

## JOURNAL OF THE HOUSE

## Fifty-second Legislative Assembly

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Bismarck, March 11, 1991

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

The prayer was offered by Sister Grace Dahmus, St. Alexius Medical Center, Bismarck.

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

A quorum was declared by the Speaker.

## REQUEST

REP. GRUMBO REQUESTED that the record show that he was present, which request was granted.

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

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

Page 315, after line 46, insert the following:

## "SIGNING of BILLS and RESOLUTIONS

The Speaker signed the following enrolled resolution: HR 1."

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

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

MR. SPEAKER: The President has signed: HB 1154, HB 1181, HB 1209, HB 1307, HB 1366, HB 1371, HB 1390, HB 1398, HB 1399, HB 1501, HB 1580.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2084, SB 2153, SB 2160, SB 2218, SB 2248, SB 2304, SB 2330, SB 2343, SB 2408, SB 2452, SB 2566.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2046, SB 2047, SB 2048, SB 2050, SB 2051, SB 2071, SB 2072, SB 2074, SB 2101, SB 2105, SB 2107, SB 2116, SB 2123, SB 2129, SB 2130, SB 2192, SB 2194, SB 2208, SB 2241, SB 2242, SB 2287, SB 2290, SB 2301, SB 2303, SB 2317, SB 2318, SB 2325, SB 2334, SB 2342, SB 2396, SB 2459, SB 2496, SB 2513, SB 2553.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SCR 4014.

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

MR. SPEAKER: The Senate has failed to pass: HB 1469, HB 1503.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1167, HB 1282, HB 1434.

## SENATE AMENDMENTS TO ENGROSSED HB 1167

Page 1, line 1, after "sections" insert "39-01-02,"

Page 1, line 3, after "to" insert "the display of official number plates and window decals on state vehicles,"

Page 1, after line 9, insert:

"SECTION 1. AMENDMENT. Section 39-01-02 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

39-01-02. Motor vehicles owned or leased by the state to display ~~name on side of vehicles~~ official number plate - Exceptions - Penalty. All motor vehicles owned and operated by the state, except the official vehicle for use by the governor, must have displayed on each front door the words NORTH DAKOTA. The words must be in letters four inches ~~{10.16 centimeters}~~ in height. Two and one-half inches ~~{6.35 centimeters}~~ directly below those words there must be printed in letters one and one-half inches ~~{3.81 centimeters}~~ in height the name of the state agency owning or leasing the motor vehicle. The width of the display required by this section must be proportionate to the required height. The color of the lettering must be in clear and sharp contrast to the background. The state highway patrol and all peace officers of this state shall enforce this section display distinctive official number plates and window decals designed by the director that identify it as a state fleet vehicle. The state auditor, in the course of spot checking or verifying the inventory of any state agency, shall include in the auditor's report to the governor and the legislative assembly any instance of noncompliance with this section that comes to the auditor's attention. The above requirements do not apply to vehicles operated by the attorney general's office, the bureau of criminal investigation, or game and fish department game wardens, the highway patrol, vehicles used for drivers education at state institutions, or vehicles used principally in juvenile, parole, and placement service, selected cars or vehicles of the state penitentiary approved by the director of institutions, vehicles owned and operated by any entity located upon the international boundary line between the United States of America and Canada used and maintained as a memorial to commemorate the long-existing relationship of peace and good will between the people and the governments of the United States of America and Canada and to further international peace among the nations of the world, or to any truck owned by any state agency. A passenger motor vehicle bearing official plates must be in compliance with this section. The administrator of any state agency who uses or authorizes the use of a motor vehicle which is not marked as required by this section is guilty of a class B misdemeanor work. The state highway patrol and all peace officers of this state shall enforce this section."

Renumber accordingly

#### SENATE AMENDMENTS TO HB 1282

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15-21 of the North Dakota Century Code, relating to the waiver of conditions for accreditation and approval; and to repeal section 15-41-26 of the North Dakota Century Code, relating to the waiver of conditions for accreditation and approval.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15-21 of the North Dakota Century Code is created and enacted as follows:

Waiver of conditions for accreditation and approval. The superintendent of public instruction may waive any conditions for accreditation and approval imposed by statute for a reasonable length of time, provided the waiver encourages innovation or permits experimentation and provided the plans and purposes document the potential for an improved program. The superintendent may waive the

conditions only upon the concurrence of a majority of a waiver committee composed of one person appointed by the North Dakota education association, one person appointed by the North Dakota council of school administrators, and one person appointed by the North Dakota school boards association.

SECTION 2. REPEAL. Section 15-41-26 of the North Dakota Century Code is repealed."

