

## JOURNAL OF THE HOUSE

## Fifty-second Legislative Assembly

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Bismarck, March 18, 1991

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

The prayer was offered by Deacon John H. LaMontagne, Ascension Catholic Church, Bismarck.

The roll was called and all members were present except Representatives Boehm, Gabrielson, and Gorder.

A quorum was declared by the Speaker.

## REQUEST

SPEAKER R. ANDERSON REQUESTED that his remarks be printed in the Journal, which request was granted.

Members of the House of Representatives, I am very proud today to offer our congratulations to the Watford City Wolves basketball team. This past weekend they won the North Dakota Class "B" championship which was held in Minot.

Coach Brian Anderson, his staff, his team and the Watford City fans are to be applauded for their efforts and the pride they have brought to the Watford City community.

Congratulations are in order not only for the Wolves but for the outstanding sportsmanship exhibited by the coaches, players and fans of all the state Class "B" teams - Munich, Central Cass, Steele-Dawson, Leeds, Westhope-Souris, Litchville and Reeder.

I ask you to join Rep. Brown and me in congratulating the Watford City Wolves.

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1445.

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

MR. SPEAKER: The President has signed: HB 1035, HB 1049, HB 1070, HB 1086, HB 1092, HB 1094, HB 1100, HB 1101, HB 1102, HB 1130, HB 1114, HB 1150, HB 1155, HB 1192, HB 1213, HB 1224, HB 1226, HB 1229, HB 1249, HB 1276, HB 1290, HB 1294, HB 1304, HB 1411, HB 1412, HB 1426, HB 1458, HB 1479, HB 1480, HB 1491, HB 1539, HB 1565.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2170, SB 2345, SB 2359, SB 2363, SB 2388, SB 2391, SB 2400, SB 2424, SB 2460, SB 2495, SB 2511, SB 2517, SB 2521, SB 2558.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1381, HB 1382, HB 1450, HB 1475, HB 1595.

## SENATE AMENDMENTS TO ENGROSSED HB 1381

Page 1, line 8, after "road" insert "for which the county receives federal highway aid"

Renumber accordingly

## SENATE AMENDMENTS TO HB 1382

Page 15, line 14, replace "cetifies" with "certifies"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1450

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 House Bill No. 1421, compiled as chapter 198 of the 1989 Session Laws of North Dakota, relating to high school diplomas for students receiving home-based instruction.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to House Bill No. 1421, compiled as chapter 198 of the 1989 Session Laws of North Dakota, is created and enacted as follows:

Home-based instruction - High school diploma - Fee. The superintendent of public instruction shall issue to a student who has completed the requirements for high school graduation through home-based instruction a diploma that clearly indicates that the requirements for graduation have been met through home-based instruction. The superintendent may charge a fee for issuing the diploma."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1475

Page 5, line 7, after "parent" insert ". If the child-placing agency certifies to the department of human services that the agency has been able to locate only one genetic parent who consents to disclosure and the other genetic parent cannot be located, the identifying information must be disclosed to the adopted person. The information disclosed by the agency or by the consenting parent may relate only to that consenting parent."

Page 5, line 12, replace "the" with "that"

Page 5, line 13, remove the overstrike over "~~that~~" and remove "the"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1595

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 50-24.4 of the North Dakota Century Code, relating to payments for private rooms in nursing homes.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 50-24.4 of the North Dakota Century Code is created and enacted as follows:

Rates for private rooms - Payments by a third party on behalf of medical assistance recipients.

1. Notwithstanding section 50-24.4-19, a nursing home may receive a payment, in addition to payment of the rate set under this chapter, for the use of a private room by a resident who receives medical assistance benefits if:
  - a. The private room is not medically necessary;
  - b. The resident, or another person acting on behalf of the resident, has requested the private room and the nursing home informs the person making the request, at the time of the request, of the amount of the payment; and

- c. The payment does not exceed the amount that the nursing home charges private paying residents for a private room under subsection 1 of section 50-24.4-19.
2. For purposes of this chapter, a private room is a covered service only if medically necessary for the care of a resident."

Renumber accordingly

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1578.

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 15-59 of the North Dakota Century Code, relating to payment of attorneys' fees to the parent or guardian of a handicapped child or a handicapped adult in certain cases; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15-59 of the North Dakota Century Code is created and enacted as follows:

Enforcement of right to education - Attorneys' fees. Each parent or guardian of a handicapped child as defined in subsection 3 of section 15-59-01, or a handicapped adult between the ages of eighteen and twenty-one is entitled to enforce that handicapped child's or handicapped adult's right to an education guaranteed by state and federal law, through an administrative proceeding, civil action, or other remedy available by common law or statute. In any administrative or judicial proceeding to enforce that right, the court may, in its discretion, award reasonable attorneys' fees and costs to a parent, guardian, or handicapped adult who prevails in that proceeding. However, no attorney's fees or costs may be awarded for services rendered or costs incurred before the time when the parent, guardian, or handicapped adult submitted a written request to the appropriate school administrator or director of special education, for the relief sought and obtained in that proceeding.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

#### HOUSE ENROLLING REPORT

The following bills and resolutions were enrolled: HB 1045, HB 1120, HB 1131, HB 1146, HB 1160, HB 1268, HB 1351, HB 1377, HB 1448, HB 1455, HCR 3006, HCR 3017, HCR 3022, HCR 3046.

#### HOUSE ENROLLING REPORT

The following bills were enrolled: HB 1207, HB 1218, HB 1284, HB 1316.

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

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2492.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2028, SB 2067, SB 2100, SB 2335, SB 2340, SB 2372, SB 2385, SB 2389, SB 2447, SB 2472, SB 2498, SB 2542, SB 2557.

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

MR. PRESIDENT: The House has passed unchanged: SCR 4007, SCR 4017, SCR 4019, SCR 4025, SCR 4029, SCR 4031, SCR 4032, SCR 4034, SCR 4035, SCR 4038, SCR 4039, SCR 4043, SCR 4047, SCR 4050, SCR 4051, SCR 4052.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2151, SB 2213, SB 2416, SB 2520, SB 2530, SB 2539, SCR 4036.

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

MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2423.

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

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2357.

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

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2506.

#### MOTION

REP. KLOUBEC MOVED that SB 2142, which is on the Fourteenth order, be rereferred to the Committee on Natural Resources, which motion prevailed. Pursuant to Rep. Kloubec's motion, SB 2142 was rereferred.

#### REPORT OF STANDING COMMITTEE

HB 1609: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).

Page 1, line 10, after the second period insert "The state board of medical examiners shall notify the board of pharmacy in writing annually, or more frequently if required by changes, of each physician assistant who is authorized as an agent of a supervising physician to prescribe medications."

Renumber accordingly

#### MOTION

REP. KLOUBEC MOVED that the rules be suspended and that HB 1609 be placed on the Sixth order, which motion prevailed.

#### CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KRETSCHMAR MOVED that the House do not concur in the Senate amendments to Engrossed HB 1051 as printed on HJ page 1049 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

#### APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1051: Reps. Byerly, Bateman, Erickson.

#### CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KRETSCHMAR MOVED that the House do not concur in the Senate amendments to Engrossed HB 1053 as printed on HJ page 1067 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

#### APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1053: Reps. Clayburgh, Kelsch, Snyder.

#### CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DORSO MOVED that the House do not concur in the Senate amendments to HB 1127 as printed on HJ page 677 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

#### APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1127: Reps. Whalen, Shide, Skjerven.

## CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KRETSCHMAR MOVED that the House do not concur in the Senate amendments to Engrossed HB 1138 as printed on HJ page 1049 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

## APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1138: Reps. Kretschmar, Brown, Grumbo.

## CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KRETSCHMAR MOVED that the House do not concur in the Senate amendments to Engrossed HB 1145 as printed on HJ pages 1049-1050 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

## APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1145: Reps. Kelsch, Kretschmar, Skar.

## CONSIDERATION OF MESSAGE FROM THE SENATE

REP. BELTER MOVED that the House do not concur in the Senate amendments to Engrossed HB 1152 as printed on HJ page 988 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

## APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1152: Reps. Belter, Delzer, Hokana.

## CONSIDERATION OF MESSAGE FROM THE SENATE

REP. BELTER MOVED that the House do not concur in the Senate amendments to Engrossed HB 1157 as printed on HJ page 988 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

## APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1157: Reps. Belter, Delzer, Hokana.

## CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KRETSCHMAR MOVED that the House do not concur in the Senate amendments to HB 1165 as printed on HJ page 1069 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

## APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1165: Reps. Clayburgh, Miller, Ring.

## CONSIDERATION OF MESSAGE FROM THE SENATE

REP. BELTER MOVED that the House do not concur in the Senate amendments to Engrossed HB 1167 as printed on HJ pages 1011-1012 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

## APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1167: Reps. Dorso, Carlisle, Huether.

## CONSIDERATION OF MESSAGE FROM THE SENATE

REP. GATES MOVED that the House do not concur in the Senate amendments to Engrossed HB 1234 as printed on HJ page 1050 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a verification vote.

## APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1234: Reps. Gates, Kunkel, Aarsvold.

## CONSIDERATION OF MESSAGE FROM THE SENATE

REP. A. OLSON MOVED that the House do not concur in the Senate amendments to HB 1313 as printed on HJ page 989 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

## APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1313: Reps. Henegar, Brown, Hanson.

## CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DORSO MOVED that the House reconsider its action whereby the committee report was accepted and SB 2031 was placed on the Sixth order of business on the calendar, which motion prevailed.

## APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1441: Reps. Soukup, Carlisle, Skjervén.

## THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Kelly Shockman

## MOTIONS

REP. LARSON MOVED that the House reconsider its action whereby the committee report was accepted and SB 2031 was placed on the Sixth order of business on the calendar, which motion prevailed.

