

JOURNAL OF THE HOUSE

Fifty-first Legislative Assembly

* * * * *

Bismarck, January 19, 1989

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

The prayer was offered by Rev. Clem Auch, Century Baptist Church, Bismarck.

The roll was called and all Representatives were present, except Representatives Gorman, R. Hausauer, Laughlin, Nicholas, D. Olsen, and Shockman.

A quorum was declared by the Speaker.

CORRECTION and REVISION of the JOURNAL (Rep. V. Olson, Chairman)
MR. SPEAKER: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Eleventh Day and finds it to be correct.

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

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred HB 1227 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1227 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred HB 1092 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1092 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred HB 1093 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1093 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred HB 1156 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1156 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred HB 1158 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1158 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred HB 1143 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1143 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred HB 1086 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1086 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred HB 1091 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1091 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred HB 1099 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1099 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was referred HB 1040 has had the same under consideration and recommends by a vote of 16 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations:

Page 1, line 1, remove "to impose an excise tax on telephone access lines and"

Page 1, line 2, remove "create an emergency medical services fund;"

Page 1, line 4, after the first semicolon insert "and" and remove "; and"

Page 1, line 5, remove "to provide an effective date"

Page 1, line 12, remove "and shall financially assist"

Page 1, remove line 13

Page 1, line 14, remove "branch in obtaining equipment"

Page 1, line 15, remove ", with the allocation"

Page 1, line 16, remove "between training and equipment determined by the health services branch"

Page 1, line 19, replace "equipment" with "training"

Page 1, line 20, after the second comma insert "that the service has fifty percent of"

Page 1, line 21, replace "available" with "necessary" and replace "identified equipment acquisitions. The" with "training"

Page 1, remove line 22

Page 2, remove lines 1 through 9

Page 2, line 10, remove "under this section"

Page 2, line 14, replace ", may designate" with a period

Page 2, remove line 15

Page 2, line 18, replace "equipment acquisition" with "training assistance"

Page 2, remove lines 20 through 29

Page 3, remove lines 1 through 12

Page 3, line 14, remove "from the"

Page 3, line 15, replace "emergency medical services" with "out of any moneys in the general" and after "treasury" insert ", not otherwise appropriated, and from special funds derived from federal funds and other income,"

Page 3, line 19, replace "236,000" with "221,650"

Page 3, line 20, replace "189,000" with "171,590"

Page 3, line 21, replace "25,000" with "22,100"

Page 3, line 22, replace "10,000" with "7,000"

Page 3, remove line 23

Page 3, line 24, replace "736,000" with "500,000"

Page 3, line 25, replace "emergency medical services fund appropriation" with "all funds" and replace "3,000,000" with "922,340"

Page 3, after line 25, insert:

"Less estimated income	<u>228,000</u>
------------------------	----------------

Total general fund appropriation	\$694,340"
----------------------------------	------------

Page 3, remove lines 26 and 27

Re-number accordingly

HB 1040 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred HB 1073 has had the same under consideration and recommends by a vote of 17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, remove "24-02-03.3, 24-02-03.4,"

Page 1, remove lines 15 through 22

Page 2, remove lines 1 through 29

Page 3, remove lines 1 through 6

Re-number accordingly

HB 1073 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred HB 1117 has had the same under consideration and recommends by a vote of 16 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 2, line 19, after the period insert "If assessment of civil money penalties are proposed based on conditions described in subdivisions c through i of subsection 1 of this section, a complaint may not be filed unless the respondent has been provided with prior orders, examination reports, or other written communications, and has willfully refused to take corrective action that the respondent was capable of taking at the time."

Re-number accordingly

HB 1117 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred HB 1133 has had the same under consideration and recommends by a vote of 9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 21, remove "of any public or private facility"

Page 2, line 3, replace "includes" with "means any"

Re-number accordingly

HB 1133 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred HB 1159 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 20, replace "Disposition, encumbrance, merger, or consolidation of assets" with "Disposal or encumbrance of tangible property"

Page 1, line 21, replace "two" with "five"

Re-number accordingly

HB 1159 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred HB 1160 has had the same under consideration and recommends by a vote of 14 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, remove "create and enact section 26.1-22-07.1 of the North"

Page 1, remove line 2

Page 1, line 3, remove "North Dakota and the board of university and school lands; and to"

Page 1, line 4, replace the first comma with "and" and remove ", and 26.1-22-07"

Page 1, line 13, replace "attorney general" with "secretary of state"

Page 1, line 15, replace "attorney general" with "secretary of state"

Page 1, line 18, replace "attorney general" with "secretary of state"

Page 2, remove lines 13 through 28

Re-number accordingly

HB 1160 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was referred HB 1164 has had the same under consideration and recommends by a vote of 15 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 5, remove "and" and after "57-38.4-01" insert ", and section 57-38.4-02"

Page 4, after line 27, insert:

"SECTION 6. AMENDMENT. Section 57-38.4-02 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-38.4-02. Water's edge election. A corporation required to file a worldwide unitary combined report must ~~continue~~ to do so unless it elects to apportion its income using the water's edge method.

