

## JOURNAL OF THE HOUSE

## Fifty-second Legislative Assembly

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Bismarck, March 5, 1991

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

The prayer was offered by the Rev. Harold O. Vold, St. John's Lutheran Church, Jamestown.

The roll was called and all members were present except Representatives Dorso, Gorman, Oban, and Tollefson.

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 Thirty-ninth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 910, delete lines 4 and 5

Page 925, line 2, delete "2328" and insert "2318"

Page 930, after line 7, insert the following:

## "HOUSE ENGROSSING REPORT

The following bills were engrossed: HCR 3003, HCR 3004, HCR 3005, and HCR 3035."

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

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

MR. SPEAKER: The Senate has passed unchanged: HB 1030, HB 1034, HB 1038, HB 1055, HB 1056, HB 1065, HB 1096, HB 1104, HB 1107, HB 1115, HB 1118, HB 1198, HB 1267.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1047, HB 1070, HB 1195, HB 1224, HB 1480.

## SENATE FLOOR AMENDMENTS TO HOUSE BILL NO. 1047

In lieu of the amendments adopted by the Senate as printed on pages 764-765 of the Senate Journal, House Bill No. 1047 is amended as follows:

Page 1, line 12, replace "a" with "destination tourism attractions, including recreation, historical sites, festival and cultural events, lodging and food services which are singularly and uniquely related to historical, cultural, or recreational tourist attractions, and guide services, but does not include any business operated under a franchise agreement."

Page 1, remove lines 13 through 16

Page 1, line 20, after "131(q)" insert "as of the effective date of this Act"

Page 2, line 1, after "39-13-06" insert "except that the rules must provide that logos may not be used on tourist-oriented directional signs. The rules must require that each sign must be seventy-two inches wide and sixteen inches high"

Page 2, remove lines 24 through 26

Page 3, line 7, replace "may" with "shall"

Renumber accordingly

#### SENATE AMENDMENTS TO HB 1047

Page 1, line 16, after "located" insert ", but does not include any business operated under a franchise agreement"

Page 2, line 1, after "39-13-06" insert "except that the rules must provide that logos may not be used on tourist-oriented directional signs"

Page 2, remove lines 24 through 26

Renumber accordingly

#### SENATE AMENDMENTS TO HB 1070

Page 1, line 16, remove "this section or"

Renumber accordingly

#### SENATE AMENDMENTS TO HB 1195

Page 1, line 15, overstrike "record of the" and after "death" insert "certificate"

Page 2, line 3, replace "without the necessity of a legal description being" with "The legal description of any property to which the recording of the death certificate relates must be attached to the death certificate"

Page 2, line 4, remove "attached"

Renumber accordingly

#### SENATE AMENDMENTS TO HB 1224

Page 1, line 1, remove "subsection 1 of"

Page 1, line 2, remove "age"

Page 1, line 5, replace "Subsection 1 of section" with "Section"

Page 1, replace lines 7 and 8 with:

"39-03-04. Qualifications of patrolmen - Veterans have preference. No person may be appointed as a patrolman unless he the person has all of the following qualifications:

1. ~~is not less than eighteen and not more than thirty-three years of age on the date of his appointment;~~
- 2- Has passed such physical examination and such other qualification test as may be required by the superintendent.
- 3- 2. Is of good moral character and temperate habits.
- 4- 3. Has been a citizen of the United States for not less than two years prior to ~~his~~ the appointment.

Preference for appointment must be given at all times to honorably discharged veterans and citizens of the state of North Dakota, and all appointments must be made without regard to any political party affiliation of the applicant. ~~From July 1, 1983, through June 30, 1984, the superintendent may waive the age requirements for the personnel of the truck regulatory division of the state highway department that are so employed as of June 30, 1983.~~

Renumber accordingly

#### SENATE AMENDMENTS TO HB 1480

Page 2, line 22, remove "established by"

Page 2, line 23, remove "section 52-61-01.5"

Renumber accordingly

#### HOUSE ENROLLING REPORT

The following bills and resolutions were enrolled: HB 1025, HB 1099, HB 1128, HB 1133, HB 1136, HB 1202, HB 1222, HB 1235, HB 1312, HCR 3013, and HCR 3016.