REP. LARSON MOVED that SB 2031 be rereferred to the Committee on Human Services and Veterans Affairs, which motion prevailed. Pursuant to Rep. Larson's motion, SB 2031 was rereferred.

REP. KLOUBEC MOVED that the House consider all bills and resolutions on the Sixth order, with the exception of HB 1610, HB 1612, SB 2214, SB 2376, and SB 2384, in one motion, which motion prevailed.

REP. KLOUBEC MOVED that the rules be suspended and that the amendments to SB 2058, SB 2118, SB 2126, SB 2211, SB 2275, SB 2279, SB 2352, SB 2354, SB 2361, SB 2435, SB 2493, SB 2494, SB 2508, SB 2526, SB 2556, SCR 4003, and SCR 4048 be adopted, which motion prevailed.

SB 2058 and SB 2126, as amended, were rereferred to the Committee on Appropriations.

SCR 4003, as amended, was placed on the Tenth order of business on the calendar.

SB 2118, SB 2211, SB 2275, SB 2279, SB 2352, SB 2354, SB 2361, SB 2435, SB 2493, SB 2494, SB 2508, SB 2526, SB 2556, and SCR 4048, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

## SECOND READING OF HOUSE BILL

HB 1603: A BILL for an Act to amend and reenact sections 54-35-02.3 and 54-35-02.4 of the North Dakota Century Code, relating to the membership of the legislative council's committee on public employees retirement programs and its jurisdiction over workers' compensation and public employee and retiree health plans.

## 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 63 YEAS, 41 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Aarsvold; Anderson, B.; Bodine; Boucher; Brokaw; Carlson; Cleary; DeMers; Dorso; Erickson; Flaagan; Gilmore; Gorman; Grumbo; Hokana; Huether; Jacobson; Kaldor; Kerzman; Kolbo; Laughlin; Linderman; Mahoney; Meyer; Mutzenberger; Nelson; Nichols; Nowatzki; Oban; Payne; Peterson; Pyle; Ring; Ritter; Scherber; Schneider; Skar; Snyder; Starke; Stofferahn; Thorpe

ABSENT AND NOT VOTING: Gabrielson; Gorder

HB 1603 passed and the title was agreed to.

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## SIXTH ORDER OF BUSINESS

HB 1609: REP. LARSON (Committee on Human Services and Veterans Affairs) MOVED that the amendments to HB 1609 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

## MOTION

REP. KLOUBEC MOVED that the rules be suspended and that HB 1609 be deemed properly engrossed and placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1609: A BILL for an Act relating to physician assistants prescribing medications.

## 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 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; 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; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gabrielson

HB 1609 passed and the title was agreed to.

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## MOTIONS

REP. KLOUBEC MOVED that the House consider the amendments to HB 1610 and HB 1612 in one motion, which motion prevailed.

REP. KLOUBEC MOVED that the rules be suspended and that HB 1610 and HB 1612 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## HOUSE ENGROSSING REPORT

The following bills were engrossed: HB 1609, HB 1610.

## MOTION

REP. KLOUBEC MOVED that the House waive the reading of the title to HB 1610, which motion prevailed.

## SECOND READING OF HOUSE BILLS

HB 1610: A BILL for an Act to create and enact a new subsection to section 12.1-30-03 of the North Dakota Century Code and a new subsection to the new section to chapter 34-06 of the North Dakota Century Code as created by section 7 of House Bill No. 1046, as approved by the fifty-second legislative assembly, relating to businesses allowed to operate on Sunday; to amend and reenact subsections 32 and 33 of section 12.1-30-03 of the North Dakota Century Code, relating to businesses allowed to operate on Sunday and days of rest; 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 101 YEAS, 3 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; Gates; Gerntholz; Gilmore; Goffe; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; 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; Skar; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Gorder; Shide; Skjerven

ABSENT AND NOT VOTING: Gabrielson; Martin

Engrossed HB 1610 passed, the title was agreed to, and the emergency clause carried.

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HB 1612: A BILL for an Act to limit spending authority for equipment purchases and capital improvements.

## 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 48 YEAS, 56 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Berg, G.; Boehm; Boucher; Brokaw; Coats; Dalrymple; Delzer; DeWitz; Enget; Erickson; Freier; Goffe; Grosz; Grumbo; Hanson; Hokana;



Howard; Huether; Jacobson; Kaldor; Kerzman; Kolbo; Kroeber; Laughlin; Linderman; Meyer; Muhs; Nelson; Nicholas; Nichols; Nowatzki; Oban; Pyle; Schimke; Schindler; Schneider; Skar; Skjervén; Snyder; Starke; Stofferahn; Thompson; Timm; Wentz; Whalen; Wilkie; Speaker R. Anderson

**NAYS:** Anderson, B.; Bateman; Belter; Berg, R.; Bernstein; Bodine; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; DeMers; Dorso; Flaagan; Gates; Gerntholz; Gilmore; Gorder; Gorman; Hausauer; Henegar; Jensen; Kelsch; Kloubec; Kretschmar; Kunkel; Larson; Mahoney; Martin; Martinson; Miller; Mutzenberger; Myrdal; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schmidt; Shide; Soukup; St. Aubyn; Svedjan; Thorpe; Tollefson; Trautman; Urlacher; Wardner; Williams

**ABSENT AND NOT VOTING:** Gabrielson; Wald

Engrossed HB 1612 was declared lost.

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#### MOTION

REP. KLOUBEC MOVED that the rules be suspended and that HB 1603, HB 1609, and HB 1610 be messaged to the Senate immediately, which motion prevailed.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1603, HB 1609, HB 1610.

#### SIXTH ORDER OF BUSINESS

REP. KRETSCHMAR MOVED that the amendments to Engrossed SB 2214, as recommended by a Majority of the Committee on Judiciary, as printed on page 1107 of the House Journal, be adopted and when so adopted recommends the same DO PASS.

#### RULING BY THE SPEAKER

SPEAKER R. ANDERSON RULED that, in accordance with House Rule 602, if the Majority Report proposed amendments to Engrossed SB 2214 are adopted, the proposed amendments of the Minority Report will not be voted upon; however, if the Majority Report proposed amendments are defeated, the Minority Report proposed amendments will be voted upon.

The question being on the motion to adopt the Majority Report amendments to Engrossed SB 2214.

The motion to adopt the Majority Report proposed amendments to Engrossed SB 2214 passed on a verification vote.

#### MOTION

REP. KLOUBEC MOVED that the rules be suspended and that Engrossed SB 2214, as amended, be placed on the calendar for second reading and final passage, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2214: A BILL for an Act to create and enact a new chapter to title 29 of the North Dakota Century Code, relating to proceedings for the forfeiture and disposition of property obtained by law enforcement agencies; to amend and reenact subdivision c of subsection 5 of section 12.1-28-02 of the North Dakota Century Code, relating to the forfeiture of gambling devices; and to repeal chapter 29-31 of the North Dakota Century Code, relating to confiscation of equipment used in the commission of a crime.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 103 YEAS, 2 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; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Kretschmar; Ring

ABSENT AND NOT VOTING: Gabrielson

SB 2214 passed and the title was agreed to.

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#### MOTION

REP. CLAYBURGH MOVED that the House reconsider its action whereby Engrossed SB 2339 passed.

#### REQUEST

REP. CLAYBURGH REQUESTED a recorded roll call vote on the motion to reconsider the action whereby Engrossed SB 2339 passed, which request was granted.

#### MOTION

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

#### ROLL CALL

The question being on the motion to reconsider the action whereby Engrossed SB 2339 passed, the roll was called and there were 64 YEAS, 41 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Belter; Berg, R.; Bernstein; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Freier; Gates; Gilmore; Grosz; Henegar; Howard; Huether; Jensen; Kaldor; Kelsch; Kloubec; Larson; Martin; Martinson; Meyer; Muhs; Myrdal; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Payne; Porter; Price; Rennerfeldt; Ring; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Speaker R. Anderson

NAYS: Aarsvold; Anderson, B.; Bateman; Berg, G.; Bodine; Boehm; Boucher; Carlson; Coats; Erickson; Flaagan; Gerntholz; Goffe; Gorder; Gorman; Grumbo; Hanson; Hausauer; Hokana; Jacobson; Kerzman; Kolbo; Kretschmar; Kroeber; Kunkel; Laughlin; Linderman; Mahoney; Miller; Mutzenberger; Nelson; Nichols; Oban; Peterson; Pyle; Ritter; Snyder; Thorpe; Tollefson; Trautman; Williams

ABSENT AND NOT VOTING: Gabrielson

So the motion to reconsider the action whereby Engrossed SB 2339 passed prevailed.

#### MOTION

REP. RITTER MOVED that SB 2339, be rereferred to the Committee on Industry, Business and Labor, which motion prevailed. Pursuant to Rep. Ritter's motion, SB 2339 was rereferred.

## SIXTH ORDER OF BUSINESS

REP. DORSO MOVED that the the amendments to Reengrossed SB 2376, as recommended by a Majority of the Committee on Industry, Business and Labor, as printed on HJ page 1110, be adopted and when so adopted recommends the same DO NOT PASS.

## RULING BY THE SPEAKER

SPEAKER R. ANDERSON RULED, in accordance with House Rule 602, that if the Majority Report proposed amendments to Reengrossed SB 2376 are adopted, the proposed amendments of the Minority Report will not be voted upon; however, if the Majority Report proposed amendments are defeated, the Minority Report proposed amendments will be voted upon.

## REQUEST

REP. OBAN REQUESTED a recorded roll call vote on the motion to adopt the proposed Majority Report amendments to Reengrossed SB 2376, which request was granted.