Renumber accordingly

SENATE AMENDMENTS TO HB 1434

Page 1, line 13, replace "Field" with "Hosting field"

Page 1, line 21, after "or" insert "hosting"

Page 2, line 2, after "or" insert "hosting"

Renumber accordingly

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

MR. SPEAKER: The Senate has passed unchanged: HB 1010, HB 1012, HB 1042, HB 1052, HB 1077, HB 1084, HB 1106, HB 1206, HB 1253, HB 1258, HB 1264, HB 1308.

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

MR. PRESIDENT: The House has passed unchanged: SB 2094, SB 2097, SB 2138, SB 2155, SB 2162, SB 2174, SB 2179, SB 2375, SB 2377, SB 2383, SB 2399, SB 2449, SB 2455, SB 2462.

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

MR. PRESIDENT: The House has failed to pass: SB 2341.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2040, SB 2041, SB 2212, SB 2262, SB 2270, SB 2327.

POINT OF PERSONAL PRIVILEGE

REP. LARSON: Mr. Speaker: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

Mr. Speaker and members of the Assembly: I am very proud to stand before you today to offer our congratulations to the West Fargo High School Packer Basketball team. This past weekend they won the North Dakota State Class "A" Championship here in Bismarck. The tournament proved to be extremely exciting with eight very talented teams in attendance.

Coach Torgrimson, his staff and his team, are to be applauded for their efforts and the pride they have brought to the West Fargo Community.

The West Fargo fans should also be commended for their enthusiasm, as loyal fans play a large role in any victory.

I know you will join Representative Pyle and me in congratulating the West Fargo Packers.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Herman Larson

MOTIONS

REP. KLOUBEC MOVED that the House consider all bills on the Sixth order, with the exception of SB 2214, in one motion, which motion prevailed.

REP. KLOUBEC MOVED that the House reconsider its action whereby the committee report was accepted and SB 2214 was placed on the Sixth order of business on the calendar, which motion prevailed.

REP. KLOUBEC MOVED that SB 2214 be rereferred to the Committee on Judiciary, which motion prevailed. Pursuant to Rep. Kloubec's motion, SB 2214 was rereferred.

REP. KLOUBEC MOVED that the rules be suspended and that the amendments to SB 2397, SB 2446, and SB 2501 be adopted, which motion prevailed.

SB 2397, SB 2446, and SB 2501, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### MOTION

REP. TOLLEFSON MOVED that the House waive the reading of the titles to SB 2210, SB 2191, SB 2244, and SB 2495, which motion prevailed.

#### SECOND READING OF SENATE BILLS

SB 2210: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 27-20-51, a new subsection to section 27-20-52, a new subdivision to subsection 6 of section 65-13-06, and two new sections to chapter 65-13 of the North Dakota Century Code, relating to the inspection of juvenile records by professional staff of the crime victims reparation program and the ability to accept gifts and confidentiality of records of reparation applicants; to amend and reenact subdivision a of subsection 5 of section 65-13-03, subdivision f of subsection 7 of section 65-13-03, subsection 2 of section 65-13-05, and sections 65-13-13 and 65-13-20 of the North Dakota Century Code, relating to crime victims reparations; and to provide a continuing appropriation for the Crime Victims Reparations Act.

#### 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 99 YEAS, 6 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; 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; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Erickson; Goffe; Jacobson; Kroeber; Starke; Stofferahn

ABSENT AND NOT VOTING: Thorpe

Engrossed SB 2210 passed and the title was agreed to.

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SB 2082: A BILL for an Act to amend and reenact subsection 3 of section 20.1-13-10 of the North Dakota Century Code, relating to windsurfing or boardsailing.

#### 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 53 YEAS, 53 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Berg, G.; Berg, R.; Bernstein; Brown; Byerly; Carlisle; Dalrymple; Delzer; DeWitz; Dorso; Erickson; Flaagan; Freier; Gerntholz; Gilmore; Goffe; Gorman; Grosz; Hausauer; Henegar; Hokana; Huether;

Jacobson; Jensen; Kelsch; Kerzman; Kloubec; Kretschmar; Kroeber; Kunkel; Larson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Porter; Rennerfeldt; Schimke; Schmidt; Shide; Skjerven; Tollefson; Urlacher; Williams; Speaker R. Anderson

NAYS: Aarsvold; Bateman; Belter; Bodine; Boehm; Boucher; Brokaw; Carlson; Clayburgh; Cleary; Coats; DeMers; Enget; Gabrielson; Gates; Gorder; Grumbo; Hanson; Howard; Kaldor; Kolbo; Laughlin; Linderman; Mahoney; Martin; Martinson; Nichols; Payne; Peterson; Price; Pyle; Ring; Ritter; Rydell; Scherber; Schindler; Schneider; Skar; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Trautman; Wald; Wardner; Wentz; Whalen; Wilkie

Engrossed SB 2082 was declared lost for want of a Constitutional majority.