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

MR. PRESIDENT: The House has failed to pass: SB 2261.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2063.

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

MR. PRESIDENT: The House has passed unchanged: SB 2037, SB 2042, SB 2043, SB 2086, SB 2122, SB 2127, SB 2131, SB 2141, SB 2195, SB 2251, SB 2295, SB 2299, SB 2302, SB 2482.

#### MOTIONS

REP. KLOUBEC MOVED that the rules be suspended and that the House consider the amendments to SB 2115, SB 2134, and SB 2333 in one motion, which motion prevailed.

REP. KLOUBEC MOVED that the rules be suspended and that the amendments to SB 2115, SB 2134, and SB 2333 be adopted, which motion prevailed.

SB 2115, SB 2134, and SB 2333, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3003: A concurrent resolution for the amendment of section 11 of article X of the Constitution of North Dakota, relating to use of gasoline and motor fuel excise taxes.

#### ROLL CALL

The question being on the final adoption of the amended resolution, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 30 YEAS, 74 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Berg, G.; Carlisle; Carlson; Cleary; DeMers; Goffe; Grumbo; Hanson; Henegar; Hokana; Huether; Jacobson; Kelsch; Kroeber; Kunkel; Martinson; Miller; Muhs; Mutzenberger; Nowatzki; Oban; Ring; Ritter; Scherber; Skjerven; Snyder; Thorpe; Wald; Wardner; Whalen

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Clayburgh; Coats; Dalrymple; Delzer; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gertholz; Gilmore; Gorder; Grosz; Hausauer; Howard; Jensen; Kaldor; Kerzman; Kloubec; Kolbo; Kretschmar; Larson; Laughlin; Linderman; Mahoney; Martin; Meyer; Myrdal; Nelson; Nicholas; Nichols; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Rydell; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Trautman; Urlacher; Wentz; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Tollefson

HCR 3003 was declared lost on a roll call vote.

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HCR 3004: A concurrent resolution for the amendment of subsection 1 of section 6 of article VIII and section 12 of article IX of the Constitution of North Dakota, relating to the names and locations of state institutions; and to repeal section 13 of article IX of the

Constitution of North Dakota, relating to location of state institutions.

# MOTION

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

# ROLL CALL

The question being on the final adoption of the amended resolution, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 59 YEAS, 44 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bateman; Belter; Berg, R.; Bernstein; Boehm; Brown; Byerly; Carlisle; Clayburgh; Cleary; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Freier; Gates; Gorder; Grosz; Hanson; Henegar; Hokana; Howard; Huether; Jacobson; Kerzman; Kloubec; Kretschmar; Larson; Martinson; Meyer; Miller; Mutzenberger; Nelson; Nicholas; Nichols; Nowatzki; Payne; Porter; Price; Pyle; Rennerfeldt; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Skjerven; Soukup; St. Aubyn; Stofferahn; Svedjan; Thompson; Timm; Whalen; Speaker R. Anderson

NAYS: Aarsvold; Anderson, B.; Berg, G.; Bodine; Boucher; Brokaw; Carlson; Coats; Flaagan; Gabrielson; Gerntholz; Gilmore; Goffe; Grumbo; Hausauer; Jensen; Kaldor; Kelsch; Kolbo; Kroeber; Kunkel; Laughlin; Linderman; Mahoney; Martin; Muhs; Myrdal; Oban; Olsen, D.; Olson, A.; Peterson; Ring; Schneider; Shide; Skar; Snyder; Starke; Thorpe; Trautman; Urlacher; Wardner; Wentz; Wilkie; Williams

ABSENT AND NOT VOTING: Gorman; Tollefson; Wald

Engrossed HCR 3004 was declared adopted on a roll call vote.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4064.

# MOTION

REP. KLOUBEC MOVED that Joint Rule 203, paragraph 2, be suspended in order to receive the Senate concurrent resolutions, which motion prevailed.

# SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3005: A concurrent resolution for the amendment of subdivisions d and e of subsection 6 of section 6 of article VIII and subsection 7 of section 6 of article VIII of the Constitution of North Dakota, relating to the administrative structure of institutions under the state board of higher education.

# ROLL CALL

The question being on the final adoption of the amended resolution, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 49 YEAS, 53 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bateman; Belter; Berg, R.; Bernstein; Boehm; Brown; Carlson; Clayburgh; Cleary; Dalrymple; DeMers; Dorso; Enget; Freier; Gorder; Grumbo; Hokana; Howard; Huether; Jacobson; Kerzman; Kretschmar; Kunkel; Larson; Martinson; Meyer; Miller; Muhs; Nichols; Nowatzki; Payne; Porter; Price; Pyle; Ring; Ritter; Rydell; Shide; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Thompson; Trautman; Wardner; Wentz; Whalen

NAYS: Aarsvold; Anderson, B.; Berg, G.; Bodine; Boucher; Brokaw; Byerly; Carlisle; Coats; Delzer; DeWitz; Erickson; Flaagan; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Grosz; Hanson; Hausauer; Henegar; Jensen; Kaldor; Kelsch; Kloubec; Kolbo; Kroeber; Laughlin; Linderman; Mahoney; Martin; Mutzenberger; Myrdal; Nelson; Oban; Olsen, D.; Olson, A.; Peterson; Rennerfeldt; Scherber; Schimke; Schindler; Schmidt;

Schneider; Skar; Svedjan; Thorpe; Timm; Urlacher; Wilkie; Williams;  
Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Nicholas; Tollefson; Wald

Engrossed HCR 3005 was declared lost on a roll call vote.

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HCR 3035: A concurrent resolution to create and enact a new section to article X of the Constitution of North Dakota, relating to the creation of a Bicentennial trust fund; and to provide an effective date.

#### ROLL CALL

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

YEAS: Anderson, B.; Berg, R.; Bernstein; Bodine; Boucher; Carlson; Clayburgh; Cleary; Coats; DeMers; Dorso; Enget; Flaagan; Freier; Gabrielson; Gates; Gilmore; Gorder; Grumbo; Hanson; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kelsch; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Miller; Muhs; Mutzenberger; Nelson; Nicholas; Oban; Olsen, D.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ritter; Rydell; Scherber; Schmidt; Shide; Skar; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Thorpe; Timm; Trautman; Urlacher; Wardner; Wentz; Speaker R. Anderson

NAYS: Aarsvold; Bateman; Belter; Berg, G.; Boehm; Brokaw; Brown; Byerly; Carlisle; Dalrymple; Delzer; DeWitz; Erickson; Gerntholz; Goffe; Grosz; Kaldor; Kerzman; Meyer; Myrdal; Nichols; Nowatzki; Olson, A.; Ring; Schimke; Schindler; Schneider; Skjervén; Stofferahn; Wald; Whalen; Wilkie; Williams

ABSENT AND NOT VOTING: Gorman; Hausauer; Tollefson

Engrossed HCR 3035 was declared adopted on a roll call vote.

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#### MOTION

REP. KRETSCHMAR MOVED that SCR 4001 be removed from the Consent Calendar and be referred to the Committee on Judiciary, which motion prevailed. Pursuant to Rep. Kretschmar's motion, SCR 4001 was rereferred.

#### SECOND READING OF SENATE BILLS

SB 2084: A BILL for an Act to amend and reenact sections 32-19.2-01, 32-19.2-02, 32-19.2-03, and 32-19.2-04 of the North Dakota Century Code, relating to appointment and duties of a trustee in an action for cancellation of a contract for deed.

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

ABSENT AND NOT VOTING: Gorman; Thompson; Tollefson

Engrossed SB 2084 passed and the title was agreed to.

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SB 2153: A BILL for an Act to create and enact a new section to chapter 50-09 of the North Dakota Century Code, relating to state prepayment for projected county child support expenditures; and to amend and reenact section 50-09-20.1 of the North Dakota Century Code, relating to reimbursement by the state for certain county expenditures.

