorso; Enget; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe;

Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kretschmar; Kroeber; Kunkel; Linderman; Mahoney; Martin; Martinson; Miller; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olson, A.; Payne; Peterson; Price; Pyle; Rennerfeldt; Ring; Ritter; Scherber; Schimke; Schneider; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Williams; Speaker R. Anderson

NAYS: Bateman; Boehm; Boucher; Brown; Byerly; Delzer; DeWitz; Erickson; Flaagan; Gorder; Grosz; Kolbo; Larson; Laughlin; Muhs; Mutzenberger; Olsen, D.; Porter; Schindler; Schmidt; Shide; Stofferahn; Wilkie

ABSENT AND NOT VOTING: Gorman; Meyer; Rydell; Thorpe

HB 1402 passed and the title was agreed to.

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HB 1441: A BILL for an Act to amend and reenact sections 26.1-13-01, 26.1-13-02, and 26.1-13-15 of the North Dakota Century Code, relating to organization and territorial limits of a county mutual insurance company.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 11 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Bernstein; DeWitz; Dorso; Erickson; Jacobson; Kretschmar; Martinson; Payne; Starke; Wald; Wardner

ABSENT AND NOT VOTING: Gorman; Thorpe

HB 1441 passed and the title was agreed to.

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HB 1485: A BILL for an Act to create and enact a new section to chapter 15-40.2 of the North Dakota Century Code, relating to education of nonresident pupils.

#### 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 25 YEAS, 79 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bateman; Berg, R.; Bernstein; Brown; Cleary; Dorso; Hokana; Kerzman; Kretschmar; Kroeber; Kunkel; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Olson, A.; Payne; Porter; Schimke; Shide; Wald; Wardner; Whalen; Williams

**NAYS:** Aarsvold; Anderson, B.; Belter; Berg, G.; Bodine; Boehm; Boucher; Brokaw; Byerly; Carlisle; Carlson; Clayburgh; Coats; Dalrymple; Delzer; DeMers; DeWitz; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kloubec; Kolbo; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Peterson; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schindler; Schmidt; Schneider; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wentz; Wilkie; Speaker R. Anderson

**ABSENT AND NOT VOTING:** Gorman; Thorpe

HB 1485 was declared lost.

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**HB 1499:** A BILL for an Act to provide for an organ or tissue transplant trust fund to be administered by a private nonprofit organization for the purpose of providing financial assistance to transplant patients; to amend and reenact subsection 1 of section 57-38-35.1 of the North Dakota Century Code, relating to disposition of certain revenues not refunded to income taxpayers; to provide a standing appropriation; 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 94 YEAS, 8 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

**NAYS:** Brown; Delzer; Gerntholz; Gorder; Kretschmar; Larson; Payne; Schimke

**ABSENT AND NOT VOTING:** Gorman; Kloubec; Thorpe; Wald

HB 1499 passed and the title was agreed to.

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**HB 1519:** A BILL for an Act to amend and reenact subsection 3 of section 43-39-02 of the North Dakota Century Code, relating to audits of the board of athletic trainers.

#### 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, 0 NAYS, 0 EXCUSED, 4 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; 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; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Muhs; Porter; Thorpe

HB 1519 passed and the title was agreed to.

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HB 1535: A BILL for an Act to provide for a moratorium on nonrenewal of teachers for school districts in a consortium and to establish a reduction-in-force policy for newly formed school districts.

#### 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, 76 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Bodine; Carlson; Coats; DeMers; Gabrielson; Goffe; Grumbo; Hanson; Hokana; Huether; Jacobson; Kolbo; Kroeber; Peterson; Ring; Scherber; Schneider; Skar; Snyder; Stofferahn; Wardner; Williams

NAYS: Aarsvold; Belter; Berg, G.; Berg, R.; Bernstein; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Cleary; Dairymple; Delzer; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gates; Gerntholz; Gilmore; Gorder; Grosz; Hausauer; Henegar; Howard; Jensen; Kaldor; Kerzman; Kloubec; Kretschmar; Kunkel; Larson; Laughlin; Linderman; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Porter; Price; Pyle; Rennerfeldt; Ritter; Rydell; Schimke; Schmidt; Shide; Skjerven; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wentz; Whalen; Wilkie; Speaker R. Anderson

ABSENT AND NOT VOTING: Bateman; Clayburgh; Gorman; Kelsch; Mahoney; Schindler; Thorpe

HB 1535 was declared lost.

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HB 1001: A BILL for an Act providing an appropriation for defraying the expenses of the legislative branch of government; and declaring an emergency.

#### 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 78 YEAS, 25 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Bateman; Berg, G.; Berg, R.; Bodine; Boehm; Boucher; Brokaw; Byerly; Carlson; Clayburgh; Cleary; Coats; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Laughlin; Linderman; Meyer; Miller; Muhs; Mutzenberger; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Scherber; Schimke; Schindler; Schmidt; Skar; Skjerven; Snyder; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Aarsvold; Belter; Bernstein; Brown; Carlisle; Dalrymple; Delzer; Gabrielson; Grosz; Jensen; Kaldor; Kelsch; Larson; Mahoney; Martin; Martinson; Myrdal; Olson, A.; Rydell; Schneider; Shide; Soukup; St. Aubyn; Stofferahn; Urlacher

ABSENT AND NOT VOTING: Gorman; Thorpe; Wald

HB 1001 passed, the title was agreed to, and the emergency clause carried.