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SB 2092: A BILL for an Act to amend and reenact subsections 3 and 5 of section 61-24-01 and section 61-24-02 of the North Dakota Century Code, relating to the Garrison Diversion Conservancy District.

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

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

SB 2092 passed and the title was agreed to.

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SB 2132: A BILL for an Act to amend and reenact section 36-04-21 of the North Dakota Century Code, relating to adjudication of civil penalties for violations of livestock dealers laws.

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

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gertholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler;

Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

SB 2132 passed and the title was agreed to.

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#### THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Robert P. Wells

#### SECOND READING OF SENATE BILLS

SB 2136: A BILL for an Act to amend and reenact sections 4-09-03.1, 4-09-08, 4-09-14.4, and 4-09-20.2 of the North Dakota Century Code, relating to the state seed arbitration board, free laboratory tests, periodic statements, and state seed arbitration board procedures.

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

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Brokaw; Brown; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorman; 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; Ring; Ritter; Rydell; Scherber; Schindler; Schneider; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Thorpe; Tollefson; Trautman; Urlacher; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Boucher; Byerly; Delzer; Gorder; Grosz; Rennerfeldt; Schimke; Schmidt; Shide; Stofferahn; Timm; Wald

SB 2136 passed and the title was agreed to.

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SB 2145: A BILL for an Act to amend and reenact sections 36-04-03 and 36-04-05 of the North Dakota Century Code, relating to licensing and bonds of livestock dealers.

#### 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 71 YEAS, 34 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Bateman; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Carlson; Cleary; Coats; DeMers; Erickson; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorman; Grumbo; Hanson; Hausauer; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloube; Kolbo; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Meyer; Miller; Mutzenberger; Nelson; Nicholas; Nichols; Nowatzki; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schneider; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thorpe; Tollefson; Trautman; Wardner; Wentz; Wilkie; Williams

NAYS: Aarsvold; Belter; Brown; Byerly; Carlisle; Clayburgh; Dalrymple; Delzer; DeWitz; Dorso; Enget; Freier; Gorder; Grosz; Henegar;

Kretschmar; Martin; Martinson; Muhs; Myrdal; Oban; Olsen, D.; Olson, A.; Payne; Schimke; Schindler; Schmidt; Shide; Thompson; Timm; Urlacher; Wald; Whalen; Speaker R. Anderson

ABSENT AND NOT VOTING: Flaagan

Engrossed SB 2145 passed and the title was agreed to.

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SB 2147: A BILL for an Act to amend and reenact section 61-04-28 of the North Dakota Century Code, relating to correction of errors in applications for water permits or water permits by the state engineer.

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

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

ABSENT AND NOT VOTING: Timm

SB 2147 passed and the title was agreed to.

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SB 2149: A BILL for an Act to amend and reenact section 36-09-02.1 of the North Dakota Century Code, relating to standards for recording livestock brands or marks.

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

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

ABSENT AND NOT VOTING: Schmidt

SB 2149 passed and the title was agreed to.

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SB 2159: A BILL for an Act to create and enact a new subsection to section 61-28.1-10 of the North Dakota Century Code, relating to enforcement and penalties under the safe drinking water act; and to amend and reenact subsection 2 of section 61-28.1-10 of the North Dakota Century Code, relating to enforcement and penalties under the safe drinking water 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 94 YEAS, 11 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; 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; Shide; Skar; Skjerven; Snyder; Soukup; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Speaker R. Anderson

NAYS: Aarsvold; Brokaw; DeWitz; Kaldor; Schimke; Schindler; Schneider; St. Aubyn; Thorpe; Wilkie; Williams

ABSENT AND NOT VOTING: Schmidt

SB 2159 passed and the title was agreed to.

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SB 2178: A BILL for an Act to create and enact a new section to chapter 36-05 and a new subsection to section 36-05-02 of the North Dakota Century Code, relating to temporary livestock auction market licenses and premises excluded from the regulation of livestock auction markets; and to amend and reenact section 36-05-05 of the North Dakota Century Code, relating to livestock auction market license expiration and renewal.