## ROLL CALL

The question being on the motion to adopt the proposed Majority Report amendments to Reengrossed SB 2376, the roll was called and there were 56 YEAS, 49 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Aarsvold; Anderson, B.; Berg, G.; Bodine; Boucher; Brokaw; Carlson; Cleary; Coats; DeMers; Enget; Erickson; Flaagan; Gilmore; Goffe; Gorder; Grumbo; Hanson; Hokana; Huether; Jacobson; Kaldor; Kerzman; Kolbo; Kroeber; Laughlin; Linderman; Mahoney; Meyer; Mutzenberger; Nelson; Nichols; Nowatzki; Oban; Peterson; Pyle; Ring; Ritter; Scherber; Schneider; Skar; Skjerven; Snyder; Starke; Stofferahn; Thorpe; Wentz; Wilkie; Williams

ABSENT AND NOT VOTING: Gabrielson

The motion to adopt the proposed Majority Report amendments to Reengrossed SB 2376 passed.

## MOTION

REP. KLOUBEC MOVED that the rules be suspended and that Reengrossed SB 2376 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2376: A BILL for an Act to provide for rights of organization and representation of state employees, collective bargaining negotiations between the state of North Dakota and its employees, and public employment relations; and to provide an effective date.

## MOTION

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

## ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 36 YEAS, 69 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bodine; Boucher; Carlson; Cleary; Coats; DeMers; Goffe; Gorder; Grumbo; Hanson; Hokana; Huether; Jacobson; Kaldor; Kelsch; Kolbo; Kroeber; Linderman; Mahoney; Mutzenberger; Oban;

Peterson; Pyle; Ring; Ritter; Scherber; Schneider; Skar; Skjerven; Snyder; Starke; Stofferahn; Wentz; Williams

**NAYS:** Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Boehm; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Dalrymple; Delzer; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gates; Gerntholz; Gilmore; Gorman; Grosz; Hausauer; Henegar; Howard; Jensen; Kerzman; Kloubec; Kretschmar; Kunkel; Larson; Laughlin; Martin; Martinson; Meyer; Miller; Muhs; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Olsen, D.; Olson, A.; Payne; Porter; Price; Rennerfeldt; Rydell; Schimke; Schindler; Schmidt; Shide; Soukup; St. Aubyn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Waid; Wardner; Whalen; Wilkie; Speaker R. Anderson

**ABSENT AND NOT VOTING:** Gabrielson

Reengrossed SB 2376 was declared lost.

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#### MOTIONS

REP. KLOUBEC MOVED that that portion of House Rule 506 pertaining to when bills must be reported out of committee in the second House be suspended until the fiftieth legislative day, with the exception of the Appropriations Committee, which deadline shall be suspended until the fifty-fifth legislative day, which motion prevailed.

REP. KLOUBEC MOVED that SCR 4021 be placed at the head of the calendar, which motion prevailed.

#### SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4021: A concurrent resolution requesting that the Congress of the United States propose for ratification by the states an amendment to the federal Constitution to provide that Congress and the states would have the power to prohibit the physical desecration of the flag of the United States.

The question being on the final adoption of the resolution, which has been read and has committee recommendation of DO PASS.

#### REQUEST

REP. TOLLEFSON REQUESTED a recorded roll call vote on the adoption of SCR 4021, which request was subsequently withdrawn.

#### REQUEST

REP. D. OLSEN REQUESTED a recorded roll call vote on the motion to adopt SCR 4021, which request was granted.

#### POINT OF PERSONAL PRIVILEGE

REP. LINDERMAN: 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 House of Representatives: I strongly share the sentiments about our American ideals which are expressed in SCR 4021. I, too, have a deep appreciation for all our national symbols. I have visited many of our national monuments including the Washington Monument, the Lincoln Memorial, the Jefferson Memorial, and Mount Rushmore National Monument. It is hard to describe the feeling one has when one reflects on the things these symbols represent.

The United States of America is indisputably the strongest nation in the world. More importantly, we enjoy the most personal freedom of any society that has ever existed on the face of the earth. Given these facts, I find it difficult to understand why someone who is a citizen of this country would feel so disenchanted as to want to destroy in protest a symbol of this nation. I, likewise, find it difficult to understand why so many of the rest of us feel so threatened by the actions of those disenchanted few; so threatened, in fact, that we are willing to risk bargaining away a small part

of our freedom so that we can get revenge on those few whose actions we find objectionable.

I am no authority on the United States Constitution, but I want no part in risking the guarantee in our Constitution, no matter how remote that risk. Flags can be replaced tomorrow; but freedoms were bought at a very high price.

To read this resolution, one might think that all our national symbols and monuments were in danger of destruction. But the Supreme Court did not abolish all the laws of the land with respect to flags or other national symbols. The flag that flies over public buildings or private homes and all our precious national monuments still have all the protection of law. Laws still prohibit theft, vandalism, and creating a public disturbance. I would venture to guess that most communities have local ordinances against open burning in a crowded public place.

A professor in Michigan studied the history of flag burning and determined that prior to the 1989 Supreme Court decision, only 50 incidents were recorded nationwide. Why did these 50 events occur? Clearly, it was to gain attention. Flags are not burned until the television cameras arrive. The most effective way to stop flag desecration is to take away the attention. Right now, these disenchanted few have the undivided attention of this entire House of Representatives.

Ladies and gentlemen, patriotism is not found at the top of a flag pole. Neither is it found in the law. Patriotism is found in our hearts and minds. Patriotism that is forced by law has no meaning. If this proposed constitutional amendment and the resulting laws are enforced, it will diminish the meaning of patriotism for all of us who express it voluntarily.

I know I speak today at some political peril. Some opponent may some day choose to desecrate our national flag by using it as a political issue. However, as a legislative candidate and as a legislator, I have spoken my opinion on this issue. I have found that many people have come to me to express agreement with what I have said.

Today, in keeping with my own understanding of our great nation and the great American experiment in democracy, I will vote no on SCR 4021.

#### REQUEST

REP. OBAN REQUESTED that his remarks be printed in the Journal, which request was granted.

REP. OBAN: Mr. Speaker and Ladies and Gentlemen of the House: I rise in opposition to SCR 4021.

This is not a vote for or against patriotism, or at least it should not be. I question no one's patriotism and I hope no one questions my patriotism today or in the future.

I rise as a Vietnam veteran, but more importantly, as an American citizen who has an incredible amount of confidence and faith in our country and in our Constitution.

Why is this resolution before us? I am saddened that the actions of a few misguided citizens who desecrate our flag are convincing us that we need to change our First Amendment to protect our country from them. How absurd. We give them way too much attention and credit. It is quite frankly an insult to our founding fathers and those men and women who have risked their lives over the past 200 years that we have so little faith in our Constitution that we are willing to change our Bill of Rights which protects all of us because of a few of our misguided citizens.

I served in Vietnam to protect our freedoms - please do not tamper with the Constitution that protects those freedoms. Please do not trivialize the sacrifices of thousands of American men and women. The flag is a symbol of

our freedoms. It is important for all of us to remember that it also protects the most outrageous acts. That is what a free country is all about.

I ask that the House have the political courage to say no to SCR 4021. A no vote is a vote of confidence in our Constitution, of our 200 year history of freedom, and of the good judgment of the American people.

#### MOTION

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

#### ROLL CALL

The question being on the motion to adopt SCR 4021, the roll was called and there were 79 YEAS, 26 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Coats; Dalrymple; Delzer; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Howard; Huether; Jensen; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kunkel; Larson; Laughlin; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Myrdal; Nelson; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Payne; Porter; Price; Rennerfeldt; Ritter; Rydell; Schindler; Schmidt; Shide; Skjerven; Soukup; St. Aubyn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Whalen; Wilkie; Speaker R. Anderson

NAYS: Anderson, B.; Carlson; Cleary; DeMers; Gates; Hokana; Jacobson; Kaldor; Kroeber; Linderman; Mutzenberger; Nichols; Oban; Peterson; Pyle; Ring; Scherber; Schimke; Schneider; Skar; Snyder; Starke; Stofferahn; Thorpe; Wentz; Williams

ABSENT AND NOT VOTING: Gabrielson

SCR 4021 was declared adopted on a recorded roll call vote.

#### MOTION

REP. COATS MOVED that his remarks be printed in the Journal, which motion prevailed.

REP. COATS: Mr. Speaker and fellow House members of the Fifty-second Legislative Assembly: I rise in support of SCR 4021 and by no means should this resolution be construed as a partisan issue, a chamber issue, a gender issue and I certainly hope you do not look at this resolution as a mere emotional issue. I would hope you would consider this resolution from a Patriotic Americanism viewpoint.

When the United States Supreme Court rendered its decision in the Texas vs. Johnson case, it also stated there were three avenues to follow to remedy the flag desecration issue: (1) a Constitutional Amendment; (2) a Congressional Statute, which the U.S. Congress passed, and the next morning four flags were burned on the steps of the building of Congress; and (3) change the jurisdiction and limitations of federal judges.

I, for one, would hate to think that any person in this chamber today would be willing to say to persons like former presidents Dwight David Eisenhower, Harry S. Truman, John F. Kennedy, as well as Lynn Stambaugh, former Governor John E. Davis, Mort Walker, the Honorable Justice H.F. "Sparky" Gierke, their wives, sons, daughters, widows, the Gold Star Mothers, the families of POW's, and MIA's, families of service personnel in the Persian Gulf Area, that it's okay to allow the people of this great nation of ours to decide yes, it is all right to allow individuals to desecrate that great symbol in front of all of us in this chamber, or no it is not all right for individuals to desecrate our flag.

The First Amendment of the United States Constitution in plain language protects speech, not action. A protester is constitutionally protected to say whatever he wants but not be permitted to do whatever he wants.

This resolution does not ask us to pass a law, or amend our Constitution, but does ask, for a means to correct the flag burning decisions by the people that are the constituent power in our form of government.