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HB 1010: A BILL for an Act making an appropriation for defraying the expenses of the department of banking and financial institutions.

#### 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 102 YEAS, 1 NAY, 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; 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; 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; Skjervén; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Williams; Speaker R. Anderson

NAYS: Muhs

ABSENT AND NOT VOTING: Gorman; Thorpe; Wilkie

HB 1010 passed and the title was agreed to.

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HB 1048: A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to a sales and use tax exemption for new manufacturing machinery and equipment purchases; and to repeal sections 57-39.2-03.5 and 57-40.2-03.4 of the North Dakota Century Code, relating to reduced sales and use tax rates for purchases of new manufacturing machinery and equipment.

#### 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 54 YEAS, 48 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Aarsvold; Anderson, B.; Berg, G.; Bodine; Boucher; Brokaw; Carlson; Cleary; Coats; DeMers; Enget; Erickson; Flaagan; Gabrielson; Gilmore; Goffe; Grumbo; Hanson; Hokana; Huether; Jacobson; Kaldor; Kerzman; Kolbo; Kroeber; Laughlin; Linderman; Mahoney; Meyer; Mutzenberger; Nelson; Nichols; Nowatzki; Oban; Peterson; Pyle; Ring; Ritter;

Scherber; Schneider; Skar; Skjerven; Snyder; Starke; Stofferahn; Wentz; Wilkie; Williams

ABSENT AND NOT VOTING: Gorman; Thompson; Thorpe; Whalen

HB 1048 passed and the title was agreed to.

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HB 1173: A BILL for an Act to amend and reenact section 54-27.2-01 of the North Dakota Century Code, relating to the budget stabilization fund; and to repeal section 54-27.2-02 of the North Dakota Century Code, relating to transfer of certain funds into the budget stabilization fund; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 8 YEAS, 92 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Hokana; Huether; Jacobson; Linderman; Mutzenberger; Oban; Ritter

NAYS: Aarsvold; 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; Grosz; Grumbo; Hanson; Hausauer; Henegar; Howard; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Scherber; Schimke; Schindler; Schmidt; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Timm; Tollefson; Trautman; Urlacher; Wald; Wentz; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Schneider; Thompson; Thorpe; Wardner; Whalen

HB 1173 was declared lost.

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HB 1185: A BILL for an Act to amend and reenact section 54-52-17 of the North Dakota Century Code, relating to eligibility for and computation of disability retirement benefits, and computation of normal retirement benefits under the public employees retirement system; and to provide for application of this Act.

#### ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 97 YEAS, 5 NAYS, 0 EXCUSED, 4 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; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; 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; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

NAYS: Brokaw; Dalrymple; Delzer; Grosz; Schimke

ABSENT AND NOT VOTING: Gorman; Thorpe; Wald; Whalen

HB 1185 passed and the title was agreed to.

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#### MOTION

REP. KLOUBEC MOVED that the House waive the reading of the title to HB 1186, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

HB 1186: A BILL for an Act to amend and reenact sections 54-52-02.6, 54-52-06.1, 54-52-17, subsection 1 of section 54-52.1-03.2, and 54-52.1-03.3 of the North Dakota Century Code, relating to retirement benefits for supreme and district court judges and refunds of contributions under the public employees retirement system and the inclusion of members of the judges retirement program as recipients of retiree health benefits under the uniform group insurance program; to provide an expiration date; and to provide for application of this Act.

#### 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 102 YEAS, 0 NAYS, 0 EXCUSED, 4 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; 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; Timm; Tollefson; Trautman; Urlacher; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Thorpe; Wald; Whalen

HB 1186 passed and the title was agreed to.

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HB 1187: A BILL for an Act to create and enact two new sections to chapter 39-03.1 of the North Dakota Century Code, relating to federal limitations on retirement benefits under the highway patrolmen's retirement system; to amend and reenact section 39-03.1-11 of the North Dakota Century Code, relating to retirement benefits under the highway patrolmen's retirement system; and to provide for application of this Act.

#### 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; 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; Timm; Tollefson; Trautman; Urlacher; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Thorpe; Wald

HB 1187 passed and the title was agreed to.

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HB 1188: A BILL for an Act to amend and reenact sections 54-52.1-03.2 and 54-52.1-03.3 of the North Dakota Century Code, relating to the inclusion of members of the retirement program established by job service North Dakota as recipients of retiree health benefits under the uniform group insurance program.

#### 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 101 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; 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; Timm; Tollefson; Trautman; Urlacher; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Berg, R.; Brown; Gorman; Thorpe; Wald

HB 1188 passed and the title was agreed to.

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HB 1189: A BILL for an Act to amend and reenact subsection 9 of section 52-09-20 of the North Dakota Century Code, relating to primary insurance benefits under the old-age and survivor insurance system.

#### 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; 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; Timm; Tollefson; Trautman; Urlacher; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Thorpe; Wald

HB 1189 passed and the title was agreed to.