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

YEAS: Aarsvold; Bateman; Berg, R.; Bernstein; Boehm; Flaagan; Gorder; Grosz; Henegar; Kunkel; Laughlin; Martin; Miller; Muhs; Nicholas; Nowatzki; Peterson; Shide; Skjerven; Urlacher; Wentz

NAYS: Anderson, B.; Belter; Berg, G.; Bodine; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorman; Grumbo; Hanson; Hausauer; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Larson; Linderman; Mahoney; Martinson; Meyer; Mutzenberger; Myrdal; Nelson; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Skar; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm;



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

Engrossed SB 2178 was declared lost.

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#### SPECIAL ORDER OF BUSINESS

REP. KLOUBEC MOVED that the House be on a Special Order of Business, which motion prevailed.

REP. KLOUBEC MOVED that a committee of two be appointed to escort the Honorable Byron Dorgan, United States Congressman, to the rostrum, which motion prevailed.

SPEAKER R. ANDERSON APPOINTED Reps. Kloubec and Schneider to such committee, which subsequently escorted the Honorable Byron Dorgan, United States Congressman, to the rostrum.

#### REMARKS BY THE HONORABLE BYRON DORGAN, UNITED STATES CONGRESSMAN

Thank you very much for that warm welcome and thank you very much for the invitation to come and address you today. As I walked in the door, I met a young man that I want to call your attention to. One of the real privileges of serving in the Congress is to be able to each year appoint young folks to our military service academies. We have had some wonderful young men and women from North Dakota go to these academies. As I walked in the door I found one of the young men that I appointed this year to West Point, Mr. Paul Johnston from Forest River, North Dakota, right in the back, so please greet Paul for me. Paul will be attending West Point beginning this Fall.

I understand that I am being squeezed in here just in front of the state horse later this afternoon; we have some of that legislation in the U.S. Congress as well, as you know. I try to keep abreast of what you are doing here through the newspapers, and it has appeared to me to have been a relatively quiet session. I guess I have gotten fifty or one hundred letters from North Dakotan's saying that they would "get me" if I voted wrong on Sunday opening. I wrote back to all of them and said I think I will be OK on that issue, and you probably have received letters about Lawrence Welk, which may make us even.

I, when I served in the Executive branch in this building, never fully understood or appreciated the Legislative function. I say that because there is no place for anybody in the Legislative function to hide. When you serve in the Legislature, on every issue, vote after vote, it is "yes" or "no". No "maybe", or "no, I don't have my mind made up", or "I need more time". It is "yes" or "no" then on that question, and I have never fully appreciated that until I actually served in a Legislative body. Now I fully understand and appreciate the difficulty of the work the North Dakota State Legislature does, day after day when they are in session.

When I went to Congress, Tip O'Neill was speaker, and one of the stories in Congress was that Tip O'Neill one day had a piece of legislation that was very important to him as speaker. He went down on the floor of the House to Congressman Donnelly from Massachusetts and put his arm around Congressman Donnelly and said, "Brian, old pal, on this one I really need you." Congressman Donnelly looked at Tip and said, "Tip, the problem is you are not right on this one." Tip looked at him and said, "Brian, when I am right, I don't need you." And so the Legislative process works. It is not so easy as it looks, and I know that even as there is partisan division and debate between parties and within parties, everyone here shares the same goal for our state. Different methods, perhaps, but the same goal. I would like to mention today a couple of things that I have been working on that I think will work hand-in-hand with some of the things you are working on for North Dakota.

All of us understand the challenge we face. We have lost upwards of forty or fifty thousand North Dakotans in recent years, moving away from our state.

That saps our economic strength in North Dakota. We understand the challenge of trying to turn that around. There are some things we can do something about and some things we can not. We can not make it rain, but it is going to rain again; we know that. We probably can not affect much, in this chamber, the price of oil or the price of wheat, although we can work on the price of grain on the edges in the political system; but there are some things we can do, and some things that you are working on. Vision 2000; which I think set a course for this state and a framework for debate that makes a lot of sense, and Growing North Dakota; the Democrats and Republicans working together to develop a framework for progress. They make a lot of sense to me. I am introducing this week in Congress the Rural Development Investment Zone Bill, which is an attempt, I think, to work with what you are doing to stimulate new opportunities and new development in rural America. One of the interesting things about economic distress and economic blight is, whenever they discuss it, they are talking about the inner cities and they are talking about the symptoms of unemployment and poverty; President Bush is pushing an Urban Enterprise Bill; classic symptoms of poverty and unemployment. Well, we have economic distress in rural America, but we don't exhibit the classic symptoms. We don't have much unemployment in North Dakota. If people can't find a job, they move. They just drive out of state and look for work elsewhere. So I am introducing legislation similar to the Urban Enterprise Zone that provides a ten percent tax credit on qualified wages for new jobs moving to or growing within the state, a ten percent investment tax on machinery and equipment that qualifies, using a different set of symptoms. The symptoms are outmigration. Outmigration also represents a symptom of economic distress; a symptom that applies to rural America. If we can move legislation that describes outmigration and jobs lost in areas of rural America, then I think we can coordinate that approach at the Federal level with the approach that you are working on in the State Legislature. We can make some changes in a meaningful way that will develop a stable employment base and economic opportunity in the years ahead.

