

JOURNAL OF THE HOUSE

Fifty-third Legislative Assembly

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Bismarck, March 12, 1993

The House convened at 12:30 p.m., with Speaker R. Berg presiding.

The prayer was offered by the Rev. Angela Monson, First Lutheran Church, Mandan.

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

A quorum was declared by the Speaker.

HOUSE ENROSSING AND ENROLLING REPORT

The following resolutions were engrossed: HCR 3002, HCR 3014, HCR 3027.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

March 12, 1993

Due to the fact that House Bills 1049 and 1243 are not signed by the President of the Senate and the Secretary of the Senate, I am returning these House Bills.

CORRECTION AND REVISION OF THE JOURNAL

MR. SPEAKER: Your Committee on Correction and Revision of the Journal (Rep. DeWitz, Chairman) has carefully reexamined the Journal of the Thirty-ninth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 926, line 22, replace "McGee" with "McKee"

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

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1307.

SENATE AMENDMENTS TO HOUSE BILL NO. 1307

Page 1, line 12, overstrike "municipality" and insert immediately thereafter "political subdivision"

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has failed to pass: HB 1340.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has passed unchanged: HB 1080, HB 1094, HB 1109, HB 1129, HB 1144, HB 1257, HB 1268, HB 1276, HB 1277, HB 1324, HB 1388.

REPORT OF DELAYED BILLS COMMITTEE

MR. SPEAKER: Your Delayed Bills Committee (Rep. Martinson, Chairman) has examined and has cast a unanimous ballot in favor of a bill for an Act to create and enact a new section to chapter 40-57.1 of the North Dakota Century Code, relating to the tax commissioner providing a tax lien of record clearance before the state board of equalization grants a state income tax exemption for a new or expanding business; and to amend and reenact subsection 4 of section 40-57.1-02 of the North Dakota Century Code, relating to the definition of a project qualifying for an income tax exemption.

The bill will be HB 1510.

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

REPORT OF DELAYED BILLS COMMITTEE

MR. SPEAKER: Your Delayed Bills Committee (Rep. Martinson, Chairman) has examined and has cast a unanimous ballot in favor of a concurrent resolution inviting the members of the North Dakota Congressional Delegation to attend a joint session of the North Dakota Legislative Assembly to discuss problems related to unfunded federal mandates and new burdens that have been imposed on the state by the federal government.

The resolution will be HCR 3071.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Reps. Kretschmar, Freier, Wald and Sens. Krebsbach, Goetz, Nething introduced:

(Approved by the Delayed Bills Committee)

HCR 3071: A concurrent resolution inviting the members of the North Dakota Congressional Delegation to attend a joint session of the North Dakota Legislative Assembly to discuss problems related to unfunded federal mandates and new burdens that have been imposed on the state by the federal government.

Was read the first time.

MOTION

REP. FREIER MOVED that the rules be suspended, that HCR 3071 not be printed, not be referred to committee, be read in its entirety, not be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3071: A concurrent resolution inviting the members of the North Dakota Congressional Delegation to attend a joint session of the North Dakota Legislative Assembly to discuss problems related to unfunded federal mandates and new burdens that have been imposed on the state by the federal government.

The question being on the final adoption of the resolution, which has been read.

HCR 3071 was declared adopted on a voice vote.

POINT OF PERSONAL PRIVILEGE

REP. FROSETH: Mr. Speaker: I rise on a point of personal privilege.

On behalf of the Legislative Assembly members from Districts 2 and 6, Senators John Andrist and David O'Connell and Representatives Bob Skarphol, Jim Torgerson, Gerald O. Sveen, and myself, I take this opportunity to memorialize two members of the Sherwood Volunteer Fire Department who died in the line of duty, to honor six members of the Sherwood Volunteer Fire Department who were injured in the line of duty, and to recognize emergency and health care personnel and state officers and agencies who responded to the emergency situation and treatment needs of the injured firefighters.

On the morning of Sunday, September 15, 1991, the Sherwood Volunteer Fire Department responded to a call to extinguish a fire at an oil storage tank that has apparently been ignited by lightning. The Sherwood Volunteer Fire Department began fighting the blaze with chemicals when, through a tragic combination of circumstances involving dense smoke, muddy conditions, and a change in the direction of the wind, the firetruck and the firefighters were engulfed in flames and seriously injured. Appropriate responses to the emergency situation created by the injuries to the firefighters were provided

by ambulance services from Sherwood, Lansford, Mohall, and Kenmare and by personnel at Renville-Bottineau Memorial Hospital, Minot Air Force Base Hospital, and St. Joseph's Hospital and Trinity Medical Center of Minot to treat the men's injuries.

Sherwood Volunteer Fire Department members Craig Keith and Kevin Johnson lost their lives from their injuries and Robert Steeves, David Steeves, Wayne Stanley, Brad Johnson, Tim Schneiderman, and John Daeley sustained serious injuries, all while bravely performing volunteer duty. The Governor, State Radio Communications, North Dakota Workers Compensation Bureau, American Red Cross, and health care emergency services personnel responded promptly and compassionately to provide needed services in response to the emergency situation and treatment needs of the injured firefighters.

It is fitting that we take this opportunity to publicly memorialize Craig Keith and Kevin Johnson who lost their lives in the brave performance of service to their community, to honor Robert Steeves, David Steeves, Wayne Stanley, Brad Johnson, Tim Schneiderman, and John Daeley who were seriously injured while bravely performing duty in service to their community, and to recognize emergency and health care personnel and state officers and agencies who responded to the emergency situation and treatment needs of the injured firefighters.