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#### MOTION

REP. KLOUBEC MOVED that the House waive the reading of the title to HB 1190, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1190: A BILL for an Act to create and enact two new sections to chapter 54-52 and a new subsection to section 54-52.1-03.2 of the North Dakota Century Code, relating to retirement records and federal benefit limitations under the public employees retirement system plan and the retiree health benefits fund; and to amend and reenact sections 39-03.1-10, 39-03.1-10.1, 54-52-02.9, 54-52-06, 54-52-17.4, 54-52-23, and 54-52.1-01 of the North Dakota Century Code, relating to military service credit, participation by temporary employees, purchase of additional service credit, plan modifications under the public employees retirement system, and definitions.

#### 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 102 YEAS, 0 NAYS, 0 EXCUSED, 4 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; 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; Timm; Tollefson; Trautman; Urlacher; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Dorso; Gorman; Thorpe; Wald

HB 1190 passed and the title was agreed to.

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#### MOTION

REP. KLOUBEC MOVED that HB 1252 and HB 1339 be placed at the top of the Eleventh order, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

HB 1252: A BILL for an Act to amend and reenact section 35-03-17 of the North Dakota Century Code, relating to collateral real estate mortgages.

#### 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 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; Coats; 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; Nowatzki; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Soukup; Snyder; St. Aubyn; Starke; Stofferahn; Svedjan; Timm; Tollefson; Trautman; Urlacher; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Oban; Thompson; Thorpe; Wald

HB 1252 passed and the title was agreed to.

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HB 1339: A BILL for an Act to amend and reenact section 38-18.1-02, subsection 8 of section 38-18.1-03, subsection 1 of section 38-18.1-04, and section 38-18.1-07 of the North Dakota Century Code, relating to the termination of mineral interests.

#### 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; Anderson, B.; Bateman; Boehm; Brokaw; Jacobson; Kaldor; Kerzman; Linderman; Meyer; Nelson; Nichols; Pyle; Schimke; Schneider; Stofferahn; Wilkie

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

ABSENT AND NOT VOTING: Gorman; Oban; Thorpe

HB 1339 was declared lost.

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#### MOTIONS

REP. KLOUBEC MOVED that in accordance with House Rule 506, the time for bills in committee would be extended until February 19, 1991, which motion prevailed.

REP. A. OLSON MOVED that SB 2039 be returned to the House from the Committee on Natural Resources, which motion prevailed.

#### ANNOUNCEMENT BY SPEAKER

SPEAKER R. ANDERSON ANNOUNCED that SB 2039 would be rereferred to the Committee on Transportation.

## MOTIONS

REP. KLOUBEC MOVED that HB 1043 be rereferred to the Committee on Appropriations, which motion prevailed.

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 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., Tuesday, February 19, 1991, which motion prevailed.

## REPORTS OF STANDING COMMITTEES

HB 1002: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 15, replace "4,141,502" with "4,053,691"

Page 1, line 19, replace "328,958" with "269,505"

Page 1, line 20, replace "42,000" with "22,000"

Page 1, line 21, replace "5,779,850" with "5,612,586"

Page 1, line 22, replace "213,828" with "193,828"

Page 2, line 1, replace "5,566,022" with "5,418,758"

Page 2, line 4, replace "13,090,422" with "12,551,844"

Page 2, line 8, replace "951,845" with "877,182"

Page 2, line 9, replace "18,213,041" with "17,599,800"

Page 2, line 11, replace "18,111,099" with "17,497,858"

Page 2, line 15, replace "330,767" with "230,473"

Page 2, line 17, replace "115,001" with "95,501"

Page 2, line 18, replace "14,500" with "12,500"

Page 2, line 19, replace "470,266" with "348,472"

Page 2, line 20, replace "60,000" with "107,392"

Page 2, line 21, replace "410,266" with "241,080"

Page 2, line 22, replace "24,087,387" with "23,157,696"

Page 2, line 23, replace "375,770" with "403,162"

Page 2, line 24, replace "24,463,157" with "23,560,858"

Page 3, line 12, overstrike "shall" and insert immediately thereafter "is entitled to"

Page 3, line 13, replace "seventy-four" with "seventy-one", remove "six", overstrike "hundred", and replace "twenty-nine" with "seventy-five"

Page 3, line 14, overstrike "shall" and insert immediately thereafter "is entitled to"



Page 3, line 15, remove "seventy-six"

Page 3, line 16, overstrike "and commencing on July 1," remove "1992", and overstrike ", each judge of the supreme"

Page 3, line 17, overstrike "court shall receive an annual salary of", remove "eighty-one", and overstrike "thousand"

Page 3, line 18, remove "four", overstrike "hundred", remove "ninety-five", and overstrike "dollars except that the chief justice of"

Page 3, line 19, overstrike "the supreme court shall receive an additional", remove the first "two", overstrike "thousand", and remove the second "two"

Page 3, line 20, overstrike "hundred", remove "sixty-seven", and overstrike "dollars per annum"

Page 3, line 24, overstrike "shall" and insert immediately thereafter "is entitled to"

Page 3, line 25, replace "sixty-eight" with "sixty-five", remove the overstrike over "four", remove "seven", and replace "sixty-two" with "ninety"

Page 3, line 26, overstrike "and commencing July 1," remove "1992", and overstrike ", an annual salary of"

Page 3, line 27, remove "seventy-five", overstrike "thousand", remove "eighty-eight", and overstrike "dollars"

Page 4, line 4, overstrike "shall" and insert immediately thereafter "is entitled to"

Page 4, line 5, replace "six" with "five" and replace "thirty-one" with "fifty"

Page 4, line 6, remove "1991", overstrike ", and one thousand", remove "seven", and overstrike "hundred"

Page 4, line 7, remove "eighty-one", overstrike "dollars per annum commencing July 1.", and replace "1992" with "1991"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### DEPARTMENT 180 - SUPREME COURT, 185 - DISTRICT COURTS

Judges of the supreme and district courts salary increases were reduced from 9.2 percent per year to four percent on July 1, 1991. This decrease, including the reductions in judges' retirement, reduced the general fund appropriation by \$659,505. Supreme Court justices' salaries will increase from \$68,342 to \$71,075 and district court judges' salaries will increase from \$62,969 to \$65,490 on July 1, 1991.