This week, Congressman English from Oklahoma and I are requesting of the GAO an evaluation of all the areas of the Federal Government where they do concentrated or centralized information processing. We are doing that because the Federal Government is now paying premium wages in three of the largest cities in the country because of the extraordinary cost of living in those cities. If we have to pay premium wages in some of the largest cities at the Federal level, why don't we find out what kind of processing jobs we are doing there and see if we can save money for the Federal Government by moving some of those information processing jobs to rural America. We hope by getting the information from the Government accounting office, we can find a base of opportunity and a base of targets that we can use in the years ahead to move additional information processing jobs to this state.

Another area that is a troublesome area to all of us is health care in rural America. We have lost two hospitals in North Dakota, Beach and New Rockford, in recent months. Another hospital has no doctors, and a couple of other hospitals are on the edge with very serious troubles. In the last two years, I helped write the program called EACH, a central access to community hospitals representing a program that is the first step to try to assist communities threatened with the loss of hospitals. I know that you have passed some legislation in this session that will allow the State Department of Health and Consolidated Laboratories to apply for some grants under the EACH program to help respond to some of the critical health care issues as well. Access to health care is critically important in rural America. We hear scandals and exposes on television in the cities if an ambulance was fifteen minutes late or took a wrong turn. But when you are forty miles from the nearest hospital, you are not talking about fifteen minutes or a wrong turn; you are talking about, in some cases, the difference between life and death, and that is why access in rural hospitals is so critically important.

As we face these challenges, and indeed they are challenges, because this state is suffering from some serious economic problems, we can it seems to me, wring our hands and continue to fret and worry, or we can decide to roll up our sleeves and get to work. I get the feeling that there is a spirit in this state, a bipartisan spirit of understanding and cooperation, that all of

us know what needs to be done. We may differ somewhat in methodology, but we all understand the goal. The goal is the North Dakota people expect all of us to work together in a coordinated way; in a partnership of sorts, between legislators at the state level and legislators at the Federal level, to see if we can put this system back on track for rural America. John F. Kennedy used to say that every mother wished her child would be able to grow up to be President, as long as they didn't have to get involved in politics. We all understand what he meant by that story, but I think politics is an honorable undertaking in this country. The process of politics, the process of making political decisions in a body like this, is one that I am enormously proud of. I never fail to describe to groups that I speak to, when I have the opportunity, the record that I think is developed from this Legislative body in the years that I was here watching it in the Executive Branch, and in the years since. A record of unblemished honesty; a record of hard work; of dedication to the kinds of causes that are important to our state. I am proud of what you do, I wish you well and I know that in a small period of time you are trying to cram a great deal of legislation through that you think is good for the state. God bless you and good luck to you. Thank you very much.

#### MOTION

REP. STOFFERAHN MOVED that the remarks of United States Congressman Dorgan be printed in the Journal, which motion prevailed.

#### SECOND READING OF SENATE BILLS

SB 2191: A BILL for an Act to amend and reenact subsection 3 of section 4-10.3-02, sections 4-10.3-08, and 4-10.3-11 of the North Dakota Century Code, relating to the definition of a designated handler of edible beans and to assessments and penalties; and to repeal sections 4-10.3-12 and 4-10.3-14 of the North Dakota Century Code, relating to penalties; and to provide a penalty.

#### 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 98 YEAS, 2 NAYS, 0 EXCUSED, 6 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; Gertholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; 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; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wilkie; Williams; Speaker R. Anderson

NAYS: Hokana; Stofferahn

ABSENT AND NOT VOTING: Dorso; Kloubec; Muhs; Schneider; Wentz; Whalen

SB 2191 passed and the title was agreed to.

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SB 2209: A BILL for an Act to amend and reenact section 61-03-21.2 of the North Dakota Century Code, relating to the modification of unsafe or authorized works.

## 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 89 YEAS, 9 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

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

NAYS: Brown; Delzer; Erickson; Nelson; Oban; Olsen, D.; Olson, A.; Schindler; Shide

ABSENT AND NOT VOTING: Belter; Kerzman; Kloubec; Porter; Schneider; Wald; Wentz; Whalen

Engrossed SB 2209 passed and the title was agreed to.