MOTION

REP. SVEEN MOVED that the remarks of Rep. Froseth be printed in the Journal, which motion prevailed.

SIXTH ORDER OF BUSINESS

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

REP. FREIER MOVED that the amendments on the Sixth order of business to SB 2007, SB 2011, SB 2012, SB 2024, SB 2101, SB 2285, SB 2328, SB 2362, SB 2449, SB 2519, SB 2524, and SCR 4057 be adopted, which motion prevailed.

SCR 4057, as amended, was placed on the Tenth order of business on the calendar for the succeeding legislative day.

SB 2007, SB 2011, SB 2012, SB 2024, SB 2101, SB 2285, SB 2328, SB 2362, SB 2449, SB 2519, and SB 2524, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTION

REP. A. CARLSON MOVED that the House reconsider its action whereby Engrossed SB 2447 passed, which motion prevailed on a verification vote.

SECOND READING OF SENATE BILL

SB 2447: A BILL for an Act to create and enact a new subsection to section 15-27.6-04 of the North Dakota Century Code, relating to negotiations between teachers and interim district school boards.

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 50 YEAS, 47 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Berg, J.; Bodine; Boucher; Brodshaug; Carlson, C.; Clayburgh; Cleary; Coats; Gerntholz; Glassheim; Goffe; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Hokana; Jacobs; Kaldor; Kelsch; Kerzman; Kilichowski; Kretschmar; Kroeber; Laughlin; Mahoney; Maragos; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Oban; Porter; Price; Pyle; Ring; Rydell; Sitz; St. Aubyn; Stenehjem; Stenson; Sveen; Thorpe; Wardner; Wentz; Wilkie

NAYS: Austin; Bateman; Belter; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson, A.; Christopherson; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gorder; Gorman; Grosz; Henegar; Holm; Howard; Huether; Johnson; Keiser; Kempenich; Klein; Kunkel; Martin; Nichols; Olsen, D.; Olson, A.; Payne; Poolman; Rennerfeldt; Schindler; Shide; Skarphol; Soukup; Svedjan; Timm; Tollefson; Torgerson; Wanzek; Speaker R. Berg

ABSENT AND NOT VOTING: Wald

Engrossed SB 2447 passed and the title was agreed to.

MOTION

REP. SITZ MOVED that the House reconsider its action whereby Engrossed SB 2378 failed to pass, which motion prevailed on a verification vote.

SECOND READING OF SENATE BILL

SB 2378: A BILL for an Act to create and enact a new section to chapter 12.1-32 and two new subsections to section 54-23.3-04 of the North Dakota Century Code, relating to the imposition, collection, allocation, and disbursement of funds generated from a sentencing surcharge and the powers and duties of the director of the department of corrections and rehabilitation; and to provide an appropriation.

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 59 YEAS, 38 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Berg, J.; Bodine; Boucher; Brodshaug; Byerly; Carlisle; Christopherson; Clayburgh; Cleary; Coats; Dobrinski; Froseth; Gates; Glassheim; Goffe; Grumbo; Gulleeson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kerzman; Kilichowski; Kretschmar; Kroeber; Laughlin; Mahoney; Maragos; Monson; Mutzenberger; Nelson; Ness; Nichols; Oban; Olson, A.; Poolman; Porter; Pyle; Rennerfeldt; Ring; Rydell; Sitz; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Wentz; Wilkie

NAYS: Austin; Bateman; Belter; Bernstein; Boehm; Brown; Carlson, A.; Carlson, C.; Dalrymple; DeWitz; Dorso; Drovdal; Freier; Gerntholz; Gorder; Gorman; Grosz; Howard; Huether; Kempenich; Klein; Kunkel; Martin; Martinson; Nicholas; Olsen, D.; Payne; Price; Schindler; Shide; Skarphol; Soukup; Timm; Tollefson; Torgerson; Wanzek; Wardner; Speaker R. Berg

ABSENT AND NOT VOTING: Wald

Engrossed SB 2378 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3002: A concurrent resolution for the amendment of sections 3 and 4 of article IV of the Constitution of North Dakota, relating to the terms of state representatives; and to provide an effective date.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 10 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle;

Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Goffe; Gordor; Grosz; Grumbo; Guleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Torgerson; Wanzek; Wardner; Wentz; Speaker R. Berg

NAYS: Glasshem; Gorman; Huether; Kempenich; Martin; Olsen, D.; Olson, A.; Shide; Tollefson; Wilkie

ABSENT AND NOT VOTING: Wald

HC 3002 was declared adopted on a roll call vote.

POINT OF PERSONAL PRIVILEGE

REP. OBAN: Mr. Speaker: I rise on a point of personal privilege.

I rise on a point of personal privilege to pay tribute to Agnes Geelan, who passed away on Wednesday, March 10, 1993, in Fargo at the age of 96.

Agnes Geelan was well known to North Dakotans for her work in the political arena since 1945 when she first became involved in politics and government. The daughter of Norwegian immigrants, Agnes Geelan was elected mayor of Enderlin, North Dakota in 1946, serving until 1954. While serving as mayor of Enderlin, Agnes Geelan was elected to the North Dakota Senate where she served from 1950 to 1954. As the first woman elected to the North Dakota Senate, Agnes Geelan proved that women could secure and handle legislative leadership positions.

As an activist in the Nonpartisan League, she was endorsed by their nominating convention to run for Congress in 1948. Agnes Geelan was very instrumental in the merger of the Democratic party with the Nonpartisan League in North Dakota. In 1956 the merged Democratic-NPL convention endorsed her to run as their candidate for Congress.