"The Declaration of Independence was the promise; the Constitution was the fulfillment." "We hold these truths to be self-evident, that all men are created equal, and that they are endowed by their creator with certain inalienable rights that among them are life, liberty and the pursuit of happiness; that to secure these rights, governments are instituted among men deriving their powers by the consent of the governed." The Bill of Rights stood alone from 12-15-1791 until: 11th - Feb. 1795; 12th - June 1804; 13th - Dec. 1865; 14th - July 1868; 15th - Feb. 1870; 16th - Feb. 1931; 17th - April 1913; 18th - Jan. 1919; 19th - Aug. 1920; 20th - Jan. 1933; 21st - Dec. 1933; 22nd - Feb. 1951; 23rd - March 1961; 24th - Jan. 1964; 25th - Feb. 1967; and 26th - July 1971. All of these Constitutional amendments evolved and were derived from the consent of "We the People." I would like to say and it has been said many times before, only "We the People" can amend the Constitution. Congress has the authority to approve a proposed amendment and submit it to the legislative bodies of several states. An amendment must be ratified by 38 of the 50 states before it can become a part of the Constitution.

I would like to quote President George Washington from his farewell address. He said, "The basis of our political system is the right of the people to make and alter their constitutions of government."

I ask you what would be wrong with allowing the people and the states to ratify the Twenty-seventh amendment to disallow or prohibit desecration of our great flag? This flag, the symbol of the hopes of man; this cloth of dreams for freedom, justice, and opportunity. It's stars are like beacons guiding us through the shoals of adversity. It's red stripes like wounds of struggle. The good in it can not be had for nothing. Like any garden, it must be tended. Like any loved one, it must be held. Hold this flag high and keep it's promise bright, for in it lies the best hope for all of us.

Let us join with our fellow lawmakers in the Senate and pass this resolution to allow the governed of this great nation of ours, their consent in the matter of desecration of our country's flag. Again, thank you for allowing me this time, and I would urge a DO PASS on SCR 4021.

#### REQUEST

REP. CARLSON REQUESTED that the remarks of Rep. B. Anderson be printed in the Journal, which request was granted.

REP. B. ANDERSON: Mr. Speaker and Members of the Assembly: This bill is not about patriotism, it is about what we stand for. This bill is not about the flag, but it is about liberty. Our flag is a symbol, a symbol of what we stand for and what we stand for is liberty.

We all feel very patriotic right now, very proud. Our government and our soldiers have helped to liberate another country, but we did not do that just for a flag. People of the Baltic States of the Soviet Union want their independence but they do not want their independence just because they want to wave their own flag. And the students in Tiananmen Square were not figuratively and literally crushed because they erected a symbol. It was because they wanted liberty, freedom, rights, and democracy. We live in the strongest country on the earth. It is also a country that tolerates protest, probably more than any other. And there is a correlation there. We are strong because we love our country. We love our country, because we know we can protest, we can criticize, we can complain; because we know we have liberty.

The Soviet Union has not tolerated protests very well in the past. China does not tolerate protest. Iraq certainly did not tolerate protest. Yes, it is unsettling to watch protest, and it is abhorrent to watch a protester burn a flag, but if we change our Constitution to prohibit this abhorrent act, shall we change it because someone else thinks another act is abhorrent? How

far will we go with that? If we change our Constitution to outlaw this act, we have held our country to a different standard than others. We all cheered when Europe was changing so dramatically. Those people were protesting their government. Recently, on a May Day celebration in Red Square, after the traditional military parade, thousands of people protested in the Soviet Union, a new and unique thing, and some of those people carried Soviet Union flags with the hammer and sickle cut out, a desecrated flag. We cheered that. We thought it was the best thing that has happened in that country for a long time. If President Gorbachev would have sent soldiers to arrest or to shoot those people, would we have considered that within his rights, or would we have considered that to be an example of what that country really was? You know, even in our own pre-revolution thirteen colonies, I will bet you there was some of our patriots that desecrated the British flag.

Let's not let our patriotism reduce our love for our hard won principles of liberty, and let no man, woman, organization, or political party question my patriotism or my love for this country because of my vote against this resolution.

#### REQUEST

REP. SNYDER REQUESTED that his remarks be printed in the Journal, which request was granted.

REP. SNYDER: Mr. Speaker, Members of the House: Our flag is the symbol of our nation. It is not the only symbol, but it is the most important. We pledge allegiance to it. It identifies who we are. It represents our government and our liberty secured by that government. Our fighting men and women follow it into battle and it drapes the coffins of those who fall in battle. Our flag serves several very practical purposes.

But those same fighting men and women did not give their lives, their limbs, or their youth for the flag. They sacrificed for us, the people back home, for our republican form of government, and for the rights and freedoms we enjoy. They sacrificed for the principles and ideals contained in the United States Constitution.

Before us now, we have a resolution that moves to place our national symbol within the folds of the United States Constitution. We are going to place a symbol within the world's foremost document of democratic ideals and principles. In doing so, I am certain we will diminish both our flag and our Constitution. Our Constitution is far too important to be encumbered with a symbol. Our flag serves much too practical a purpose to be made a national idol or icon. I sincerely hope to preserve both by voting no.

#### MOTION

REP. SCHNEIDER MOVED that everyone's remarks on SCR 4021 be printed in the Journal, which motion prevailed.

REP. MILLER: The United States flag is an endearing symbol of our country's freedoms and heritage. At issue is respect for the flag and limits on free expression. Many of you have taken oaths where we have pledged to uphold and defend the Constitution of the United States, to respect the flag and defend them against her enemies.

I would like to point out to you some background on the flag desecration issue and urge your support of SCR 4021. The issue began in June 1989 when the Supreme Court struck down flag desecration laws enacted by the federal government and 48 of the 50 states. In the case of Texas vs. Johnson, by a narrow margin (5-4), the Supreme Court shocked the vast majority of United States citizens. From the beginning of this controversy, we have known there was only one course of action. We must make sure the majority of Americans can express their clearly stated will and desire by ratifying a constitutional amendment to protect the flag. An amendment is necessary because the Constitution is the only authority the Supreme Court must abide by.



On June 21, 1990, the United States House of Representatives voted 254-177 in favor of an amendment. On June 26, the United States Senate voted 58-42 in favor also. Both votes were a majority, but short of the two-third requirement.

For those who may try to convince you that we should not amend the Constitution, let me remind you it has been amended 26 times. For any who would try to convince you we should not affect the rights of political expression, guaranteed by the First Amendment, let me say the ultimate of free expression is the right to vote, and it took a constitutional amendment. The Nineteenth Amendment gave the freedom to vote to the women in this country.

An amendment to protect the flag would not change or alter the intent of the words of the the First Amendment in any way. Protesters would still be free to say, think, or write anything they wish to express even if it be against the government. An amendment would simply create a special place in the Constitution to declare the United States flag inviolable. The real issue here is protection of the flag, not suppression of a disagreeable thought or word. A constitutional amendment would not compel people to respect the flag or force them to be patriotic. All we ask, is, say whatever you like about our country or our flag, but do not desecrate it. You may exercise your guaranteed freedom of speech, but do not resort to illegal acts of violence to make your point. I urge your unanimous support for a do pass in SCR 4021.

REP. RING: Thank you, Mr. Speaker, Fellow members: My ancestors came to this country fleeing oppression by a government that had annexed their country. They loved this country for the freedoms it allowed them; they could practice their religion in peace; they could freely assemble; and they could criticize the government without fear of arrest. These were freedoms that they had not had before. They taught love and respect for this country, and the freedom it guarantees to their children who taught them to their children, one of whom taught them to me.

I was raised to respect the flag as a symbol of these freedoms. To handle it properly, to fold it properly, and to never let it touch the ground.

We always had flags in my house. We flew them on holidays and special occasions. We took them down at sunset or if it rained. This care was inspired by a love of this country and by the freedoms guaranteed by our Constitution. The same Constitution I took an oath to uphold when I took office in this body. The same Constitution each and every one of you took an oath to uphold. The flag is a glorious symbol of freedom. The Constitution and the Bill of Rights are the embodiment of that freedom and I, for one, will not sacrifice the reality for the symbol. I urge you to resist the age of "images", the television age, where all we care about is pictures and nobody seems to remember the reality. I urge you to vote no on this resolution.

REP. SKAR: Two years ago I had the privilege of visiting our nation's capitol, Washington, D.C. It was one of the highlights of my life. I particularly enjoyed the Smithsonian Institute, especially the American History Museum. When I walked into the main entrance of that building, I was greeted by a large wall about 20 feet wide and 30 feet high. Every hour on the hour, that wall was lowered, exposing a huge American flag. Not just any flag. The tattered, torn, bullet-riddled, burned flag that hangs behind the protective wall is the very flag that was beheld by Francis Scott Key in the dawn's early light when he penned the Star Spangled Banner. For five minutes every hour that protective wall is lowered and our National Anthem is played. I challenge any of you to go to Washington, stand before that flag, listen to that song, and keep a tear from coming to your eye and a lump from forming in your throat. I was unsuccessful in three attempts.

When I was trying to decide on what kind of stand to take on this constitutional amendment I thought about that flag. On that night during the War of 1812, there was no constitutional amendment to prevent the British regulars from bringing that flag down and burning it. The responsibility of

protecting that flag belonged to the soldiers at Fort McHenry. I do not think a constitutional amendment could have done the job.

Across the Potomac River in Washington is the World War II Memorial. You know the one. It is the statue of the Marines raising the flag on the summit of Mt. Surabachi on Iwo Jima. No constitutional amendment would have protected that flag either. That responsibility fell on the strong backs of the 3rd, 4th, and 5th Marine Divisions.