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SB 2232: A BILL for an Act to amend and reenact sections 55-08-06 and 55-08-07 of the North Dakota Century Code, relating to permit fees for vehicles entering state parks; and to repeal section 55-08-06.1 of the North Dakota Century Code, relating to motor vehicle permits and fees collected by the state parks and recreation department.

## 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 99 YEAS, 0 NAYS, 0 EXCUSED, 7 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; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; 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; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Trautman; Urlacher; Wald; Wardner; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Belter; Kloubec; Porter; Schneider; Tollefson; Wentz; Whalen

Engrossed SB 2232 passed and the title was agreed to.

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## MOTION

REP. HANSON MOVED that the House reconsider its action whereby SB 2082 failed to pass for want of a Constitutional majority, which motion lost on a verification vote.

## SECOND READING OF SENATE BILLS

SB 2244: A BILL for an Act to provide for the sharing of information among state agencies and with private entities; to create and enact a new section to chapter 54-34 of the North Dakota Century Code, relating to the provision and distribution of information by the economic development commission; and to amend and reenact sections 34-05-03, 52-01-03, 57-39.2-23, and 65-04-15 of the North Dakota Century Code, relating to the provision and distribution of information by the commissioner of labor, unemployment compensation bureau of job service North Dakota, the tax commissioner, and the workers compensation bureau.

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

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

ABSENT AND NOT VOTING: Wentz

SB 2244 passed and the title was agreed to.

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SB 2278: A BILL for an Act to create and enact a new section to chapter 54-02 of the North Dakota Century Code, relating to the designation of a state horse.

## MOTION

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

## ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 30 YEAS, 73 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Boucher; Cleary; Dalrymple; DeWitz; Enget; Freier; Hausauer; Howard; Jacobson; Jensen; Kerzman; Kolbo; Kretschmar; Mutzenberger; Nicholas; Nowatzki; Oban; Olsen, D.; Peterson; Pyle; Ring; Scherber; Schindler; Shide; Skar; Starke; Thorpe; Wald

NAYS: Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Coats; Delzer; DeMers; Erickson; Flaagan; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Henegar; Hokana; Huether; Kaldor; Kelsch; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Myrdal; Nelson; Nichols; Olson, A.; Payne; Porter; Price; Rennerfeldt; Ritter; Rydell; Schimke; Schmidt; Schneider; Skjerven; Snyder; Soukup; St. Aubyn; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wardner; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Dorso; Kloubec; Wentz

SB 2278 was declared lost.

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SB 2298: A BILL for an Act to amend and reenact section 16.1-09-02 of the North Dakota Century Code, relating to filing of statement of interests of candidates for elective office.

#### ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 103 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Kloubec; Laughlin; Wentz

SB 2298 passed and the title was agreed to.

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SB 2308: A BILL for an Act to amend and reenact subsection 4 of section 53-06.1-14 of the North Dakota Century Code, relating to the distribution of gaming items.

#### ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DD NOT PASS, the roll was called and there were 31 YEAS, 71 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Berg, G.; Carlisle; Carlson; Clayburgh; Cleary; Coats; DeMers; Flaagan; Freier; Gates; Gilmore; Grumbo; Henegar; Hokana; Howard; Huether; Jensen; Kelsch; Kretschmar; Kunkel; Mutzenberger; Myrdal; Nicholas; Olsen, D.; Ritter; Rydell; Shide; St. Aubyn; Svedjan; Timm; Tollefson

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Dalrymple; Delzer; DeWitz; Dorso; Enget; Erickson; Gabrielson; Gerntholz; Goffe; Gorder; Gorman; Grosz; Hanson; Hausauer; Jacobson; Kaldor; Kerzman; Kolbo; Kroeber; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Nelson; Nichols; Nowatzki; Oban; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Scherber; Schimke; Schindler; Schmidt; Schneider; Skar; Skjerven; Snyder; Soukup; Starke; Stofferahn; Thorpe; Trautman; Urlacher; Wardner; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Kloubec; Thompson; Wald; Wentz

SB 2308 was declared lost.

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SB 2349: A BILL for an Act to repeal sections 34-01-08 and 34-01-09.1 of the North Dakota Century Code, relating to limitation on hours of labor of employees of a city over five thousand population and maximum hours of labor allowed.

#### 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; Gordner; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloube; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Thompson; Wentz

SB 2349 passed and the title was agreed to.