Throughout her outstanding career in politics, she served with distinction in many other areas of government. In 1961 she was appointed to the Workmen's Compensation Bureau by Governor William L. Guy, and served as the bureau's chairman from 1966 to 1971 when she retired from that position. Upon her retirement as the first woman to serve as the chairman of the Workmen's Compensation Bureau, she devoted her efforts in 1971 and 1972 to the North Dakota Constitutional Convention. Following her work on the constitutional convention, Geelan was selected to represent the United States League of Women Voters at the United Nations General Assembly's Third Session on Disarmament. Her work as a devoted pacifist earned her the honor of being selected as one of 51 American heroes by Newsweek magazine in 1988.

In her outstanding career Agnes Geelan received many well-deserved honors for her years of service to her party, her state, and nation. We will long remember her as a dedicated public servant who served her beloved North Dakota long and well.

MOTION

REP. NELSON MOVED that the remarks of Rep. Oban be printed in the Journal, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HC 3027: A concurrent resolution to amend and reenact sections 7 and 13 of article VI of the Constitution of North Dakota, relating to selection

of Supreme Court justices; and to provide for application of the amendment.

ROLL CALL

The question being on the final passage of the amended resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 50 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Berg, J.; Bodine; Boucher; Brodshaug; Carlson, C.; Clayburgh; Cleary; Coats; Dobrinski; Gates; Gerntholz; Goffe; Gorder; Grumbo; Gullerson; Hagle; Hanson; Hausauer; Hokana; Huether; Jacobs; Kaldor; Kelsch; Kerzman; Kilichowski; Kretschmar; Kroeber; Mahoney; Maragos; Martinson; Mutzenberger; Nelson; Nichols; Oban; Pyle; Sitz; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Torgerson; Wentz

NAYS: Austin; Bateman; Belter; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson, A.; Christopherson; Dalrymple; DeWitz; Dorso; Drovdal; Freier; Froseth; Glassheim; Gorman; Grosz; Henegar; Holm; Howard; Johnson; Keiser; Kempenich; Klein; Kunkel; Laughlin; Martin; Monson; Ness; Nicholas; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Ring; Rydell; Schindler; Shide; Skarphol; Timm; Tollefson; Wanzen; Wardner; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Wald

HCR 3027 was declared lost.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The Governor was unable to exercise his constitutional duty as to approval or disapproval of HB 1049 and HB 1243. Both were passed by the 53rd Legislative Assembly. HB 1049 and HB 1243 were not signed by the President and Secretary of the Senate as required. Therefore, the Governor must return the bills to the house of origin which is the House of Representatives. To follow correct procedure; the House of Representatives must return HB 1049 and HB 1243 to the Senate, and respectfully request the signatures of the President of the Senate and the Secretary of the Senate.

MOTION

REP. MARTINSON MOVED that SB 2343 be placed at the head of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2343: A BILL for an Act to amend and reenact section 19-10-03.1 of the North Dakota Century Code, relating to the sale of alcohol-blended gasoline.

ROLL CALL

The question being on the final passage of the bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 24 YEAS, 71 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Bernstein; Bodine; Carlson, C.; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Gullerson; Hokana; Kaldor; Kunkel; Mahoney; Nicholas; Pyle; Ring; Sitz; St. Aubyn; Stenson; Svedjan; Thorpe; Tollefson

NAYS: Allmaras; Austin; Bateman; Berg, J.; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Christopherson; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Holm; Howard; Huether; Jacobs; Johnson; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Laughlin; Maragos; Martin; Martinson;

Monson; Mutzenberger; Nelson; Ness; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Rydell; Schindler; Shide; Skarphol; Soukup; Stenehjem; Sveen; Timm; Torgerson; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Hagle; Keiser; Wald

SB 2343 was declared lost.

SECOND READING OF SENATE BILL

SB 2290: A BILL for an Act to amend and reenact sections 5-01-08 and 39-20-14 of the North Dakota Century Code, relating to the use of screening tests as evidence of the consumption of alcoholic beverages by a person under twenty-one years of age.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 4 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gertholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hanson; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Tollefson; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

NAYS: Brown; Skarphol; Timm; Torgerson

ABSENT AND NOT VOTING: Hagle; Hausauer; Keiser; Wald

SB 2290 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2313: A BILL for an Act to amend and reenact subsection 2 of section 15-28-03 and sections 40-21-07 and 61-24.5-07 of the North Dakota Century Code, relating to the terms of office of school board members and petitions for nomination to elective office in cities and of city directors of the southwest water authority.

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 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gertholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban;

Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Hausauer; Wald

Engrossed SB 2313 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2339: A BILL for an Act to establish a state-community matching loan repayment program for nurse practitioners, physician assistants, and certified nurse midwives; to create and enact a new section to chapter 43-17 of the North Dakota Century Code, relating to practicing medicine without a license; and to provide an appropriation.

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 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glasheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Wald

SB 2339 passed and the title was agreed to.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3014.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3071.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2022, SB 2068, SB 2174, SB 2289, SB 2305, SB 2359, SB 2415, SB 2472, SB 2476.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has passed unchanged: SB 2026, SB 2050, SB 2053, SB 2076, SB 2089, SB 2239, SB 2271, SB 2296, SB 2315, SB 2331, SB 2369, SB 2377, SB 2410, SB 2417, SB 2419, SB 2445, SB 2457, SB 2458, SB 2478, SB 2493, SB 2494, SB 2495, SB 2497.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has amended and subsequently failed to pass: SB 2422.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has failed to pass: SB 2063, SB 2065.