No constitutional amendment could have protected American flags at Yorktown or Gettysburg or Belleau Wood or Normandy or Leyte Gulf or Luchon or the Mekong Delta or the sands of Mesopotamia. Patriots defended those flags, not amendments. I believe that the best bet for protecting the American flag today still lies with patriots, not amendments.

I am not sure why these people want to burn my country's flag. We heard in committee that flag-burning is the ultimate protest. In my opinion, that is bunk. I think flag-burners are mostly out to get attention, and our media is usually more than happy to oblige them. I think flag-burners lack the intelligence and eloquence to voice an effective protest based on sound ideas and effective persuasion, so they stand on a street corner and burn a flag. When I see this, it makes my blood boil. I want to retaliate, and I do not want the law or an amendment to do that for me. I do not want to turn the responsibility of protecting our flag over to the government, because to me, it is more personal than that.

Indignation is one of my favorite emotions. How do I strike back? Well, when they burn their flag, I wave mine. When they say God damn America, I say God bless America. It feels real good, too. You all know what I mean. When the flag-burning issue began a couple of years ago, a whole forest of flags sprang up across America in response. America is in a period of patriotic fervor unlike we have seen in this half century. Why? Because halfway around the world a madman and his followers have attacked us. We are at our very best when we come under attack.

I do not want an amendment to protect my flag - I will take care of that myself. I enjoy it. For me, passing such an amendment will take the passion out of patriotism. I understand why many want an amendment; they can not stand to see their flag burned. Well, I can not stand to see it either, so it comes down to a question of method. Obviously, many of you prefer the amendment method; you will push the green button. But I hope there are a few of you who, like me, prefer to protect our flag the old-fashioned way. If you do, please join me in voting red.

REP. MUTZENBERGER: Many of us who are married wear a ring. Rings are symbols; symbols of marriages, of promises, commitments, and dedications. This ring is a very special symbol. It was worn by my wife's father. Before that, it was worn by her grandfather. Today I wear it. Soon it may be resized, given to another male, and worn by a son-in-law. As you can easily see, it is very precious. Maybe not valuable, but very precious. In my wife's Norwegian family, it may almost be holy. I do not want to imagine what would happen to me if I bent it, lost it, or pawned it. Very precious, but still a symbol. Symbol. Something that points beyond itself. That is what a symbol is. It points to values; values that are beyond and more important, than even the ring itself. The ring goes beyond itself to values - like care and commitment, like reverence for marriage, like giving, like being a good husband. My being a good husband is not determined by how well I take care of my ring...or whether I wear it every day. My being a good husband will be determined by how well I love and care and do the promises that I made. And so my life is not dedicated to protecting the ring. It is dedicated to giving "real life" to the values the ring symbolizes. The ring is not as important as the values that the ring stands for. The ring is a symbol.

Many of us fly the American flag. The flag is very special to all of us. We fly them in schoolyards and front lawns, in my case, from the balcony. We post flags in auditoriums, churches, and congressional assemblies. Some

flags cover caskets of veterans. Flags are faced when we recite the pledge of allegiance. Chills go down many spines when we look at the flag and sing the anthem. The flag is very precious to us. We do not wear clothing that looks like the flag. We do not advertise with the flag. (In Rules and Customs: "In any manner whatsoever...may be illegal to wrap even political advertisements with the flag). All of that is to say the flag is very precious to us.

I do not think I have ever desecrated a flag and I do not intend to. I suspect no one in this assembly has ever burned a flag in desecration. Quite likely, no one in North Dakota has. I do not know of a case. I do remember, though, how reverently we burned a flag when I was in a country school in the fifth grade, and somebody bought a new, great big flag and before we hoisted it on the flag pole that morning, we burned in silence, the old, worn, tattered flag we had flown for years. The flag, like the ring, is very precious. But like the ring, the flag too, is a symbol. A symbol; a symbol pointing beyond itself. That is what a symbol is and that is what a flag does. It points to values that are beyond itself, and yes, even more important than the flag itself, I say it again, points to values beyond itself, and even more important than itself. The flag points to many values beyond itself. I am raising only one, the value of freedom.

That is why my people came to this country. They came for freedom. Freedom from the Russian army; my great-grandfather was about to be inducted. They came for freedom from the Russian language. They wanted to continue "Deutsche Gesprache" and German schools. They came for freedom from being renters and sharecroppers and freedom from forced loyalties. The flag is only a symbol of those kinds of values.

Our people came because they could not speak openly. They came because they could not refer. They came because they could not disagree with the authorities. No, they could not cry out by burning a flag. They came to a country where they believed they could live and breathe and vote and speak and organize and refer and protest and yes, if nobody listened, they might resort to the last effort to be heard with their disagreements.

Folks, I submit, that is freedom. And that is one of the great values the flag points to. If the flag is any symbol at all, it certainly is the symbol of our First Amendment, freedom of expression. It is difficult for me to imagine any American wanting to stifle free speech or to be afraid of it. Patrick Henry did not say "Give me the flag or give me death", he said "Give me liberty or give me death."

We do not do the flag any great honor by making more laws to protect it. We honor the flag by protecting freedom. The flag does not need much protection. Freedom does. Freedom needs a whole lot of protection. Many freedoms need protection, especially the freedom of expression.

The bottom line is that every citizen has the right of expression. Every citizen means even those that we do not agree with. Lutherans and Catholics may not agree, but they have the right to speak. Liberals and Conservatives may not agree. Socialists and Communists have the right to speak, too. Somebody may express something none of us agrees with. That is the bottom line folks. We may not agree, but we have to defend the right to speak. Some flag burning may be illegal because it is desecration. Maybe most flag burning is simply desecration. But if we think that all flag burning is simply desecration, then we will suppress those who may be making "last ditch efforts" to express a point of view, and I have to defend that right.

Last week I saw two friends in the lobby. One said, "How are you going to vote on 4021?" I said, "I am voting for freedom."

My ring is special, but it is only a symbol pointing to values that I have to pay attention to. My ring says to me, "Be a good husband, love your wife, honor your marriage." My flag is special, but it is only a symbol pointing to values that go beyond the flag itself. When I listen to my flag, it says, "Go for liberty. Go for freedom. Don't worry so much about me. Worry about

people. Don't spend your time protecting me. Find out why people have to burn me to be heard. Go beyond my symbolism."

I know it may be politically stupid to say that the flag does not need protection, yet I am convinced that when I vote no today that I am voting right, because I believe the flag itself is asking me to go to the values like the freedom of expression. I am going no because I believe that is what the flag wants me to do.

#### DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 3:15 p.m., March 18, 1991: HB 1035, HB 1049, HB 1070, HB 1086, HB 1092, HB 1094, HB 1100, HB 1101, HB 1102, HB 1114, HB 1130, HB 1150, HB 1155, HB 1192, HB 1213, HB 1224, HB 1226, HB 1229, HB 1249, HB 1276, HB 1290, HB 1294, HB 1304, HB 1411, HB 1412, HB 1426, HB 1458, HB 1479, HB 1480, HB 1491, HB 1539, HB 1565.

#### 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 Sixteenth order of business, and at the conclusion of the Sixteenth order, the House stand adjourned until 1:15 p.m., Tuesday, March 19, 1991, which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

HB 1605: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends DO NOT PASS (9 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1605 was placed on the Eleventh order on the calendar.

HCR 3036: Joint Constitutional Revision Committee (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 1, after "agriculture" insert "and labor"

Page 2, line 5, after "department" insert ", which, if provided for, must be separate and distinct from the agriculture commissioner and must be"

Page 2, line 7, after the period insert "If a labor department is established, the agriculture and labor commissioner becomes the agriculture commissioner."

Page 2, line 14, remove "and must be confirmed or rejected by"

Page 2, remove lines 15 and 16

Page 2, line 17, remove "days after being received is deemed confirmed"

Page 4, line 18, replace "Unless otherwise provided by law, the" with "The"

Page 5, line 10, replace "a majority" with "two-thirds"

Page 5, replace lines 13 through 17 with:

"The governor shall cause each bill passed by the legislative assembly and not vetoed by the governor to be filed with the secretary of state within five days, Sundays excepted, after the bill has been presented to the governor unless the legislative assembly by its adjournment prevents its return in which case the governor shall cause the bill to be filed within fifteen days after the adjournment. The governor shall cause each bill vetoed by the governor and not returned to the legislative assembly to be filed with the secretary of state,

along with the objections of the governor, within fifteen days after adjournment of the legislative assembly."

Page 6, line 15, after "agriculture" insert "and labor"

Page 6, line 22, remove "elected" and after "governor" insert ", secretary of state,"

Page 7, remove lines 7 and 8

Page 7, line 9, remove "or to resume office may be questioned and determined."

ReNUMBER accordingly

SB 2008, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (18 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 9, replace "372,734" with "459,664"

Page 1, line 11, replace "148,866" with "171,966"

Page 1, line 12, replace "4,050" with "4,850"

Page 1, line 13, replace "532,719" with "643,549"

ReNUMBER accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### DEPARTMENT 617 - BOARD OF ANIMAL HEALTH

This amendment adds funding from the general fund for one FTE veterinarian position and related expenses as follows:

Salaries and wages - 1 FTE	\$ 83,600
Operating expenses	16,200
Equipment	800
Total	<u>\$100,600</u>

The salaries and wage line item is also increased by \$3,330 from the general fund to provide the four percent or \$50 minimum salary increase to the 1.2 FTE backtagging positions added in the Senate amendments.

The operating expenses line item is increased by \$6,900 from the general fund for pseudorabies testing and surveillance.