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

ABSENT AND NOT VOTING: Gorman; Thompson; Tollefson

SB 2153 passed and the title was agreed to.

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SB 2160: A BILL for an Act to amend and reenact sections 23-07.5-02, 23-07.5-03, 23-07.5-04 and subdivision a of subsection 1 of section 23-07.5-05 of the North Dakota Century Code, relating to consent for human immunodeficiency virus testing and confidentiality of test results.

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

ABSENT AND NOT VOTING: Gorman; Thompson; Timm; Tollefson

Engrossed SB 2160 passed and the title was agreed to.

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SB 2218: A BILL for an Act to create and enact five new sections to chapter 23-14 of the North Dakota Century Code, relating to health district expansion or merger; and to amend and reenact subsection 1 of section 23-14-11 of the North Dakota Century Code, relating to the mill levy for health districts.

#### 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, 1 NAY, 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; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gordier; 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; Trautman; Urlacher; Wald; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

NAYS: Flaagan

ABSENT AND NOT VOTING: Gorman; Thompson; Tollefson, Whalen

SB 2218 passed and the title was agreed to.

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SB 2248: A BILL for an Act to amend and reenact subsection 6 of section 11-18-02.2 of the North Dakota Century Code, relating to an exception to the requirement of statements of full consideration to be included in deeds if the deed is issued after a judgment; and to provide a retroactive effective date.

#### 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; Gordier; 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; Trautman;  
Urlacher; Wald; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Tollefson; Whalen

Engrossed SB 2248 passed and the title was agreed to.

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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.

#### ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 104 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; 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; 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; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Tollefson

SB 2304 passed and the title was agreed to.

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SB 2330: A BILL for an Act to amend and reenact section 7 of chapter 644 of the 1989 Session Laws of North Dakota, relating to the effective date for the allocation of sales, use, and motor vehicle excise tax revenues to the capital construction fund.

#### ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 104 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; 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; 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; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Tollefson



SB 2330 passed and the title was agreed to.

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#### MOTION

REP. KLUBBEC MOVED that the House waive the reading of the titles to SB 2343 and SB 2452, which motion prevailed.

#### SECOND READING OF SENATE BILLS

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.

#### 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, 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; 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; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; 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; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Kerzman; Meyer

ABSENT AND NOT VOTING: Gorman; Tollefson

SB 2343 passed and the title was agreed to.

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SB 2408: A BILL for an Act to amend and reenact subsection 6 of section 44-04-19.1 of the North Dakota Century Code, relating to the definition of "adversarial administrative proceedings" for the purpose of the exemptions to the open records and open meetings law for attorney work product and attorney consultations.

#### ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 104 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; 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; 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; Trautman;

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

ABSENT AND NOT VOTING: Gorman; Tollefson

SB 2408 passed and the title was agreed to.

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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.

#### ROLL CALL

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

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boucher; Brokaw; 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; 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; Trautman; Urlacher; Wald; Wardner; Wentz; Wilkie; Williams

NAYS: Boehm; Brown; Delzer; Grosz; Schmidt; Thompson; Whalen;  
Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Tollefson

Engrossed SB 2452 passed and the title was agreed to.

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SB 2566: A BILL for an Act to create and enact a new subsection to section 15-51-11 of the North Dakota Century Code, relating to power of the city of Fargo board of education to levy taxes.

#### ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 104 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; 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; Thorpe; Timm; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams;  
Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Tollefson

Engrossed SB 2566 passed and the title was agreed to.

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#### MOTION

REP. KLOUBEC MOVED that the rules be suspended and that SB 2115, SB 2134, and SB 2333, be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF SENATE BILLS

SB 2115: A BILL for an Act to create and enact two new subsections to section 24-05-20 of the North Dakota Century Code, relating to grasshopper control and other plant pest control programs in township and county road rights of way.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 104 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; 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; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Tollefson

SB 2115 passed and the title was agreed to.

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SB 2134: A BILL for an Act to create and enact a new section to chapter 54-44.5 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.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 104 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Gorman; Tollefson

SB 2134 passed, the title was agreed to, and the emergency clause carried.