SECOND READING OF SENATE BILL

SB 2488: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 14-09-06.2 and a new section to chapter 14-09 of the North Dakota Century Code, relating to effect of allegations of child abuse or sexual abuse in child custody determinations.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 95 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Gorman; Grosz; Grumbo; Gullerson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

NAYS: Goffe; Gorder

ABSENT AND NOT VOTING: Wald

Engrossed SB 2488 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2058: A BILL for an Act to create and enact a new subdivision to subsection 5 of section 19-03.1-36 of the North Dakota Century Code, relating to use of forfeited property by law enforcement agencies.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gullerson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Wald

SB 2058 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2159: A BILL for an Act to amend and reenact sections 49-21-01.2, 49-21-01.3, 49-21-02.2, 49-21-07, and 49-21-22 of the North Dakota Century Code, relating to the regulation of telecommunications companies.

ROLL CALL

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

NAYS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorde; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Mahoney; Wald

SB 2159 was declared lost.

MOTION

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

MOTION

REP. FREIER MOVED that the House be on the Fifth and Ninth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Monday, March 15, 1993, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2004, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2004 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "2,164,431" with "2,139,959"

Page 1, line 16, replace "5,447,381" with "5,422,909"

Page 1, line 17, replace "5,039,771" with "5,021,662"

Page 1, line 18, replace "407,610" with "401,247"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 627 - TRANSPORTATION INSTITUTE

HOUSE - The salaries and wages line item is decreased by \$24,472, \$6,363 of which is from the general fund, to reflect Governor Schafer's salary increase recommendation for state employees.

REPORT OF STANDING COMMITTEE

SB 2016, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (17 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2016 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "; and to provide an appropriation"

Page 1, line 3, remove "to the legislative council"

Page 1, line 12, replace "125,565" with "122,817"

Page 1, line 13, replace "3,003" with "2,703"

Page 1, line 16, replace "1,137,918" with "1,134,870"

Page 1, line 18, replace "700,918" with "697,870"

Page 2, line 28, after "than" insert "a total of"

Page 3, remove lines 7 through 12

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 160 - LEGISLATIVE COUNCIL

HOUSE - This amendment removes the \$125,000 appropriation, \$100,000 of which is from the general fund, for hiring a consultant to assist with a Legislative Council interim study of children and youth services in the state.

DEPARTMENT 324 - CHILDREN'S SERVICES COORDINATING COMMITTEE

HOUSE - This amendment makes the following changes:

- The salaries and wages line item is reduced by \$2,748 from the general fund to reflect Governor Schafer's salary increase recommendation for state employees.
- The information services line item is reduced by \$300 from the general fund to reflect a 10 percent reduction in information services costs.

REPORT OF STANDING COMMITTEE

SB 2060: Natural Resources Committee (Rep. A. Olson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2060 was placed on the Sixth order on the calendar.

Page 1, line 16, replace "the date of the tax sale to which the tax sale" with "before January first of the year following the year for which the taxes were levied and to which the tax sale certificate issued or deemed to have been issued"

Page 1, line 17, remove "certificate"

Page 2, line 1, replace the second "the" with "before January first of the year following the year for which the taxes were levied and to which the tax sale certificate issued or deemed to have been issued"

Page 2, line 2, remove "date of the tax sale to which the tax sale certificate"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2074: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2074 was placed on the Sixth order on the calendar.

Page 2, line 8, after the period insert "Upon request, the board shall grant inactive status to a licensee who does not practice embalming or funeral service, does not hold oneself out as practicing embalming or funeral service, and maintains any continuing competency requirements established by the board."

Page 2, line 16, after "establishment" insert ", except one", remove the overstrike over "~~used only for layouts or funerals~~", and insert an underscored comma after "funerals"

Page 3, line 17, after the underscored period insert "The board may establish special continuing education requirements for a licensee to convert from inactive to active status."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2096: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2096 was placed on the Sixth order on the calendar.

Page 1, line 10, after "employees" insert ", other than undocumented cash,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2195: Agriculture Committee (Rep. Nicholas, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2195 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2201, as engrossed: Political Subdivisions Committee (Rep. Martin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2201 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections 48-02-02 and"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 48-02-02 of the 1991 Supplement to the North Dakota Century Code is amended as follows:

48-02-02. Prerequisite to building construction and repair by contract - Exceptions. ~~If in~~ Before altering, repairing, or constructing any building public work belonging or appertaining to any of the public institutions of the state, or to any state agency, county, city, park district, school district, or other political subdivision of the state, or in making any improvements connected with the building public work, estimates of the project must be made by the governing body. ~~If the total estimated cost of all work involved amounts to more than exceeds~~ fifty thousand dollars for the completed project, the governing body of the public institution, municipality, state agency, county, city, park district, school district, or political subdivision shall procure plans, drawings, and specifications for the work, upon advertise for competitive bids or otherwise as the board may deem necessary. In all cases where the estimated cost of ~~the work~~ any public building exceeds fifty thousand

dollars, the plans, drawings, and specifications must be procured from a licensed architect, ~~provided, that in the case of.~~ However, for public buildings in use by or to be used by the North Dakota agricultural experiment station in connection with farm or agricultural research operations, the plans, drawings, and specifications may, with the approval of the board of higher education, be procured from a registered professional engineer, providing the engineer is in the regular employment of the agricultural experiment station."