SB 2036, 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 1, line 4, after "reenact" insert "subsection 42 of section 20.1-01-02," and replace the first comma with "and"

Page 1, line 7, after "to" insert "the definition of,"

Page 1, after line 10, insert:

"SECTION 1. AMENDMENT. Subsection 42 of section 20.1-01-02 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

42. "Wildlife" means any member of the animal kingdom including ~~without limitation~~ any mammal, fish, bird (including any

migratory, nonmigratory, or endangered bird for which protection is also afforded by treaty or other international agreement), amphibian, reptile, mollusk, crustacean, or other invertebrate, and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof. Wildlife does not include domestic animals as defined by the board of animal health."

Renumber accordingly

SB 2038, as engrossed: Committee on Natural Resources (Rep. A. Olson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 14, after "home" insert "or" and remove "or usual"

Page 1, line 15, remove "environment" and after the period insert "The term does not include driving or being in actual physical control of a motor vehicle in violation of section 39-08-01 or equivalent ordinance."

Page 13, line 7, after "thereof" insert an underscored comma

Page 23, line 25, replace "6" with "5" and replace "7" with "6"

Renumber accordingly

SB 2039: Committee on Transportation (Rep. Belter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 11, replace "16" with "15"

Page 1, line 14, replace "16" with "15"

Page 1, line 17, replace "16" with "15" and after the comma insert "'operates" means to be in motion, en route, but not at anchor or aground; "vessel" means any watercraft used or designed to be used for navigation on the water such as a boat operated by machinery, either permanently or temporarily affixed, a sailboat other than a sailboard, an inflatable manually propelled boat, a canoe, kayak, or rowboat, but does not include an inner tube, air mattress, or other water toy;"

Page 1, line 19, replace the comma with a semicolon

Page 1, line 22, replace "16" with "15"

Page 2, line 6, replace "16" with "15"

Page 2, line 19, replace "16" with "15"

Page 4, line 29, replace "reasonable grounds" with "probable cause"

Page 5, line 3, replace "16" with "15"

Page 5, line 14, remove "or 16"

Page 5, line 21, replace "16" with "15"

Page 5, line 26, replace "reasonable grounds" with "probable cause"

Page 5, line 27, replace the comma with "had observed that the motorboat or vessel was operated in a negligent, reckless, or hazardous manner as defined by the commissioner by rule"

Page 5, remove lines 28 and 29

Page 6, remove line 1

Page 6, line 2, replace "thereof" with a comma

Page 6, line 4, remove "or 16"

Page 6, line 11, replace "16" with "15," and after "or" insert "for a violation of"

Page 6, line 16, replace "16" with "15," and after "or" insert "for a violation of"

Page 6, line 21, replace "16" with "15"

Page 8, line 13, replace "reasonable grounds" with "probable cause"

Page 8, line 24, replace "16" with "15"

Page 8, line 29, replace "16" with "15"

Page 9, line 4, replace "16" with "15"

Page 9, line 19, after "vessel" insert "for operating a motorboat or vessel"

Page 9, line 25, replace "reasonable grounds" with "probable cause"

Page 10, line 14, remove "or 16"

Page 10, line 19, replace "reasonable grounds" with "probable cause"

Page 10, line 23, remove "The scope of a hearing for refusing to submit to a"

Page 10, remove lines 24 through 29

Page 11, remove lines 1 and 2

Page 11, line 6, replace "16" with "15"

Page 13, remove lines 16 through 26

Page 13, line 27, replace "3" with "1"

Page 14, line 4, replace "4" with "2"

Page 14, line 8, replace "5" with "3"

Page 14, line 20, replace "6" with "4"

Page 15, line 14, replace "7" with "5", replace "5" with "3", and replace "6" with "4"

Page 15, line 17, replace "8" with "6"

Page 15, line 20, replace "16" with "15"

Page 15, line 21, replace "9" with "7"

Page 15, line 27, replace "10" with "8"

Page 15, line 28, replace "5" with "3"

Page 16, line 10, replace "16" with "15"

Page 16, line 24, replace "16" with "15"

Page 16, remove lines 26 through 29

Page 17, remove lines 1 through 28

Page 18, remove lines 1 and 2

Renumber accordingly

SB 2083: Committee on Transportation (Rep. Belter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 8, remove "or revoked"

Page 1, line 13, remove "or revocation"

Page 1, line 17, remove "or revoked"

Page 2, line 9, overstrike ", or imposed for an alcohol-related offense"

Page 2, line 10, overstrike "under section 39-06-43"

Renumber accordingly

SB 2090, as engrossed: Committee on Natural Resources (Rep. A. Olson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 11, remove "pending or"

Page 1, line 16, after "any" insert "permit application for a" and remove "that has been granted a permit prior to the effective"

Page 1, line 17, remove "date of this Act or to any landfill"

Page 1, line 18, after "ash" insert "or to any court-ordered reapplications"

Renumber accordingly

SB 2096: Committee on Transportation (Rep. Belter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (9 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 1 of section 39-04-36, section 39-26-05, and subsection 1 of section 39-26-08 of the North Dakota Century Code, relating to the removal of license plates prior to purchase of an abandoned vehicle.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 39-04-36 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. Whenever the owner of a vehicle registered under the provisions of this chapter transfers or assigns his title thereto or interest therein, the registration of the vehicle, together with the number plates originally assigned thereto, must be transferred to the transferee as provided in this chapter. The number plates originally assigned to the vehicle must remain attached thereto until the end of the current registration year except as provided in this chapter or as provided by sections 2 and 3 of this Act.



SECTION 2. AMENDMENT. Section 39-26-05 of the North Dakota Century Code is amended and reenacted as follows:

39-26-05. Conditions under which an abandoned vehicle may be sold immediately. When an abandoned motor vehicle is more than seven model years of age, is lacking vital component parts, and does not display a license plate currently valid in North Dakota or any other state or foreign country, it is immediately eligible for disposition and must be disposed of to a scrap iron processor licensed under section 39-26-10, and is not subject to the notification, reclamation, or title provisions of this chapter. Any license plate displayed on an abandoned vehicle must be removed and destroyed prior to the purchaser taking possession of the vehicle.

SECTION 3. AMENDMENT. Subsection 1 of section 39-26-08 of the North Dakota Century Code is amended and reenacted as follows:

1. An abandoned motor vehicle not more than seven model years of age taken into custody and not reclaimed under section 39-26-07 must be sold to the highest bidder at public auction or sale, following reasonable published notice thereof. The purchaser must be given a receipt in a form prescribed by the department which shall be sufficient title to dispose of the vehicle. The receipt also entitles the purchaser to register the vehicle and receive a certificate of title, free and clear of all liens and claims of ownership. The license plates displayed on an abandoned vehicle must be removed and destroyed prior to the purchaser taking possession of the vehicle."

Renumber accordingly

SB 2121, as engrossed: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2121 was placed on the Fourteenth order on the calendar.

SB 2161, as engrossed: Committee on Agriculture (Rep. Nicholas, Chairman) recommends DO PASS (16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2161 was placed on the Fourteenth order on the calendar.

SB 2177, as engrossed: Committee on Agriculture (Rep. Nicholas, Chairman) recommends DO PASS (16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2177 was placed on the Fourteenth order on the calendar.

SB 2205, as engrossed: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 1, replace ", two members appointed by the governor from the state at" with "; eight members of Indian descent who are enrolled members"

Page 2, remove line 2

Page 2, line 3, remove "the chairpersons"

Page 2, line 4, overstrike "or"

Page 2, line 14, replace "in the absence of the chairperson, the vice chairperson" with "and who are current voting residents of the state of North Dakota; and the chairperson of the Trenton service area council"

Renumber accordingly

SB 2221: Committee on Agriculture (Rep. Nicholas, Chairman) recommends DO PASS (16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2221 was placed on the Fourteenth order on the calendar.

SB 2231, as reengrossed: Committee on Natural Resources (Rep. A. Olson, 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 11, remove "within standards"

Page 1, line 12, replace "established under this Act" with "at existing or higher quality"

Page 2, remove lines 9 through 13

Page 2, line 16, after "the" insert "department shall implement or require appropriate mitigation activities or remedial action to prevent future contamination of ground water. The"

Page 2, line 17, remove the second "or"

Page 2, line 18, replace "remedial action" with "pursuant to chapter 4-35"

Page 2, line 19, remove "The department may do the same as it relates to"

Page 2, remove line 20

Page 3, line 10, replace "Siting" with "Pollution prevention"

Page 3, line 12, replace "shall" with "may" and remove "site and"

Page 3, line 13, remove "the"

Page 3, line 14, after "chemicals" insert "at the retail and end use levels" and remove "The department in cooperation with the state"

Page 3, remove lines 15 and 16

Page 3, line 22, replace "with the approval of" with "in consultation with"

ReNUMBER accordingly

SB 2234, as engrossed: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Committee on Appropriations (11 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for the creation of an office of administrative hearings, the appointment of a director of administrative hearings and other administrative hearings officers, to require the adoption of uniform rules of administrative practice and procedure, and to establish an advisory council; to repeal subsection 2 of section 50-24.4-18 and subsection 18 of section 54-12-01 of the North Dakota Century Code, relating to appointment of administrative hearings officers by the attorney general and certain appeals by nursing homes; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Office of administrative hearings - Agency defined - Administrative agency defined.