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SB 2333: A BILL for an Act to amend and reenact sections 11-09.1-03 and 11-09.1-04 of the North Dakota Century Code, relating to the submission of a proposed county home rule charter to a vote of qualified electors at a special election and the time of taking effect of an approved county home rule charter.

#### 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, 9 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boucher; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gertholz; Gilmore; Gorder; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Jacobson; Jensen; 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; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Williams; Speaker R. Anderson

NAYS: Aarsvold; Boehm; Brokaw; Delzer; Goffe; Grosz; Huether; Kaldor; Wilkie

ABSENT AND NOT VOTING: Gorman; Soukup; Tollefson

SB 2333 passed and the title was agreed to.

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#### MOTION

REP. KLOUBEC MOVED that 500 copies of Engrossed HB 1579 be reprinted, which motion prevailed.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4048, SCR 4050, SCR 4051, SCR 4054.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2114, SB 2156, SB 2157, SB 2216, SB 2222, SB 2268, SB 2286, SB 2292, SB 2392, SB 2535, SCR 4024.

#### 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 Seventh order of business, and at the conclusion of the Seventh 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 be on the Sixteenth order of business, and at the conclusion of the Sixteenth order, the House stand adjourned until 1:00 p.m., Wednesday, March 6, 1991, which motion prevailed.

## REPORTS OF STANDING COMMITTEES

SB 2040: Committee on Natural Resources (Rep. A. Olson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 1 NAY, 4 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 20.1-08 of the North Dakota Century Code, relating to orders and proclamations of the governor; to"

Page 1, after line 5, insert:

"SECTION 1. A new section to chapter 20.1-08 of the North Dakota Century Code is created and enacted as follows:

Governor's proclamation concerning the hunting of predators. Notwithstanding any other provision of law, the governor may provide by proclamation for the taking of any wildlife, whether protected or unprotected, determined by the governor to be a harmful predator, in a manner and number, at any place, and during any time, including after dark, as the governor prescribes."

Renumber accordingly

SB 2041: Committee on Natural Resources (Rep. A. Olson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 8, after the period insert:

"1."

Page 1, after line 16, insert:

"2. Notwithstanding subsection 1 and section 20.1-03-01.3, a person may not purchase or obtain a license to hunt bighorn sheep, moose, or elk in this state unless that person submits or exhibits the certificate of completion earned by that person for successful completion of the course of instruction required by sections 20.1-03-01.1 through 20.1-03-01.3."

Renumber accordingly

SB 2059, as engrossed: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends DO PASS (11 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). SB 2059 was placed on the Fourteenth order on the calendar.

SB 2060, as engrossed: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2060 was placed on the Fourteenth order on the calendar.

SB 2067: Committee on Education (Rep. Gates, Chairman) recommends DO PASS (15 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2067 was placed on the Fourteenth order on the calendar.

SB 2089: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2089 was placed on the Fourteenth order on the calendar.

SB 2143, as engrossed: Committee on Education (Rep. Gates, Chairman) recommends DO PASS (11 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). SB 2143 was placed on the Fourteenth order on the calendar.

SB 2182, as engrossed: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends DO PASS (11 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). SB 2182 was placed on the Fourteenth order on the calendar.

SB 2189, as engrossed: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2189 was placed on the Fourteenth order on the calendar.

SB 2212, as engrossed: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 26, remove "reporting"

Page 4, line 26, after "subsection" insert "if this part applies"

Page 6, line 16, replace "accrued" with "accrues"

ReNUMBER accordingly

SB 2262, as engrossed: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to create and enact a new chapter to title 51 of the North"

Page 1, line 2, remove "Dakota Century Code,"

Page 1, line 3, remove "; and to provide a penalty"

Page 1, line 5, remove "A new chapter to title 51 of the North Dakota Century Code"

Page 1, remove line 6

Page 1, line 10, replace "when" with "as" and replace "chapter" with "section"

Page 1, line 12, replace "chapter" with "section"

Page 1, line 19, after the period insert "A person who transmits an unsolicited telefacsimile message in violation of this section is liable to the recipient of that message for fifty dollars per month for each month in which the recipient receives the unsolicited message."