Page 1, line 7, overstrike "The" and insert immediately thereafter "Before awarding any contract for public work or a public building as provided in section 48-02-02, the"

Page 1, line 8, overstrike "board" and insert immediately thereafter "body of any public institution, state agency, county, city, park district, school district, or political subdivision", after "for" insert "competitive", and overstrike "for the doing of the work for which"

Page 1, line 9, overstrike "plans, drawings, and specifications are required" and insert immediately thereafter "as provided"

Page 1, line 12, overstrike "the"

Page 1, line 13, overstrike "official" and insert immediately thereafter "a" and overstrike "such municipality or political subdivision," and insert immediately thereafter "general circulation in the county where the public work or public building is located or will be located"

Page 2, line 1, overstrike "board" and insert immediately thereafter "body"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2219: Agriculture Committee (Rep. Nicholas, Chairman) recommends DO PASS (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). SB 2219 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2227: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). SB 2227 was placed on the Sixth order on the calendar.

Page 3, line 22, after "address" insert "where appropriate"

Page 5, line 4, after "be" insert "adequately"

Page 5, line 11, replace "concerning" with "connection with"

Page 5, after line 15, insert:

"6. A banking institution may utilize personnel and facilities of other affiliates and other affiliates may utilize personnel and facilities of the banking institution."

Page 5, line 27, replace "A" with "Solely for the purpose of examination by the commissioner, a"

Page 6, line 19, after "obtained" insert "consistent with the requirements of the governing instrument or law"

Page 6, line 28, remove "might"

Page 6, line 29, replace "affect" with "affects" and replace "bank" with "banking institution"

Page 7, line 2, replace "bank" with "banking institution"

Page 7, line 6, replace "bank" with "banking institution"

Page 7, line 9, replace "might affect" with "affects"

Page 7, line 12, after "employees" insert "except:

- a. As authorized by the instrument creating the relationship or as authorized by law;
- b. When the banking institution has been advised in writing by its counsel or auditor that it has incurred as a fiduciary a contingent or potential liability and desires to relieve itself of that liability, a sale or transfer may be made with the approval of the board of directors, provided that the banking institution, upon consummation of the sale or transfer, makes reimbursement in cash at no loss to the account;
- c. To purchase at market value, defaulted investment funds; or
- d. Where ordered by the board"

Page 7, line 14, replace "bank" with "banking institution"

Page 7, line 16, after the underscored period insert "If the retention of stock or obligations of the banking institution or its affiliates is authorized by the instrument creating the relationship, by court order, or by law it may exercise rights to purchase its own stock or securities convertible into its own stock when offered pro rata to stockholders. When the exercise of rights or receipt of a stock dividend results in fractional share holdings, additional fractional shares may be purchased to complement the fractional shares so acquired."

Page 7, line 17, remove "not" and remove "or make a loan"

Page 7, line 19, remove "not" and after "accounts" insert "and if the transaction is not prohibited by the terms of any governing instrument"

Page 7, after line 19, insert:

- "5. A banking institution may make a loan to an account from the funds belonging to another account when the making of a loan to a designated account is authorized by the instrument creating the account from which the loan is made.
6. A banking institution may make a loan to an account and may take as security for the loan, assets of the account provided the transaction is fair to the account."

Page 7, line 26, after the underscored period insert "The banking institution may permit the investments of a fiduciary account to be deposited elsewhere."

Page 7, line 27, replace "The" with "Except for commingled investments, the"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2254, as engrossed: Transportation Committee (Rep. Belter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT

PASS (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2254 was placed on the Sixth order on the calendar.

Page 2, line 16, remove the overstrike over "~~; however, the~~" and remove "for the first offense and a fee of two"

Page 2, line 17, remove "hundred fifty dollars for a subsequent offense. The"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2255: Transportation Committee (Rep. Belter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2255 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 sections 39-04-14 and 39-04-14.1 of the North Dakota Century Code, relating to renewal of motor vehicle registrations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-04-14 of the North Dakota Century Code is amended and reenacted as follows:

39-04-14. **Renewal of registration.** Every vehicle registration, except those described in section 39-04-14.1, under this chapter expires on December thirty-first each year and must be renewed annually upon application by the owner and by payment of the fees required by law, such renewal to take effect on the first day of January each year. An owner who has made proper application for renewal of registration of a vehicle previous to January first but who has not received the number plates, plate, or registration card for the ensuing year is entitled to operate or permit the operation of such vehicle upon the highways upon displaying thereon the number plates or plate issued for the preceding year for such time, to be prescribed by the department, as may be required for the issuance of ~~such the~~ new plates. If a previously registered motor vehicle whose gross weight exceeds ten thousand pounds [4535.92 kilograms] is purchased during the period the vehicle's registration in this state is expired, the registration fee must be prorated on a monthly basis from the date of purchase to January first.

SECTION 2. AMENDMENT. Section 39-04-14.1 of the North Dakota Century Code is amended and reenacted as follows:

39-04-14.1. **Renewal of registration of motor vehicles under certain weight.** Except as otherwise provided in this section, the registration of a motor vehicle whose gross weight does not exceed ten thousand pounds [4535.92 kilograms] expires on the last day of the month which is the anniversary of the month it was originally registered. The registration may be renewed annually on application by the owner and payment of fees required by law. The renewal takes effect on the first day of the first month of the registration period. An owner of more than one vehicle qualifying for staggered registration under this section may renew all of the owner's vehicles in the same month. The registrar shall prorate the registration fees accordingly. If a previously registered motor vehicle whose gross weight does not exceed ten thousand pounds [4535.92 kilograms] is purchased during the period the vehicle's registration in this state is expired, the department shall collect the annual registration fee under section 39-04-19 and shall issue registration that expires on the last day of the month that is the anniversary of the month the vehicle was purchased."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2264: Natural Resources Committee (Rep. A. Olson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). SB 2264 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "nine-day" with "nine and one-half day"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2265, as engrossed: Political Subdivisions Committee (Rep. Martin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2265 was placed on the Sixth order on the calendar.