1. A state office of administrative hearings is created.

2. The office is under the direction of a director of administrative hearings who must be free of any association that would impair the director's ability to function officially in a fair and objective manner. The director must be an attorney-at-law in good standing, admitted to the bar in this state, and currently licensed by the state bar board. The director of administrative hearings must be appointed by the governor and confirmed by the senate and shall hold office for a term of six years, the term beginning July first of the year of appointment and ending June thirtieth of the sixth calendar year after appointment.
3. The director of administrative hearings may preside at administrative hearings and may employ or appoint additional administrative hearings officers to serve in the office as necessary to fulfill the duties of office as described in section 4 of this Act and to provide administrative hearings officers to preside at administrative hearings as requested by agencies. The director may delegate to an employee the exercise of a specific statutory power or duty as deemed advisable, subject to the director's control, including the powers and duties of a deputy director. All administrative hearings officers must be classified employees, except that the director of administrative hearings must be an unclassified employee who only may be removed, during a term of office, for cause. Each administrative hearings officer must have a demonstrated knowledge of administrative practices and procedures and must be free of any association that would impair the officer's ability to function officially in a fair and objective manner.
4. The director of administrative hearings may employ the necessary support staff required by the office. Support staff must be classified employees.
5. The director of administrative hearings shall develop categories of positions in the classified service under class titles for the appointment or employment of hearings officers and support staff in consultation with and approved by the director of the central personnel division, including the salary to be paid for each position or category of position.
6. In this Act, unless the context or subject matter otherwise requires, "agency" means each board, bureau, commission, department, or other administrative unit of the executive branch of state government whether headed by an appointed or elected official.
7. In this Act, unless the context or subject matter otherwise requires, "administrative agency" means that term as defined in section 28-32-01.

SECTION 2. Temporary administrative hearings officers. When regularly appointed administrative hearings officers are not available, the director of administrative hearings may contract on a temporary basis with qualified individuals to serve as administrative hearings officers for the office of administrative hearings.

### SECTION 3. Hearings before administrative hearings officers.

1. Notwithstanding the authority granted in chapter 28-32 allowing agency heads or other persons to preside in an administrative proceeding, all hearings of administrative agencies under chapter 28-32, except hearings conducted by the public service commission, the industrial commission, the state engineer, the department of transportation, job service North Dakota, and the commissioner of labor, and except

rulemaking hearings held in accordance with section 28-32-02, must be conducted by the office of administrative hearings in accordance with the administrative hearings provisions of chapter 28-32 and any rules adopted pursuant to chapter 28-32. But, appeals hearings pursuant to section 61-03-22 and drainage appeals from water resource boards to the state engineer pursuant to chapter 61-32 must be conducted by the office of administrative hearings. Additionally, hearings of the department of corrections and rehabilitation for the parole board in accordance with chapters 12-56.1 and 12-59, regarding parole violations, job discipline and dismissal appeals to the board of higher education; education of the handicapped act due process hearings of the superintendent of public instruction; and chapter 37-19.1 veterans' preferences hearings for any agency must be conducted by the office of administrative hearings in accordance with applicable laws.

2. The agency head shall make a written request to the director requesting the designation of a hearings officer for each administrative hearing to be held. An agency may request a hearings officer to be designated to preside over the entire administrative proceeding. If a statute so requires, an agency shall, or unless a statute prohibits, an agency may, request that the hearings officer designated issue the final order in the matter. Informal disposition of an administrative proceeding may be made by an agency at any time before or after the designation of a hearings officer from the office of administrative hearings.
3. If a party to an administrative proceeding is in default, the agency may issue a default order and a written notice of default, including a statement of the grounds for default. If issued, the default notice and order must be served upon all the parties and the hearings officer, if one has been assigned. After service of the default notice and order, the agency may conduct further proceedings necessary to complete the administrative action with or without the participation of the party in default, and with or without a hearings officer from the office of administrative hearings presiding. The agency shall determine all the issues involved.
4. When assigning administrative hearings officers to conduct administrative hearings or to preside in an administrative proceeding, the director shall attempt to assign a hearings officer having expertise in the subject matter to be dealt with.
5. The director of administrative hearings may assign an administrative hearings officer to preside in an administrative proceeding, upon request, to any agency exempted from the provisions of this section, to any agency, or part of any agency, that is not an administrative agency subject to the provisions of chapter 28-32, to any unit of local government in this state, or to any agency to conduct a rulemaking hearing.

**SECTION 4. Duties of administrative hearings officers.** It is the duty of all administrative hearings officers to:

1. Advise an agency that has requested a hearings officer, and other affected interests and parties, about the location and time for an administrative hearing, or related proceeding, to be held, in order to allow for participation by all affected interests and parties. The hearings officer shall give proper notice as required by law

2. Conduct only hearings and related proceedings for which proper notice has been given.
3. Assure that all hearings and related proceedings are conducted in a fair and impartial manner.
4. When appropriate, make findings of fact, conclusions of law, and recommendations, taking notice whether the agency has documented its statutory authority to take the proposed action, fulfilled all relevant substantive and procedural requirements of law or rule, and, in rulemaking proceedings, conformed to the provisions of chapter 28-32.
5. Perform any and all other functions required by law, assigned by the director of administrative hearings, or delegated to the hearings officers by the agency.
6. When an agency requests a hearings officer to preside only as a procedural hearings officer, the hearings officer may only conduct the hearing and perform such other functions of the proceeding as requested. If the hearings officer is presiding only as a procedural hearings officer, the agency head must be present at the hearing and the agency head shall issue findings of fact and conclusions of law, as well as any order resulting from the hearing. The procedural hearings officer may issue orders in regard to the conduct of the hearing, pursuant to statute or rule, and to otherwise effect an orderly and prompt disposition of the proceedings.

SECTION 5. Uniform rules of administrative practice or procedure  
- Effective date - Hearings officer rules.

1. The director of administrative hearings shall adopt, in accordance with chapter 28-32, rules of administrative hearings practice or procedure which implement chapter 28-32 and which aid in the course and conduct of all administrative hearings and related proceedings conducted by administrative agencies under chapter 28-32. The uniform rules must be effective January 1, 1992. The uniform rules must be used by all administrative agencies subject to chapter 28-32 which do not have their own rules of administrative hearings practice or procedure governing the course and conduct of hearings. If an administrative agency's rules are silent on any aspect of the agency's administrative hearings practice or procedure, the applicable uniform rule governs.
2. The director of administrative hearings may adopt rules to further establish qualifications for hearings officers; to establish procedures for requesting and designating hearings officers; and to facilitate the performance of duties and responsibilities conferred by sections 1 through 8 of this Act. Any rules adopted by the director of administrative hearings pursuant to this subsection must be adopted in accordance with chapter 28-32.

SECTION 6. Transfer and transition provisions.

1. There is transferred from all agencies required to use the office of administrative hearings to conduct administrative hearings, to the office of administrative hearings, on the effective date of this Act, the following:
  - a. All functions performed on the day before the effective date of this Act by hearings officers of the agency, pursuant to the administrative hearings provisions of chapter 28-32, and any rules adopted pursuant to it, or any other applicable law, which must now be performed by

hearings officers of the office of administrative hearings on and after the effective date of this Act.

- b. The full-time equivalents of any agency hearings officer positions which are dedicated to the appointment or employment full time, or half time or more, of administrative hearings officers. Any individual appointed or employed pursuant to such full-time equivalent whose position is transferred to the office of administrative hearings may elect to accept the transfer, with no reduction in pay, or may elect to remain employed by the agency in another position, if offered by the agency.
  - c. The full-time equivalents of any agency positions that are dedicated to the appointment or employment full time, or half time or more, of support staff for administrative hearings officers or their work. Any individual who is appointed or employed pursuant to such full-time equivalent whose position is transferred to the office of administrative hearings may elect to accept the transfer, with no reduction in pay or classification, or may elect to remain employed by the agency in another position, if offered by the agency.
  - d. All property, equipment, materials, and copies of records held, used, arising from, available, or to be made available, in connection with the functions, individuals, and authority transferred by this section, as needed and required by the office of administrative hearings.
2. If the director of administrative hearings and the agency transferring any position or any property, equipment, materials, or copies of records to the office of administrative hearings cannot agree about who or what is to be transferred, the director of the office of management and budget may make determinations with regard to transfers to carry out sections 1 through 8 of this Act, to accommodate the needs and requirements of the office of administrative hearings, and to accommodate a smooth transition of positions, persons, property, equipment, materials, and records.
  3. The director of the office of management and budget, if necessary, may require agencies to allow the use of agency facilities on a temporary basis to allow for an orderly consolidation of the office of administrative hearings, personnel, property, equipment, materials, and copies of records in one location as space becomes available.
  4. Administrative proceedings in progress at the time of the effective date of this Act may be transferred to the office of administrative hearings to be conducted in accordance with applicable law only if the same person or persons currently involved in conducting the proceedings for the agency is available to conduct the proceedings for the office of administrative hearings. Otherwise, an administrative proceeding in progress at the time of the effective date of this Act must be handled by the agency or person previously involved, in accordance with applicable law.

**SECTION 7. Compensation for provision of hearings officers - Special fund established - Continuing appropriation.**

1. The office of administrative hearings may require payment for services rendered by any administrative hearings officer provided by it to any agency, or any unit of local

government, in the conduct of an administrative hearing and related proceedings and those entities must make the required payment to the office. Payment may include payment for support staff necessary to render hearings officer services. General fund moneys may not be used for payment by state agencies pursuant to this subsection. Moneys received by the office of administrative hearings in payment for providing an administrative hearings officer to conduct an administrative hearing and related proceedings must be deposited into the operating fund of the office of administrative hearings.

2. The office of administrative hearings may require payment for mileage, meals, and lodging in connection with services rendered by an administrative hearings officer provided to any agency, or any unit of local government, in the conduct of an administrative hearing and related proceedings, and those entities must make the required payment to the office. Payment for meals and lodging must be in the amounts allowable under section 44-08-04. Payment for mileage when using state vehicles must be in amounts set for user charges under section 24-02-03.5. All other payments must be in amounts allowed for other state officials and employees. Either general fund or special fund moneys, or other income, may be used for the payment of mileage, meals, and lodging under this subsection.
3. A special fund is established in the state treasury and designated as the administrative hearings fund. The director of administrative hearings shall deposit in the fund all moneys received by the office of administrative hearings in payment for providing temporary administrative hearings officers to conduct administrative hearings and related proceedings under this Act, as well as all moneys received by the office in payment for mileage, meals, and lodging in connection with providing any administrative hearings officer to conduct an administrative hearing and related proceedings. The moneys in the fund are a standing and continuing appropriation and are appropriated, as necessary, for the following purposes:
  - a. For the director of administrative hearings to contract with and make payment to temporary administrative hearings officers, as necessary, for the purpose of providing requested administrative hearings officers to agencies or any unit of local government.
  - b. For the director of administrative hearings to pay mileage, meals, and lodging to any hearings officers, as necessary, in connection with the services to be provided by this Act.