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#### MOTION

REP. SCHNEIDER MOVED that the House reconsider its action whereby HB 1195 failed to pass, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1195: A BILL for an Act to create and enact section 57-37.1-09.1 of the North Dakota Century Code, relating to liens for estate taxes; to amend and reenact sections 47-19-06 and 57-37.1-09 of the North Dakota Century Code, relating to liens for estate taxes and the termination of interests in joint tenancy and life estates; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 90 YEAS, 14 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Berg, R.; Bernstein; Bodine; Boucher; Brokaw; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gordner; Gorman; Grumbo; Hanson; Hausauer; Henegar; Hokana; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloube; Kolbo; 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; Ring; Ritter; Rydell; Scherber; Schimke; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wilkie; Williams; Speaker R. Anderson

NAYS: Bateman; Belter; Boehm; Brown; Byerly; Carlisle; Grosz; Howard; Kretschmar; Olsen, D.; Rennerfeldt; Schindler; Schmidt; Whalen

ABSENT AND NOT VOTING: Thompson; Wentz

Engrossed HB 1195 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

SB 2350: A BILL for an Act to create and enact a new section to chapter 39-08 of the North Dakota Century Code, relating to a medical qualifications exemption for intrastate drivers of commercial motor vehicles; 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 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; Dairymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; 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; Tollefson; Trautman; Urlacher; Wald; Wardner; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Thompson; Timm; Wentz; Whalen

Engrossed SB 2350 passed, the title was agreed to, and the emergency clause carried.

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#### MOTIONS

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

REP. KLOUBEC MOVED that the House be on the Fourth order of business, and at the conclusion of the Fourth order, the House be on the Fifth order of business, and at the conclusion of the Fifth 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, March 12, 1991, which motion prevailed.

#### COMMUNICATION FROM GOVERNOR GEORGE A. SINNER

March 11, 1991

This is to inform you that on March 11, 1991, I signed the following: HB 1030, HB 1034, HB 1038, HB 1055, HB 1056, HB 1065, HB 1074, HB 1080, HB 1096, HB 1104, HB 1107, HB 1109, HB 1118, HB 1198, HB 1239, HB 1267, HB 1459.

#### REPORTS OF STANDING COMMITTEES

HB 1604: 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 1, line 13, overstrike "thirty" and insert immediately thereafter "fifteen"

Renumber accordingly



HCR 3069: Committee on Education (Rep. Gates, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3069 was placed on the Tenth order.

SB 2044, as engrossed: Committee on Natural Resources (Rep. A. Olson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (9 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 6, line 3, remove "or"

Page 6, line 4, replace "spends a critical part of its annual life cycle in the state" with ", winters, or depends upon habitat in North Dakota for survival"

Re-number accordingly

SB 2057, as engrossed: Committee on Natural Resources (Rep. A. Olson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 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 "sections 55-08-06 and" with "section"

Page 1, line 2, remove "permits on motor vehicles entering"

Page 1, line 3, remove "state park and recreation areas and"

Page 1, remove lines 6 through 22

Page 2, remove lines 1 through 5

Re-number accordingly

SB 2076, as engrossed: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (9 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 7, replace "1988" with "most recently published"

Page 2, line 10, overstrike ", except that the standards"

Page 2, overstrike line 11

Page 2, line 12, overstrike "those of the state building code"

Re-number accordingly

SB 2142: Committee on Natural Resources (Rep. A. Olson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 2 NAYS, 4 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 15, replace "\$200" with "\$250"

Re-number accordingly

SB 2151: Committee on Agriculture (Rep. Nicholas, 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 2, after "4-10.2-08" insert ", 4-10.2-09,"

Page 1, line 3, replace "designated handlers" with "first purchasers"

- Page 1, line 11, overstrike ""Designated handler" means any person who initially places"
- Page 1, overstrike lines 12 and 13
- Page 1, line 14, overstrike "commerce, or", remove "any person", and overstrike "who is engaged in the processing of"
- Page 1, overstrike lines 15 through 19
- Page 1, line 20, overstrike "packing", remove "sheds", overstrike ", or processing", remove "plants", and overstrike "within the state"
- Page 1, line 21, overstrike "is not considered to be a designated handler." and insert immediately thereafter "First purchaser" means any person buying, accepting for shipment, or otherwise acquiring sunflower, safflower, rapeseed or canola, crambe, or flax, from a grower. The term includes a mortgagee, pledgee, lienor, or other person, public or private, having a claim against the grower where the actual or constructive possession of the oilseed is taken as part payment or in satisfaction of the mortgage, pledge, lien, or claim."
- Page 1, line 22, replace "designated handler" with "the term"
- Page 2, line 11, overstrike "designated handler" and insert immediately thereafter "first purchaser"
- Page 2, line 13, overstrike "designated handler" and insert immediately thereafter "first purchaser"
- Page 2, line 16, overstrike "designated handler" and insert immediately thereafter "first purchaser"
- Page 2, line 19, overstrike "handler" and insert immediately thereafter "first purchaser"
- Page 2, line 21, overstrike "designated handler" and insert immediately thereafter "first purchaser"
- Page 2, line 24, overstrike "designated handler" and insert immediately thereafter "first purchaser"
- Page 2, line 25, overstrike "designated handler" and insert immediately thereafter "first purchaser"
- Page 2, line 28, remove "The first", overstrike "designated handler", and replace "in North Dakota" with "The first purchaser"
- Page 3, line 4, overstrike "designated"
- Page 3, line 5, overstrike "handler" and insert immediately thereafter "first purchaser"
- Page 3, line 6, overstrike "designated handler" and insert immediately thereafter "first purchaser"
- Page 3, line 9, overstrike "designated handler" and insert immediately thereafter "first purchaser"
- Page 3, after line 23, insert:

"SECTION 3. AMENDMENT. Section 4-10.2-09 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4-10.2-09. Nonparticipating growers - Refunds. Any grower subject to the assessment provided in this chapter may, within sixty days following such assessment or final settlement, make application by

personal letter to the council for a refund application blank. Upon the return of said blank, properly executed by the grower, accompanied by a record of the assessment by the ~~designated handler~~ first purchaser, the grower must be refunded the net amount of the assessment collected. If no request for refund has been made within the period prescribed above, then the grower is presumed to have agreed to such assessment. However, a grower, for any reason, having paid the assessment more than once on the same sunflower, safflower, rapeseed or canola, crambe, or flax, upon furnishing proof of this to the council, is entitled to a refund of the overpayment.

The council, to inform the grower, shall develop and disseminate information and instructions relating to the purpose of the sunflower, safflower, rapeseed or canola, crambe, and flax assessment and manner in which refunds may be claimed, and to this extent shall cooperate with governmental agencies, state and federal, and private businesses engaged in the purchase of sunflower, safflower, rapeseed or canola, crambe, and flax."

Renumber accordingly

SB 2170, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends DO PASS (23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2170 was placed on the Fourteenth order on the calendar.

SB 2223, as engrossed: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2223 was placed on the Fourteenth order on the calendar.

SB 2345, as engrossed: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2345 was placed on the Fourteenth order on the calendar.

SB 2346, as engrossed: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends DO PASS and BE REREFERRED to the Committee on Appropriations (16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).

SB 2506, as engrossed: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 26, after "form" insert "for a member of the United States armed forces or the United States merchant marine or for a qualified elector living outside the United States,"

Page 3, line 1, replace "marines" with "marine"

Renumber accordingly

SB 2520: Committee on Agriculture (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 13, overstrike "he" and insert immediately thereafter "the member"

Page 1, line 15, overstrike "his" and insert immediately thereafter "the member's"

Page 1, line 16, overstrike "his" and insert immediately thereafter "the member's"

Page 2, line 9, overstrike "his" and insert immediately thereafter "the member's"

Page 3, line 2, overstrike "him" and insert immediately thereafter "the county agent"

Renumber accordingly

SB 2534, as engrossed: Committee on Industry, Business and Labor (Rep. Dorso, 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 4, remove "43-28-03,"

Page 1, line 5, remove "43-28-04,"

Page 1, line 18, overstrike "council on education" and insert immediately thereafter "commission on dental accreditation"

Page 3, line 26, overstrike "dentistry" and insert immediately thereafter "dental examiners"

Page 3, line 29, after the period insert "The minimum requirement may not be less than forty hours during the preceding five years of licensure."

Page 5, remove lines 3 through 29

Page 6, remove lines 1 through 29

Page 7, remove lines 1 through 6

Renumber accordingly

SB 2549, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends DO NOT PASS (18 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). SB 2549 was placed on the Fourteenth order on the calendar.

SCR 4017: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4017 was placed on the Tenth order.

SCR 4032: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4032 was placed on the Tenth order.

SCR 4034: Committee on Education (Rep. Gates, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4034 was placed on the Tenth order.

SCR 4035, as engrossed: Committee on Education (Rep. Gates, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4035 was placed on the Tenth order.

SCR 4042, as engrossed: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends DO PASS (12 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). SCR 4042 was placed on the Fourteenth order on the calendar.

SCR 4043: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SCR 4043 was placed on the Tenth order.

SCR 4052: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SCR 4052 was placed on the Tenth order.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2059, SB 2060, SB 2089, SB 2143, SB 2182, SB 2189, SB 2355, SB 2381, SB 2393, SB 2406, SB 2437, SB 2555.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SCR 4064.

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

ROY GILBREATH, Chief Clerk