#### DEPARTMENT 180 - SUPREME COURT

The court of appeals special line item is reduced by \$20,000 from the general fund.

#### DEPARTMENT 185 - DISTRICT COURTS

The salaries and wages line item is reduced by \$101,000 to eliminate a vacant juvenile support position.

#### DEPARTMENT 183 - JUDICIAL CONDUCT COMMISSION

The salaries and wages line item is reduced by \$100,294 from the general fund to delete funding for a staff attorney.

The operating expenses line item is reduced by \$19,500 and the equipment line item by \$2,000 from the general fund to delete funding added in the executive budget for expenses related to the staff attorney FTE position.

This amendment reduces the general fund by \$47,392 and increases estimated income by \$47,392 from the State Bar Association to fund the salary for the secretary position.

HB 1013: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 10, replace "329,242" with "317,718"

Page 1, line 11, replace "539,242" with "527,718"

ReNUMBER accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 665 - STATE FAIR ASSOCIATION

This amendment reduces funding from the general fund for State Fair premiums by \$11,524, from \$329,242 to \$317,718.

HB 1017: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 6, remove "out of any moneys"

Page 1, remove line 7

Page 1, line 8, after "fund" insert ", in the state treasury, not otherwise appropriated,"

Page 1, line 9, after "income" insert a comma

Page 1, line 12, replace "1,340,550" with "1,264,715"

Page 1, line 14, replace "623,664" with "573,664"

Page 1, line 16, replace "5,152,000" with "5,085,086"

Page 1, line 18, replace "all funds" with "special funds appropriation" and replace "7,264,448" with "7,071,699"

Page 1, remove lines 19 and 20

Page 1, line 22, after "the" insert "salaries and wages, information services, operating expenses, equipment," and after "grants" insert a comma

Page 2, line 1, replace "is hereby appropriated" with "may be spent"

Page 2, line 2, replace "to" with "by"

Page 2, line 3, after "grants" insert "and for related administrative expenses"

ReNUMBER accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

## DEPARTMENT 226 - LAND DEPARTMENT

This amendment changes the source of funding of \$66,914 of administrative costs of the Energy Development Impact Office from the general fund to the oil and gas impact grant fund.

The grants line item is reduced by \$66,914 to provide for this change in funding source. The salaries and wages line item is reduced by \$75,835 from the state lands maintenance fund to eliminate 1.5 FTE added to the Foreclosed Property Division in the executive budget recommendation.

The operating expenses line item is reduced by \$50,000 from the state lands maintenance fund to reduce the funds for mineral management studies by \$20,000 and \$30,000 which was to be used to account for minerals acquired through foreclosed properties.

HB 1219: Committee on Transportation (Rep. Belter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, replace "and 54-45-04" with "65-06.1-01, and 65-06.1-02" and replace "establishment of" with "the civil air patrol; and to repeal section 54-45-04 of the North Dakota Century Code, relating to the civil air patrol"

Page 1, remove line 3

Page 1, line 7, after "~~civil~~" insert "Civil", remove the overstrike over "~~air patrol~~", and remove "State division of civil air"

Page 1, line 8, remove "patrol"

Page 1, line 9, remove "A division of civil air patrol is hereby established in the office of"

Page 1, line 10, remove "the aeronautics commission" and overstrike ", the head of which must be" and insert immediately thereafter "The appointment of"

Page 1, line 14, overstrike ". The appointment of such"

Page 1, line 15, remove "division" and overstrike "head"

Page 1, line 16, remove "division" and overstrike "head" and insert immediately thereafter "commanding officer"

Page 1, line 20, remove "division" and overstrike "of"

Page 2, line 7, overstrike "issue vouchers covering all"

Page 2, line 8, overstrike "expenditures of funds of the", remove "division of civil air patrol", and overstrike ", and the"

Page 2, overstrike lines 9 and 10

Page 2, line 11, overstrike "to the", remove "division of civil air patrol" and overstrike "only such sums as are needed"

Page 2, overstrike lines 12 through 15

Page 2, line 16, overstrike "any other source" and insert immediately thereafter "expend appropriated grant funds as administered by the aeronautics commission. A report of expenditure of grant funds must be issued to the aeronautics commission annually. A general fund grant"

line item must be appropriated within the aeronautics commission's budget. These funds may be expended to support the mission of the civil air patrol as determined by the commanding officer"

Page 2, line 17, overstrike "or for the purchase of"

Page 2, overstrike lines 18 through 21

Page 2, line 22, overstrike "personnel" and insert immediately thereafter "All state equipment on inventory with the civil air patrol on the effective date of this Act and related to the mission of the civil air patrol must be transferred to the North Dakota wing of the civil air patrol"

Page 2, replace lines 23 through 28, with:

"SECTION 4. AMENDMENT. Section 65-06.1-01 of the North Dakota Century Code is amended and reenacted as follows:

65-06.1-01. "Civil air patrol member" defined. "Civil air patrol member" means a volunteer civilian member of the ~~department of~~ civil air patrol engaged in official state activities authorized under chapter 54-45.