**SECTION 8. ADVISORY COUNCIL.** There is created a state advisory council for administrative hearings. The advisory council must be a committee or subcommittee of the state bar association of North Dakota, appointed by its president. The advisory council shall meet with the director at least semiannually and shall advise the director on policy matters affecting the office of administrative hearings and on rules adopted by the director.

**SECTION 9. REPEAL.** Subsection 2 of section 50-24.4-18 and subsection 18 of section 54-12-01 of the North Dakota Century Code are repealed.

**SECTION 10. APPROPRIATION.** The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and

other income, the sums as hereinafter provided, to the office of administrative hearings for the purpose of providing administrative hearings officers for state agencies, and such units of local government, as may require hearings officer services, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

Salaries and wages	\$722,142
Information Services Division	31,000
Operating expenses	104,841
Equipment	46,932
Total all funds	\$904,915
Less estimated income	665,396
Total general fund appropriation	\$239,519"

Renumber accordingly

SB 2235, as engrossed: Committee on Agriculture (Rep. Nicholas, Chairman) recommends DO PASS (16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2235 was placed on the Fourteenth order on the calendar.

SB 2253: Committee on Agriculture (Rep. Nicholas, Chairman) recommends DO PASS (16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2253 was placed on the Fourteenth order on the calendar.

SB 2282, as reengrossed: Committee on Agriculture (Rep. Nicholas, Chairman) recommends DO PASS (12 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). SB 2282 was placed on the Fourteenth order on the calendar.

SB 2311, as engrossed: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends DO PASS (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2311 was placed on the Fourteenth order on the calendar.

SB 2313, as engrossed: Committee on Transportation (Rep. Belter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (9 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1. line 12, remove the overstrike over "a" and remove "an eight-hour"

Page 1. line 14, after "older" insert "who successfully complete an eight-hour motor vehicle accident prevention course"

Renumber accordingly

SB 2338: Committee on Transportation (Rep. Belter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1. line 1, remove the second "and"

Page 1. line 2, after "49-18-41" insert ", and 49-18-41.1"

Page 3, after line 21, insert:

"SECTION 4. AMENDMENT. Section 49-18-41.1 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

49-18-41.1. Interstate carrier registration and identification. The commission is authorized to assess a ten dollar per vehicle fee as provided by rule for the registration and identification of interstate motor carriers operating within this state. The fee may not exceed the maximums provided for by the laws of the United States. The collection of this fee and issuance of identification stamps must be performed by the director of the department of transportation, who shall act as agent of the public service commission and be subject to the rules



adopted by the commission under this section. ~~Until July 1, 1991, the fee assessed per vehicle under this section and collected before July 1, 1991, must be paid into the state treasury monthly and credited to the general fund. After July 1, 1991, three dollars of the fee assessed and collected per vehicle must be credited to the highway fund for the use of the highway patrol.~~

Renumber accordingly

SB 2485: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2485 was placed on the Fourteenth order on the calendar.

SB 2509, as engrossed: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (9 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 21, remove "or a state department"

Page 3, line 10, remove "Public solicitation of proposals is not"

Page 3, line 11, replace "required. A" with "After a hearing, the" and replace "the public authority" with "it"

Page 3, line 12, remove "Public authorities are not required"

Page 3, line 13, remove "to select the lowest bidder among competing proposals."

Page 4, line 4, after the second comma insert "or" and remove ", or other lawful"

Page 4, line 5, remove "means"

Page 4, line 8, remove "sell or"

Page 4, line 10, after "years" insert "and must be reviewed and may be revised every five years"

Page 5, line 8, after "That" insert ", after public notice,"

Page 5, line 14, replace "Development agreements may contain any" with "Any"

Page 6, line 18, replace "New or existing" with "If approved by the public authority, new"

Page 6, line 22, replace "The" with "For portions of the project that do not involve contractor ownership, the"

Page 6, line 24, replace "exempt from" with "subject to"

Renumber accordingly

SB 2559, as engrossed: Committee on Education (Rep. Gates, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 7, after "~~list~~" insert "select one member to serve as its representative for a term of one year" and remove the overstrike over the overstruck period

Page 2, line 17, remove "select one member to serve as its representative for a term of"

Page 2, line 18, remove "one year" and overstrike the period

Renumber accordingly

SB 2560, as engrossed: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 3, after "organizations" insert "; to amend and reenact subsections 1 and 2 of section 12.1-28-02 of the North Dakota Century Code, relating to the penalty for illegal gambling; and to provide a penalty"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Subsections 1 and 2 of section 12.1-28-02 of the 1989 Supplement to the North Dakota Century Code are amended and reenacted as follows:

1. It ~~shall be~~ is an infraction to engage in gambling on private premises where the total amount wagered by an individual player exceeds twenty-five dollars per individual hand, game, or event.
2. It ~~shall be~~ is a class A misdemeanor to:
  - a. Sell, purchase, receive, or transfer a chance to participate in a lottery; or
  - b. Disseminate information about a lottery with intent to encourage participation in it; or
  - c. Engage in gambling on private premises where the total amount wagered by an individual player exceeds five hundred dollars per individual hand, game, or event."

Page 1, line 7, replace "Certified financial" with "Financial", underscore "statements. Every eligible organization receiving", and insert immediately thereafter "gaming"

Page 1, line 8, underscore "gross proceeds of two hundred thousand dollars or more in" and replace "any calendar year" with "the organization's annual accounting period"

Page 1, line 9, underscore "shall file with the", replace "licensing authority" with "attorney general", underscore "on or before", replace "April" with "the", underscore "fifteenth" and insert immediately thereafter "day", and underscore "of the" and insert immediately thereafter "fifth month following the end of the accounting period"

Page 1, line 10, remove "next calendar year", underscore "a financial statement", and replace "certified by a notary public" with "and a copy of the internal revenue service's form 990 titled return of organization exempt from income tax required to be filed under section 501(c) of the Internal Revenue Code", and underscore ". The"

Page 1, replace lines 11 through 17 with "financial statement must at least include a schedule of the sources of total revenue, total expenses, listing of the names of nongaming and gaming employees who received any form of compensation amounting to thirty thousand dollars or more during the accounting period, including specific sources of the compensation paid to each employee, and any information as required by the attorney general."

Renumber accordingly

SB 2581: Committee on Education (Rep. Gates, Chairman) recommends DO PASS (16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2581 was placed on the Fourteenth order on the calendar.

SB 2582, as engrossed: Committee on Education (Rep. Gates, Chairman) recommends DO PASS (16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2582 was placed on the Fourteenth order on the calendar.

SB 2584: Committee on Education (Rep. Gates, Chairman) recommends DO PASS (16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2584 was placed on the Fourteenth order on the calendar.

SCR 4011: Committee on Natural Resources (Rep. A. Olson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 3, line 4, replace "is now obvious" with "appears"

Page 3, line 5, replace "must" with "should"

Page 3, line 6, replace "major" with "greater"

Page 3, line 8, replace "may be" with "should consider entering"

Page 3, line 9, remove "obligated to enter"

Renumber accordingly

SCR 4046: Committee on Agriculture (Rep. Nicholas, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4046 was placed on the Tenth order.

SCR 4059, as engrossed: Committee on Education (Rep. Gates, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (14 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SCR 4059 was placed on the Tenth order.

SCR 4060: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SCR 4060 was placed on the Tenth order.

SCR 4062: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SCR 4062 was placed on the Tenth order.

SCR 4065: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4065 was placed on the Tenth order.

SCR 4066: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4066 was placed on the Tenth order.

HCR 3009: Joint Constitutional Revision Committee (Rep. Kretschmar, Chairman) A MAJORITY of your committee (Reps. Kretschmar, Gates, Martin) recommends DO NOT PASS.

HCR 3009 was placed on the Seventh order on the calendar.

HCR 3009: Joint Constitutional Revision Committee (Rep. Kretschmar, Chairman) A MINORITY of your committee (Reps. Nelson, Oban) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS.

Page 1, line 7, after "the" insert "consecutive number of years a person may serve in the"

Page 1, line 15, replace "terms" with "years", remove "be elected to", and replace "house of" with "legislative assembly to twelve years"

Page 1, remove line 16

Page 1, line 17, remove "person may be elected to serve in the senate to three full terms"

Page 2, line 11, remove "be elected to"

Page 2, line 12, replace "three consecutive full terms as a senator and six consecutive full" with "twelve consecutive years as a member of the legislative assembly unless a longer period is required to complete a term to which the person is elected and the person has not served twelve consecutive years at the time of election."

Page 2, remove lines 13 through 15

Page 5, line 3, after the comma insert "sections 2 through 4 of"

Page 5, line 4, replace "applies" with "apply" and replace "1992" with "1993"

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

Page 5, line 6, replace "1992" with "1993"

Renumber accordingly

HCR 3009 was placed on the Seventh order on the calendar.

#### SIGNING of BILLS and RESOLUTIONS

The Speaker signed the following enrolled resolutions: HCR 3007, HCR 3014, HCR 3023, HCR 3024, HCR 3045, HCR 3057.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HCR 3007, HCR 3014, HCR 3023, HCR 3024, HCR 3045, HCR 3057.

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

ROY GILBREATH, Chief Clerk