Page 1, remove lines 20 and 21

ReNUMBER accordingly

SB 2270: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 12, after "parent" insert "(1)" and after "or" insert "(2)"

Page 1, line 13, after "state" insert "and is more than fifty miles from the residence of the custodial parent"

ReNUMBER accordingly

SB 2327: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 3, after "loan" insert "; and to amend and reenact section 11-13-12 of the North Dakota Century Code, relating to the county auditor's statement regarding current taxes on deeds and other instruments"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 11-13-12 of the North Dakota Century Code is amended and reenacted as follows:

11-13-12. Auditor's certificate of taxes ~~paid~~ on deeds, contracts for deed, plats, replats, and patents.

1. Whenever a deed, contract for deed, or patent is presented to the county auditor for transfer, ~~he~~ the auditor shall ascertain from the books and records in ~~his~~ the auditor's office and in the office of the county treasurer ~~if~~ whether there are delinquent taxes or special assessments against the land described in the instrument or ~~if such~~ whether the land has been sold for taxes.

a. If there are delinquent taxes or ~~delinquent~~ special assessments or installments of special assessments against lands described in the instrument, ~~he~~ the auditor shall certify the same. When the receipt of the county treasurer is produced for the delinquent taxes or special assessments or installments of special assessments, the county auditor shall enter on ~~every deed, contract for deed, or patent so transferred,~~ the instrument over ~~his~~ the auditor's official signature: "Delinquent taxes and special assessments or installments of special assessments paid and transfer entered"; ~~or if.~~

b. ~~If~~ the land described has been sold for taxes to a purchaser other than the county, ~~he~~ the auditor shall enter "Taxes paid by sale of the land described within and transfer entered"; ~~or if.~~

c. If the instrument presented is entitled to record without regard to taxes, ~~he~~ the auditor shall enter "Transfer entered".

2. Whenever a deed, contract for deed, or patent is presented to the county auditor for transfer, the auditor shall ascertain from the books and records in the auditor's office whether there are current taxes or current special assessments against the land described in the instrument. If there are current taxes or current special assessments or installments of special assessments against the land described in the instrument, the auditor shall place a statement on the instrument showing the amount of any current taxes or current special assessments or installments of special assessments. For purposes of this subsection:

a. "Current special assessments" means assessments that have been certified to the county auditor for collection but are not yet delinquent.

b. "Current taxes" means real estate taxes, as shown on the tax list prepared by the county auditor, which are not yet delinquent.

3. Whenever a plat, replat, auditor's lot, or any instrument that changes the current property description, including condominium ownership established under chapter 47-04.1, is presented to the county auditor for transfer, the auditor shall ascertain from the books and records in the auditor's office and in the office of the county treasurer ~~if~~ whether there are current or delinquent taxes, special assessments, and, after February first of each year, the tax estimate for that year against the land described in the instrument or ~~if~~ ~~such~~ whether the land has been sold for taxes. If there are current taxes, delinquent taxes, delinquent special assessments, installments of special assessments, or tax estimates against lands described in the instrument, the auditor shall certify the same."

Page 1, line 5, underscore "Definitions. In this Act, unless the context or subject" and after "In" insert "sections 2 and 3 of"

Page 1, underscore lines 6 through 13

Page 1, line 14, underscore "Payments from escrow - Notice - Liability of lender or"

Page 1, underscore lines 15 through 22

Page 2, underscore lines 1 through 19

ReNUMBER accordingly

SB 2355: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends DO PASS (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2355 was placed on the Fourteenth order on the calendar.

SB 2381, as engrossed: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends DO PASS (14 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2381 was placed on the Fourteenth order on the calendar.

SB 2393: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends DO PASS (12 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). SB 2393 was placed on the Fourteenth order on the calendar.

SB 2406, as engrossed: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2406 was placed on the Fourteenth order on the calendar.

SB 2425, as engrossed: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends DO NOT PASS (9 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). SB 2425 was placed on the Fourteenth order on the calendar.