SECTION 5. AMENDMENT. Section 65-06.1-02 of the North Dakota Century Code is amended and reenacted as follows:

65-06.1-02. Civil air patrol members declared employees - Covered by ~~workmen's~~ worker's compensation. Civil air patrol members ~~shall be~~ are deemed employees of the ~~department of~~ civil air patrol and eligible for coverage under this title when engaged in official state activities authorized under chapter 54-45."

Renumber accordingly

HB 1221: Committee on Transportation (Rep. Belter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, replace "nine" with "eight"

Page 1, line 5, remove "out-of-service orders,"

Page 5, remove lines 21 through 25

Page 5, line 26, replace "2" with "1"

Page 6, line 1, remove "The law enforcement officer"

Page 6, remove line 2

Page 6, line 3, remove "section 12 of this Act."

Page 6, line 7, replace "3" with "2"

Page 6, line 24, replace "4" with "3"

Page 7, after line 12, insert:

"4. If as a result of a violation of this Act, a driver is prohibited from driving a commercial motor vehicle, this violation does not prevent the director from issuing the person a class D driver's license provided that the violation that resulted in the suspension of that person's commercial motor vehicle driver's license would not require a person's class D driver's license to be similarly suspended."

Page 7, remove lines 21 through 24

Page 7, line 25, replace "2" with "1"

Page 7, line 29, remove "an"

Page 8, line 1, remove "out-of-service order according to section 12 of this Act and"

Page 8, line 3, replace "3" with "2"

Page 8, line 9, replace "4" with "3"

Page 14, remove lines 19 through 29

Page 15, remove lines 1 through 6

Renumber accordingly

HB 1251: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (14 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 9, overstrike "forty" and after "~~fifty-four~~" insert "forty-two"

Page 1, line 10, overstrike "eighty" and after "~~eight~~" insert "eighty-four"

Renumber accordingly

HB 1266: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, after line 6, insert:

- "5. "Request for proposals" means a procurement announcement through a public notice from a governmental unit, which will administer the program, detailing the work, service, or supplies needed for an energy conservation measure. The request for proposals must include:
- a. The name and address of the governmental unit.
  - b. The name, address, title, and phone number of a contact person.
  - c. The response due date and time deadline.
  - d. The scope of the project.
  - e. The project completion deadline.
  - f. The criteria for awarding a contract.
  - g. The right to reject the request for proposals.
  - h. Other stipulations and clarifications as required."

Page 2, line 8, replace "obtain and evaluate a report from a qualified provider which summarizes" with "submit a request for proposals. Upon receipt of the request for proposals, the governmental unit shall evaluate all reports from qualified providers which summarize"

Page 2, line 12, after the period insert "If technical assistance is not available by the governmental unit staff, then the evaluation of this

report must be done by a registered professional engineer or architect, who is to be retained by the governmental unit."

Page 2, line 25, replace "or" with "and"

Page 3, line 1, replace "ten" with "five"

Page 3, line 9, after "later" insert "biennium or"

Page 3, line 10, after "the" insert "biennium or fiscal"

Page 3, line 11, remove "Failure of a governmental unit to make or obtain such an appropriation"

Page 3, remove lines 12 and 13

ReNUMBER accordingly

HB 1270: Committee on Agriculture (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO 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 21, after "endurance" insert a comma

Page 1, line 22, after "trail riding" insert ", guided trail rides, pleasure trail riding, wagon and buggy rides,"

ReNUMBER accordingly

HB 1327: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 13, replace the second "one" with "two"

ReNUMBER accordingly

HB 1328: 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 1, line 3, after "property" insert "and presumed lease renewals"

Page 1, line 8, after the first "of" insert "section 47-16-06, in"

Page 1, line 10, replace "for a specified term of two months or more which states" with "unless the lessor has notified the lessee in writing, delivered personally or by first-class mail, of the automatic renewal provision, not less than thirty days prior to the expiration date of the current lease. If such notice has not been given or if in the absence of an automatic renewal clause a lease expires, possession by the lessee continues, and a lease renewal has not been agreed upon, the terms of the latest lease are in effect on a month-to-month basis."

Page 1, remove lines 11 through 18

ReNUMBER accordingly

HB 1346: Committee on Appropriations (Rep. Thompson, Chairman) recommends NOT PASS (17 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1346 was placed on the Eleventh order on the calendar.

HB 1362: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends DO NOT PASS (11 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1362 was placed on the Eleventh order on the calendar.

HB 1383: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 3, line 6, replace "fifteenth" with "thirtieth"

Page 3, line 21, after "sale" insert "if the court finds that the amount due is the amount specified by contract or the reasonable and usual compensation for the repairs or maintenance work performed" and after "and" insert "the holder may then"

Renumber accordingly

HB 1433: Committee on Transportation (Rep. Belter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 15, after "issue" insert "a maximum of two additional certificates" and replace "five" with "six"

Page 2, line 16, remove "additional certificates"

Page 2, line 21, after "certificate" insert "and one dollar of each fee for issuance of an additional certificate"

Page 2, line 24, remove "entire"

Page 3, line 28, overstrike "may" and insert immediately thereafter "shall"

Page 4, line 13, remove "The court may not suspend any"

Page 4, remove line 14

Renumber accordingly

HB 1468: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends DO PASS (10 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1468 was placed on the Eleventh order on the calendar.