Page 1, line 1, after the third comma insert "5-02-05.1,"

Page 1, line 3, replace "sections" with "section"

Page 1, line 4, remove "5-02-05.1 and"

Page 1, line 10, overstrike "an"

Page 1, line 11, after "~~off-sale~~" insert "a qualified"

Page 1, line 12, after the period insert "For purposes of this section, "qualified alcoholic beverage licensee" means a licensee in a city that imposed a city lodging and restaurant tax on July 31, 1993, who paid such tax and who continues to pay any such tax imposed by the city or a licensee in a county or a licensee in a city that did not impose a city lodging and restaurant tax on July 31, 1993."

Page 2, line 25, replace "p.m." with "noon"

Page 3, after line 2, insert:

"SECTION 4. AMENDMENT. Section 5-02-05.1 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

5-02-05.1. ~~Special~~ Sunday alcoholic beverage permit - Penalty.

1. Any city or county may issue a ~~special~~ Sunday alcoholic beverage permit to a ~~private club, lodge, restaurant, motel, or hotel licensed as a retail~~ qualified alcoholic beverage establishment licensee licensed under this chapter 5-02, or to a publicly owned or operated facility. For purposes of this section, "qualified alcoholic beverage licensee" has the same meaning as in section 5-02-01.1. A county may not issue a permit under this section to a ~~private club, lodge, restaurant, motel, or hotel~~ retail alcoholic beverage establishment located within the geographical boundaries of a city.
2. The authority for issuing ~~such special~~ the permit rests solely with the governing body of the city or county. A ~~special~~ permit may be granted only upon proper application to and approval by the governing body, and must include payment of a fee determined by the governing body. A ~~special~~ permit granted by the city or county may be effective for more than one Sunday.

3. Under the ~~special~~ permit, alcoholic beverages may be distributed and dancing may be permitted in the ~~private club, lodge, restaurant, motel, hotel, establishment or publicly owned or operated facility~~. A city or county may permit dancing and the distribution of alcoholic beverages between the hours of twelve noon on ~~the specified~~ Sunday and one a.m. on Monday. The general public may be permitted to participate in the consumption of alcoholic beverages distributed under the authority of the ~~special~~ permit. The ~~private club, lodge, restaurant, motel, hotel, establishment or publicly owned or operated facility~~ granted the ~~special~~ permit shall enforce the requirements of this section.
4. Any person who dispenses, sells, or permits the consumption of alcoholic beverages in violation of this section, or who furnishes information required by this section which is false or misleading, is guilty of a class A misdemeanor.
5. ~~For purposes of this chapter, unless the context otherwise indicates, "restaurant" means a commercial establishment that is licensed to engage in the sale of alcoholic beverages at retail pursuant to this chapter, and which has a city, county, or state restaurant license and has paid the appropriate city food and lodging taxes for a continuous six month period before the application for the permit, or which derives fifty percent or more of its annual gross receipts from the sale of prepared meals and not alcoholic beverages."~~

Page 5, line 12, remove the overstrike over "sections", remove "section", after the first overstruck comma insert "and", and remove the overstrike over "5-02-05.1"

Page 5, line 17, replace "Sections 5-02-05.1 and" with "Section"

Page 5, line 18, replace "are" with "is"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2272: Appropriations Committee (Rep. Dalrymple, Chairman) recommends DO NOT PASS (16 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). SB 2272 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2279, as engrossed: Finance and Taxation Committee (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2279 was placed on the Sixth order on the calendar.

Page 2, line 29, remove the overstrike over "~~the cost of the project exceeded~~"

Page 3, line 1, remove the overstrike over "~~sixty five thousand dollars or~~"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2287: Political Subdivisions Committee (Rep. Martin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2287 was placed on the Sixth order on the calendar.

Page 1, line 15, after the underscored period insert "The average annual cost of this publication for cities having a prior history of such publication may be printed on the ballot. For cities not having a prior history of such publication, the estimated average annual cost of such publication, as mutually determined by the city and its official newspaper, may be printed on the ballot."

Page 2, line 7, after the underscored period insert "The average annual cost of this publication for cities having a prior history of such publication may be printed on the ballot. For cities not having a prior history of such publication, the estimated average annual cost of such publication, as mutually determined by the city and its official newspaper, may be printed on the ballot."

Page 2, line 24, after the underscored period insert "The average annual cost of this publication for cities having a prior history of such publication may be printed on the ballot. For cities not having a prior history of such publication, the estimated average annual cost of such publication, as mutually determined by the city and its official newspaper, may be printed on the ballot."

Page 3, line 10, after the underscored period insert "The average annual cost of this publication for cities having a prior history of such publication may be printed on the ballot. For cities not having a prior history of such publication, the estimated average annual cost of such publication, as mutually determined by the city and its official newspaper, may be printed on the ballot."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2306, as engrossed: Judiciary Committee (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2306 was placed on the Sixth order on the calendar.

Page 2, line 2, after "protection" insert "provided the party has submitted a verified application for the order that is sufficient to meet the criteria defined in subsection 2 of section 14-07.1-01"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2374: Judiciary Committee (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2374 was placed on the Sixth order on the calendar.