SB 2437, as engrossed: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2437 was placed on the Fourteenth order on the calendar.

SB 2475, as engrossed: Committee on Education (Rep. Gates, Chairman) recommends DO NOT PASS (10 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). SB 2475 was placed on the Fourteenth order on the calendar.

SB 2555: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2555 was placed on the Fourteenth order on the calendar.

#### REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your procedural Committee on Delayed Bills (Rep. Kloubec, Chairman) has examined a bill for an act to amend and reenact section



54-03-01.5 of the North Dakota Century Code, relating to legislative apportionment requirements.

It shall be numbered HB 1611.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this bill.

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

#### FIRST READING OF HOUSE BILL

Reps. Kloubec, Schneider and Sens. Heigaard, Nelson introduced:

(Approved by the Committee on Delayed Bills)

HB 1611: A BILL for an Act to amend and reenact section 54-03-01.5 of the North Dakota Century Code, relating to legislative apportionment requirements.

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

#### REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your procedural Committee on Delayed Bills (Rep. Kloubec, Chairman) has examined a concurrent resolution directing the Legislative Council to study charitable gaming laws and rules.

It shall be numbered HCR 3067.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this resolution.

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

#### FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Schneider, Kloubec introduced:

(Approved by the Committee on Delayed Bills)

HCR 3067: A concurrent resolution directing the Legislative Council to study charitable gaming laws and rules.

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

#### REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your procedural Committee on Delayed Bills (Rep. Kloubec, Chairman) has examined a resolution directing the Legislative Council to study the feasibility of implementing an educational funding formula based on current costs that considers using all sources of revenue and wealth to measure a school district's local ability to support education, incorporating sparsity of enrollment, requiring a minimum level of local effort, and providing additional funding for categories of students that are below statewide averages of per-pupil expenditures.

It shall be numbered HCR 3068.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this resolution.

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

#### FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Meyer, Gates introduced:

(Approved by the Committee on Delayed Bills)

HCR 3068: A concurrent resolution directing the Legislative Council to study the feasibility of implementing an educational funding formula based on current costs that considers using all sources of revenue and wealth to measure a school district's local ability to support education, incorporating sparsity of enrollment, requiring a minimum level of local effort, and providing additional funding for categories of students that are below statewide averages of per-pupil expenditures.

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

## REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your procedural Committee on Delayed Bills (Rep. Kloubec, Chairman) has examined a resolution directing the Legislative Council to study state transportation aid to school districts.

It shall be numbered HCR 3069.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this resolution.

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

## FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Wald, Kaldor, Muhs, Myrdal, Kunkel introduced:

(Approved by the Committee on Delayed Bills)

HCR 3069: A concurrent resolution directing the Legislative Council to study state transportation aid to school districts.

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

## FIRST READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4048: A concurrent resolution directing the Legislative Council to study means of providing incentives for individuals to obtain nursing home insurance.

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

SCR 4050: A concurrent resolution directing the Legislative Council to study the distribution of child support enforcement incentive payments made by the federal government.

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

SCR 4051: A concurrent resolution directing the Legislative Council to study the feasibility of providing basic statewide health and work-related accident insurance to all North Dakota workers and their dependents.

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

SCR 4054: A concurrent resolution directing the Legislative Council to study the economic and social impact of federal programs that take agricultural land out of production.

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

SCR 4055: A concurrent resolution directing the Legislative Council to study state institution and agency pay practices.

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 bills and resolutions: HB 1025, HB 1099, HB 1128, HB 1133, HB 1136, HB 1202, HB 1222, HB 1235, HB 1312, HCR 3013, HCR 3016.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1025, HB 1099, HB 1128, HB 1133, HB 1136, HB 1202, HB 1222, HB 1235, HB 1312, HCR 3013, HCR 3016.

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

MR. SPEAKER: The President has signed: HB 1025, HB 1099, HB 1128, HB 1133, HB 1136, HB 1202, HB 1222, HB 1235, HB 1312, HCR 3013, HCR 3016.

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

ROY GILBREATH, Chief Clerk