HB 1478: Committee on Agriculture (Rep. Nicholas, 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 1, after "A BILL" replace the remainder of the bill with "for an Act relating to state meat inspection; to repeal chapter 36-23.1 of the North Dakota Century Code, relating to meat inspection; and to provide an expiration date."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Joint state and federal meat inspection service - Pilot project - Contracts. The commissioner of agriculture, in consultation with the board of animal health and the state department of health and consolidated laboratories, shall design and, if appropriate, implement a pilot project to institute a joint state and federal meat inspection service. The service must provide for the inspection of custom-exempt, retail-exempt, and distributor-exempt facilities not under full-time federal inspection. The commissioner may enter into contractual arrangements with the United States department of agriculture governing inspection personnel, salaries,

benefits, travel reimbursements, equipment, and any other matters necessary for this section, but any contractual arrangement must expire on or before June 30, 1993.

**SECTION 2. Project evaluation - Proposed legislation.** By December 1, 1992, the commissioner shall determine whether the pilot project designed under section 1 of this Act should be continued or modified. If the determination is for continuance or modification, by December 10, 1992, the commissioner shall prepare and prefile for introduction appropriate legislation for consideration by the fifty-third legislative assembly.

**SECTION 3. REPEAL.** Chapter 36-23.1 of the North Dakota Century Code is repealed.

**SECTION 4. EXPIRATION DATE.** Sections 1 and 2 of this Act are effective through June 30, 1993, and after that date are ineffective."

Renumber accordingly

**HB 1483: 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 "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 3 of section 43-17-18 of the North Dakota Century Code, relating to the qualifications of foreign medical graduates for a license to practice medicine.

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

**SECTION 1. AMENDMENT.** Subsection 3 of section 43-17-18 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. If the applicant is a graduate of a medical or osteopathic college that has not been approved by the board or accredited by an accrediting body approved by the board at the time the degree or its equivalent was conferred, a certificate issued by the educational council for foreign medical graduates, proficiency in writing and speaking English, and the successful completion of three years of postgraduate training in a program approved by the board or by an accrediting body approved by the board. However, the board may license an applicant with one year of residency training in the United States or Canada who has been approved for faculty status in psychiatry by the university of North Dakota and its medical school. The board may also grant a special license to an applicant who is a graduate of a foreign medical school, has successfully completed one year of approved postgraduate training in the United States or Canada, and is enrolled in a residency program in this state for the purpose of practicing medicine only within the scope of the residency training program. The board, in its discretion, may accept five years of licensed medical practice in Canada or the United States, without disciplinary action, in lieu of the second or third year of postgraduate training;"

Renumber accordingly

**HB 1500: Committee on Natural Resources (Rep. A. Olson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.**

Page 1, line 4, remove "; and to amend and reenact"



Page 1, remove lines 5 and 6

Page 1, line 7, remove "drilling and operating an oil or gas well"

Page 1, remove lines 9 through 22

Page 2, remove lines 1 through 5

Page 2, remove the underscore under lines 8 through 20

Renumber accordingly

HB 1503: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends DO PASS (9 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1503 was placed on the Eleventh order on the calendar.

HB 1513: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, after "12.1-27.1-01" insert "and a new section to chapter 12.1-27.2"

Page 1, line 3, remove "; and to amend and reenact subsection 4 of section"

Page 1, remove line 4

Page 1, line 5, remove "obscene materials and performances"

Page 1, remove lines 7 through 22

Page 2, remove lines 1 and 2

Page 2, line 6, remove the underscore under "a.", replace "Notwithstanding" with "In addition to", and remove the underscore under "the penalty provided in subsection 1, 2, or 3,"

Page 2, remove the underscore under lines 7 through 10

Page 2, line 11, remove the underscore under "subject to the following" and replace "penalties in addition to any other" with "penalty"

Page 2, line 12, remove "penalties the court may impose" and remove the underscore under the colon

Page 2, remove the underscore under line 13

Page 2, line 14, remove the underscore under "dollars;" and replace "and" with "or"

Page 2, remove the underscore under lines 15 through 17

Page 2, line 18, remove the underscore under "b.", replace "Notwithstanding the penalties" with "In addition to the penalty", and remove the underscore under "provided in subsection 1, 2, or"

Page 2, line 19, remove the underscore under "3, the court shall impose the following" and replace "penalties, in addition" with "penalty"

Page 2, line 20, remove "to any other penalty imposed," and remove the underscore under "upon the conviction of a person"

Page 2, remove the underscore under lines 21 through 23

Page 2, line 24, remove the underscore under "dollars;" and replace "and" with "or"

Page 2, remove the underscore under lines 25 through 27

Page 2, after line 27, insert:

"SECTION 2. A new section to chapter 12.1-27.2 of the North Dakota Century Code is created and enacted as follows:

**Sexual performance by a minor - Enhanced penalties.**

1. Notwithstanding the provisions of sections 12.1-32-01 and 12.1-32-01.1 relating to fines, a person who commits an offense under this chapter and who acts in the course of a commercial or for-profit activity or transaction in which the offender had or shared ownership, control, managerial responsibility, or a financial interest other than wages is subject to the following penalty:
  - a. For an individual, a fine not to exceed ten thousand dollars; or
  - b. For a corporation, association, partnership, or other legal entity, a fine not to exceed twenty-five thousand dollars.
2. Notwithstanding the provisions of sections 12.1-32-01 and 12.1-32-01.1 relating to fines, a person who commits an offense under this chapter and who acts in the course of a commercial or for-profit activity or transaction in which the offender had or shared ownership, control, managerial responsibility, or a financial interest other than wages is subject to the following penalty:
  - a. For an individual, a fine not to exceed fifty thousand dollars; or
  - b. For a corporation, association, partnership, or other legal entity, a fine not to exceed one hundred thousand dollars."

Renumber accordingly

HB 1530: Committee on Agriculture (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (11 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 7, repiace "shall" with "may"

Page 1, line 14, remove "bare land or"

Renumber accordingly

HB 1534: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends DO PASS (14 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1534 was placed on the Eleventh order on the calendar.

HB 1552: Committee on Agriculture (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 3 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 create and enact a new subsection to section 20.1-02-05 of the North Dakota Century Code, relating to the powers of the game and fish commissioner; and to provide an appropriation.

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

SECTION 1. A new subsection to section 20.1-02-05 of the 1989 Supplement to the North Dakota Century Code is created and enacted as follows:

Carry out a coyote depredation prevention program by conducting practices that will alleviate depredations caused by coyotes.

SECTION 2. APPROPRIATION. There is hereby appropriated out of any moneys in the game and fish fund in the state treasury, not otherwise appropriated, the sum of \$80,000, or so much thereof as may be necessary, to the game and fish department for the purpose of carrying out a coyote depredation prevention program for the biennium beginning July 1, 1991, and ending June 30, 1993."

Renumber accordingly

HB 1560: Committee on Agriculture (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 3 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 create and enact two new sections to chapter 20.1-02 of the North Dakota Century Code, relating to the private land habitat improvement program committee.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Two new sections to chapter 20.1-02 of the North Dakota Century Code are created and enacted as follows:

Private land habitat improvement program committee. The private land habitat improvement program committee consists of the commissioner of agriculture, or the commissioner's duly authorized designee; the state game and fish commissioner, or the commissioner's duly authorized designee; the president, or a member selected by the president, of the North Dakota wildlife federation; the president, or a member selected by the president, of the North Dakota stockmen's association; the president, or a member selected by the president, of the North Dakota farm bureau; the president, or a member selected by the president, of the North Dakota farmers union; and one member designated by the governor.

Private land habitat improvement program committee - Duties. The private land habitat improvement program committee shall set the policies concerning and approve any expenditures from the game and fish department private land habitat improvement fund, habitat restoration stamp fund, and small and big game habitat restoration trust fund."

Renumber accordingly

HB 1566: Committee on Transportation (Rep. Belter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 3, remove "and"

Page 1, line 5, after "claims" insert "; and to provide an effective date"

Page 1, line 10, overstrike "Any person who buys or uses any"

Page 1, overstrike lines 11 through 15

Page 1, line 16, overstrike "approval of the commissioner of a claim for refund." and remove "In lieu of determining"

Page 1, remove lines 17 through 19

Page 1, line 20, replace "of taxable fuels purchased." with "Upon presentation to and approval by the commissioner of a claim for refund, any person who buys motor vehicle fuel for agricultural purposes must be reimbursed the amount of the tax paid on the percent of the gallons purchased for agricultural uses."

Page 2, line 12, overstrike "that", after the first "the" insert "percent of", and overstrike "was" and insert immediately thereafter "purchases"

Page 2, line 18, remove the overstrike over "~~most~~" and remove "~~may~~"

Page 2, line 19, overstrike "attached to the refund claim" and replace "in lieu of a certified history of purchases" with "retained by the claimant for a period of three years and must be made available to the commissioner upon request for audit purposes"

Page 2, line 22, remove the overstrike over "~~certified~~"

Page 2, line 23, remove the overstrike over "~~may~~" and remove "and certified by the dealer and the claimant must"

Page 2, line 24, remove the overstrike over "~~in lieu of original sales invoices or sales tickets~~" and insert immediately thereafter "for audit purposes"

Page 2, line 28, after "claimant" insert "and the name of the county in which the principal portion of the claimant's land is located"

Page 3, remove lines 3 and 4

Page 3, line 5, replace "4" with "3"

Page 3, line 9, replace "5" with "4"

Page 3, line 11, replace "6" with "5" and replace "gasoline" with "motor vehicle fuel"

Page 3, line 12, after "period" insert "and a complete list of the names and addresses of the dealers from whom the fuel was purchased"

Page 3, line 13, replace "7" with "6"

Page 3, line 14, replace "8" with "7"

Page 3, after line 15, insert:

"8. The number of diesel-powered licensed vehicles owned by the claimant.

9. Computations necessary to determine refund or tax due for diesel fuel used in diesel-powered licensed vehicles."

Page 3, after line 17, insert:

"SECTION 4. EFFECTIVE DATE. This Act becomes effective for all motor vehicle fuel purchased after December 31, 1990."