Page 1, line 2, after "conservator" insert "; and to provide an expiration date"

Page 1, after line 21, insert:

"SECTION 2. EXPIRATION DATE. This Act is effective through July 31, 1995, and after that date is ineffective."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2387: Appropriations Committee (Rep. Dalrymple, Chairman) recommends DO PASS (21 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2387 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2394, as engrossed: Human Services Committee (Rep. Rydell, Chairman)

recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2394 was placed on the Sixth order on the calendar.

Page 3, line 12, replace "have an incurable or irreversible condition caused" with "am in a terminal condition that is an incurable or irreversible condition which, without the administration of life-prolonging treatment, will result in my imminent death"

Page 3, line 13, remove "by injury, disease, or illness"

Page 3, line 25, replace "have an incurable or irreversible condition caused" with "am in a terminal condition that is an incurable or irreversible condition which, without the administration of life-prolonging treatment, will result in my imminent death"

Page 3, line 26, remove "by injury, disease, or illness"

Page 4, replace lines 3 through 17 with:

"b. I have made the following decision concerning the administration of nutrition when my death is imminent (initial only one statement):

(1) [] I wish to receive nutrition.

(2) [] I wish to receive nutrition unless I cannot physically assimilate nutrition, that nutrition would be physically harmful or cause unreasonable physical pain, or that nutrition would only prolong the process of my dying.

(3) [] I do not wish to receive nutrition.

(4) [] I make no statement concerning the administration of nutrition.

c. I have made the following decision concerning the administration of hydration when my death is imminent (initial only one statement):

(1) [] I wish to receive hydration.

(2) [] I wish to receive hydration unless I cannot physically assimilate hydration, that hydration would be physically harmful or cause unreasonable physical pain, or that hydration would only prolong the process of my dying.

(3) [] I do not wish to receive hydration.

(4) [] I make no statement concerning the administration of hydration."

Page 4, line 18, replace "c." with "d."

Page 4, line 19, remove the underscored colon

Page 4, line 20, replace "(1) If" with "if"

Page 4, line 24, replace "unreasonably" with "cause unreasonable physical pain"

Page 4, line 25, remove "painful"

Page 4, remove lines 27 through 29

Page 5, remove lines 1 and 2

Page 5, line 3, replace "d." with "e."

Page 5, line 6, replace "e." with "f."

Page 5, line 10, replace "f." with "g."

Page 7, line 19, remove "The declaration must"

Page 7, remove lines 20 through 24

Page 8, line 2, replace "unreasonably painful" with "cause unreasonable physical pain"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2397: Transportation Committee (Rep. Belter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2397 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "49-18-40,"

Page 1, line 3, after the semicolon insert "to repeal section 49-18-40 of the North Dakota Century Code, relating to the transfer of commercial freighting truck license tags;"

Page 3, line 22, overstrike "Miscellaneous"

Page 3, line 23, overstrike "nonrefundable fees", remove "are", and overstrike "as follows:"

Page 3, line 24, overstrike "1. Application" and insert immediately thereafter "The nonrefundable fee for an application", after "of" insert "a", and remove "\$150.00"

Page 3, line 26, overstrike "2.", remove "Request", overstrike "for", and remove "100.00"

Page 3, line 29, remove "temporary authority"

Page 4, line 7, after "~~thereof~~" insert "is one hundred dollars."

Page 4, remove lines 8 through 21

Page 5, line 11, overstrike "tag attached to" and insert immediately thereafter "certificate in"

Page 5, after line 23, insert:

"SECTION 6. REPEAL. Section 49-18-40 of the North Dakota Century Code is repealed."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2403: Transportation Committee (Rep. Belter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING). SB 2403 was placed on the Sixth order on the calendar.

Page 1, line 16, remove "to an"

Page 1, line 17, remove "insurer"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2467, as engrossed: Agriculture Committee (Rep. Nicholas, Chairman) recommends DO NOT PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2467 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2473, as reengrossed: Transportation Committee (Rep. Belter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2473 was placed on the Sixth order on the calendar.

Page 3, line 5, after the first comma insert "3,"

Page 3, line 6, remove "effective October 1, 1993, and section 3 of this Act becomes"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2486: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). SB 2486 was placed on the Sixth order on the calendar.

Page 1, line 3, after "industries" insert "; to provide a statement of legislative intent; and to provide an effective date"

Page 2, line 2, remove the overstrike over "~~Except as provided in~~"

Page 2, remove the overstrike over line 3

Page 2, line 4, remove the overstrike over "~~prison industry products to wholesale~~" and remove the overstrike over "~~outlets.~~"

Page 2, line 20, remove the overstrike over the overstruck period, after "All" insert "Roughrider industries may sell all", and remove the overstrike over "~~other prison made hardwood, fiberesin, upholstered,~~"

Page 2, line 21, remove the overstrike over "~~and metal art work products~~", remove the overstrike over "only", after "through" insert "to", and remove the overstrike over "~~wholesale~~"

Page 2, line 22, remove the overstrike over "~~outlets that possess a valid sales tax permit~~"

Page 3, after line 8, insert:

"SECTION 2. LEGISLATIVE INTENT. It is the intent of the legislative assembly that roughrider industries pursue joint ventures with the private sector. It is also the intent of the legislative assembly that roughrider industries' participation in the private sector prison industry enhancement certification program should be through utilization of the employer model component of the program as described by the American correctional association.

SECTION 3. EFFECTIVE DATE. This Act becomes effective on August 1, 1995."