Renumber accordingly

HB 1568: Committee on Transportation (Rep. Belter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 4, after "fund" insert "; and to provide an expiration date"

Page 1, after line 20, insert:

"SECTION 2. EXPIRATION DATE. This Act is effective through June 30, 1993, and after that date is ineffective."

Renumber accordingly

HB 1591: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends DO PASS (8 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1591 was placed on the Eleventh order on the calendar.

HB 1599: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends DO PASS (10 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1599 was placed on the Eleventh order on the calendar.

HCR 3039: Committee on Education (Rep. Gates, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3039 was placed on the Tenth order.

HCR 3044: Committee on Agriculture (Rep. Nicholas, Chairman) recommends DO NOT PASS (17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3044 was placed on the Eleventh order on the calendar.

SB 2068: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2068 was placed on the Fourteenth order on the calendar.

SB 2106: Committee on Education (Rep. Gates, Chairman) recommends DO PASS (17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2106 was placed on the Fourteenth order on the calendar.

SB 2110, as engrossed: Committee on Education (Rep. Gates, Chairman) recommends DO PASS (16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2110 was placed on the Fourteenth order on the calendar.

SB 2220: Committee on Education (Rep. Gates, Chairman) recommends DO PASS (17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2220 was placed on the Fourteenth order on the calendar.

SB 2291: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends DO PASS (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2291 was placed on the Fourteenth order on the calendar.

#### FIRST READING OF SENATE BILLS

SB 2046: A BILL for an Act to amend and reenact section 20.1-06-02 of the North Dakota Century Code, relating to the protection of fish species of special concern; and to provide a penalty.

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

SB 2090: A BILL for an Act to prohibit the department of health and consolidated laboratories from issuing permits for the construction or operation of certain solid waste disposal facilities; to amend and reenact section 23-29-07.1 of the North Dakota Century Code, relating to fees for solid waste facility permits; to provide for a legislative council study of solid waste disposal methods and facilities; and to declare an emergency.

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

SB 2134: A BILL for an Act to create and enact a new section to chapter 54-44.4 of the North Dakota Century Code, relating to a continuing appropriation to the office of intergovernmental assistance; to provide an effective date; and to declare an emergency.

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

SB 2182: A BILL for an Act to create and enact three new sections to chapter 51-10 of the North Dakota Century Code, relating to replacing the functions of the North Dakota trade commission with authority of the

attorney general regarding below cost selling; to amend and reenact section 51-10-06 and subsection 1 of section 54-07-01.2 of the North Dakota Century Code, relating to elimination of the North Dakota trade commission; and to repeal sections 51-10-09, 51-10-10, 51-10-11, 51-10-12, 51-10-13, 51-10-14, and 51-10-15 of the North Dakota Century Code, relating to the North Dakota trade commission and regulation of below cost selling.

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

SB 2204: A BILL for an Act to provide for a centennial trees commission, to establish duties of the centennial trees commission, to create a trust fund, and to authorize local governments to participate with the centennial trees commission; to amend and reenact section 3 of chapter 27 of the 1989 Session Laws of North Dakota, relating to the effective date of section 2 of chapter 27 of the 1989 Session Laws of North Dakota; to repeal section 1 of chapter 27 of the 1989 Session Laws of North Dakota; to provide a continuing appropriation; and to provide an expiration date.

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

SB 2301: A BILL for an Act to authorize the centennial commission to transfer funds to the state treasurer for the purpose of establishing a fund to be used to commemorate and celebrate North Dakota's bicentennial.

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

SB 2304: A BILL for an Act to create and enact a new section to chapter 43-32 of the North Dakota Century Code, relating to continuing education requirements for psychologists.

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

SB 2391: A BILL for an Act relating to certificates of candidacy by write-in candidates for presidential electors.

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

SB 2447: A BILL for an Act to amend and reenact subsection 2 of section 14-07.1-01, section 14-07.1-02, subsection 2 of section 14-07.1-03, and subsection 2 of section 14-07.1-10 of the North Dakota Century Code, relating to definitions, issuance of domestic violence protection orders, and arrest procedures in situations involving domestic violence.

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

SB 2490: A BILL for an Act to amend and reenact section 24-02-03.3 of the North Dakota Century Code, relating to use of state motor pool vehicles by counties.

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

SB 2495: A BILL for an Act to create and enact a new section to chapter 29-06 of the North Dakota Century Code, relating to foreign peace officers providing transportation for law enforcement purposes; and to amend and reenact sections 29-06-05, 29-06-06, and 29-06-07 of the North Dakota Century Code, relating to foreign officers in fresh pursuit; and to declare an emergency.

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

SB 2548: A BILL for an Act to create and enact a new section to chapter 12.1-32 of the North Dakota Century Code, relating to repayment of rewards by convicted offenders; and to amend and reenact subsection 2 of section 54-12-14 and section 62.1-05-01 of the North Dakota Century Code, relating to repayment of rewards from the forfeiture of assets.

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

SB 2560: 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 a requirement of

a certified financial statement from certain charitable gaming organizations.  
Was read the first time and referred to the Committee on State and Federal Government.

## SIGNING of BILLS and RESOLUTIONS

The Speaker signed the following enrolled bill: SB 2164.

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

MR. PRESIDENT: The Speaker has signed: SB 2164.

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

ROY GILBREATH, Chief Clerk