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2498: Agriculture Committee (Rep. Nicholas, Chairman) recommends DO PASS (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2498 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2523, as engrossed: Agriculture Committee (Rep. Nicholas, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2523 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2527: Human Services Committee (Rep. Rydell, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2527 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "and" and after "26.1-08-06" insert ", and subsection 4 of section 26.1-08-12"

Page 3, after line 3, insert:

"SECTION 5. AMENDMENT. Subsection 4 of section 26.1-08-12 of the North Dakota Century Code is amended and reenacted as follows:

4. A person who obtains coverage pursuant to this section may not be covered for maternity during the first two hundred seventy days or any other preexisting condition during the first ~~six months~~ one hundred eighty days of coverage under the association plan if the person was diagnosed or treated for that condition during the ninety days immediately preceding the date of the application. Any person with coverage through the association plan due to a catastrophic condition or major illness who is also pregnant at the time of application is eligible for maternity benefits after the first one hundred eight days of coverage. This subsection does not apply to a person receiving nonelective procedures who has lost dependent status under a parent's or guardian's family or group policy and who has had continuous coverage under a family or group policy that has been in effect for the twelve-month period immediately preceding the filing of an application for nonelective procedures or to a person who is treated by nonelective procedures for a congenital or genetic disease."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2534, as engrossed: Transportation Committee (Rep. Belter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (9 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). Engrossed SB 2534 was placed on the Sixth order on the calendar.

Page 2, replace line 2 with "The safety chain requirement of this section does not apply to:

1. A fifth-wheel coupling device; or
2. A vehicle towing an implement of husbandry or an implement of husbandry towing a vehicle, when operated at a speed not exceeding twenty-five miles [40.23 kilometers] per hour."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4047: Agriculture Committee (Rep. Nicholas, Chairman) recommends DO PASS

and BE PLACED ON THE CONSENT CALENDAR (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). SCR 4047 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4048: Government and Veterans Affairs Committee (Rep. D. Olsen, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SCR 4048 was placed on the Sixth order on the calendar.

Page 1, line 2, after "state" insert "and other existing"

Page 2, line 2, after the second "state" insert "and other existing"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4052: Human Services Committee (Rep. Rydell, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4052 was placed on the Sixth order on the calendar.

Page 1, line 5, remove "a"

Page 1, line 6, remove "significant percentage of"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4060: Human Services Committee (Rep. Rydell, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4060 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "licensure" with "the statutory definition of home health agency and home health services"

Page 1, remove line 2

Page 1, line 3, remove "practicing in a home health care setting" and remove the first "to" and after the second "to" insert "the"

Page 1, line 4, after "problems" insert "and confusion" and replace "different" with "state registry"

Page 1, line 9, replace "certification" with "competency evaluation"

Page 1, replace lines 12 through 17 with:

"WHEREAS, the definition of "home health agency" as contained in North Dakota Administrative Code Section 33-03-10-01 (4) and (6) does not encompass all providers of home health services;"

Page 1, line 20, replace "licensure requirements of state" with "the statutory definition of home health agency and home health services"

Page 1, remove line 21

Page 1, line 22, remove "setting, to" and after "problems" insert "and confusion"

Page 1, line 23, replace "different" with "state registry"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4062: Agriculture Committee (Rep. Nicholas, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SCR 4062 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4065: Political Subdivisions Committee (Rep. Martin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). SCR 4065 was placed on the Sixth order on the calendar.

Page 1, line 2, replace the first "and" with a comma and after "county" insert ", and city"

Page 1, line 3, after "counties" insert "and cities" and after "county" insert "and city"

Page 1, line 5, after "county" insert "and city"

Page 1, line 7, replace "county" with "local government"

Page 1, line 8, after "county" insert "or city"

Page 1, line 12, after "counties" insert "or cities"

Page 1, line 16, remove "subsequent"

Page 1, line 17, after "county" insert "and city"

Page 1, line 19, after "counties" insert "and cities" and after "county" insert "or city"

Page 1, line 22, after "counties" insert "and cities"

Page 2, line 5, replace "and" with a comma and after "county" insert ", and city"

Page 2, line 7, after "counties" insert "and cities" and after "county" insert "and city"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4066: Agriculture Committee (Rep. Nicholas, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). SCR 4066 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4070: Political Subdivisions Committee (Rep. Martin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SCR 4070 was placed on the Sixth order on the calendar.

Page 1, line 2, after "for" insert "governmental units and"

Page 1, line 13, after "of" insert "governmental and"

Page 2, line 4, after "for" insert "governmental units and"

Page 2, line 6, replace "expand" with "expend"

Renumber accordingly

FIRST READING OF HOUSE BILL

Rep. Freier introduced:

(Approved by the Delayed Bills Committee)

HB 1510: A BILL for an Act to create and enact a new section to chapter 40-57.1 of the North Dakota Century Code, relating to the tax commissioner providing a tax lien of record clearance before the state board of equalization grants a state income tax exemption for a new or expanding business; and to amend and reenact subsection 4 of section 40-57.1-02 of the North Dakota Century Code, relating to the definition of a project qualifying for an income tax exemption.
Was read the first time and referred to the Finance and Taxation Committee.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for his filing at the hour of 2:50 p.m., March 12, 1993: HCR 3004, HCR 3005, HCR 3020, HCR 3023, HCR 3033.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 2:45 p.m., March 12, 1993: HB 1031, HB 1034, HB 1035, HB 1036, HB 1037, HB 1043, HB 1051, HB 1053, HB 1059, HB 1068, HB 1069, HB 1074, HB 1095, HB 1098, HB 1107, HB 1117, HB 1128, HB 1130, HB 1146, HB 1150, HB 1151, HB 1159, HB 1244, HB 1288, HB 1358, HB 1385, HB 1493.

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

ROY GILBREATH, Chief Clerk