1. A corporation electing to file using the water's edge method must comply with the following:
 - a. The election must be made on the return as originally filed.
 - b. The corporation may not reduce taxable income for federal taxes paid or accrued as allowed by subdivision c of subsection 1 of section 57-38-01.3.
 - c. The water's edge election is binding for ~~ten~~ five consecutive taxable years after making the election.
 - d. The corporation must file with the tax commissioner a domestic disclosure spreadsheet, after which the corporation must file a domestic disclosure spreadsheet only every third year while the election remains in effect.
2. All corporations electing the water's edge method must include the income and apportionment factors of the water's edge group. Foreign dividends and income from 80/20 corporations must be included as follows:
 - a. An existing corporation must include fifty percent of foreign dividends and sixty percent of income from 80/20 corporations. However, an existing corporation that increases and maintains a threshold activity by twenty-five percent or more, but not by business reorganization or acquisition, is only required to include thirty percent of foreign dividends and thirty percent of income from 80/20 corporations.
 - b. A new corporation must include thirty percent of foreign dividends and thirty percent of income from 80/20 corporations.
 - c. For taxable years beginning after December 31, 1994, all corporations making the water's edge election may reduce the inclusion to include thirty percent of foreign dividends and thirty percent of income from 80/20 corporations."

Renumber accordingly

HB 1164 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Natural Resources (Rep. A. Olson, Chairman) to which was referred HB 1203 has had the same under consideration and recommends by a vote of 17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1203 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education (Rep. Gates, Chairman) to which was referred HB 1228 has had the same under consideration and recommends by a vote of 10 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1228 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education (Rep. Gates, Chairman) to which was referred HB 1232 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1232 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Political Subdivisions (Rep. Lindgren, Chairman) to which was referred HB 1238 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

HB 1238 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education (Rep. Gates, Chairman) to which was referred HB 1240 has had the same under consideration and recommends by a vote of 12 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1240 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Political Subdivisions (Rep. Lindgren, Chairman) to which was referred HB 1251 has had the same under consideration and recommends by a vote of 11 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

HB 1251 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred HB 1255 has had the same under consideration and recommends by a vote of 17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 5, after "barbershops" insert "; and to declare an emergency"

Page 1, after line 22, insert:

"SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Re-number accordingly

HB 1255 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred HB 1269 has had the same under consideration and recommends by a vote of 11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

HB 1269 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred HB 1273 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

HB 1273 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred SB 2082 has had the same under consideration and recommends by a vote of 10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommend the same DO PASS:

Page 2, line 21, remove the overstrike over "~~as compensation~~" and remove "uncompensated expenses incurred in"

Page 2, line 23, after the period insert "Each member of the legislative assembly may make an election, binding for the legislator's term of office, to receive the one hundred eighty dollars a month as reimbursement for uncompensated expenses, rather than as compensation."

Renumber accordingly

SB 2082 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

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 1107, HB 1141, HB 1195, HB 1224, HB 1231.

SECOND READING OF HOUSE BILLS

HB 1237: A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to optional contributions to the United States olympic committee to be added to income tax liability or deducted from any income tax refund of taxpayers; to amend and reenact section 57-38-34.3 of the North Dakota Century Code, relating to contributions to the nongame wildlife fund; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 28 YEAS, 70 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Aas; Gates; Gerhardt; Gerl; Goetz; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hokana; Knell; Lang; Larson, D.; Martin; Martinson; Mertens; Oban; Olson, A.; Olson, V.; Peterson; Rydell; Schindler; Shaft; Sorensen; Timm; Wentz; Speaker Kretschmar

NAYS: Aarsvold; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gerntholz; Gilmore; Graba; Gunsch; Hanson, O.; Hoffner; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Kolbo; Kouba; Larson, R.; Lindgren; Marks; Melby; Murphy; Myrdal; Nelson; Ness; Nowatzki; O'Shea; Payne; Ring; Schatz; Scherber; Schmidt; Schneider; Shide; Skjerven; Smette; Solberg; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Watne; Wilkie; Williams, A.; Williams, W.

ABSENT AND NOT VOTING: Gorman; Hausauer, R.; Laughlin; Nicholas; Olsen, D.; Shockman; Wald; Whalen

HB 1237 lost.

HB 1065: A BILL for an Act to amend and reenact sections 54-03-02 and 54-03-02.1 of the North Dakota Century Code, relating to reconvened regular sessions of the legislative assembly in even-numbered years for budget adjustment purposes; and to provide an expiration date.

MOTION

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

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 40 YEAS, 60 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Berg, G.; Brokaw; Carlson; DeMers, J.; Enget; Flaagan; Frey; Gerhardt; Gerl; Gilmore; Graba; Halmrast; Hanson, L.; Hoffner; Hokana; Huether; Jensen; Kelly; Kolbo; Larson, R.; Lindgren; Marks; Mertens; Nelson; Nowatzki; Oban; Peterson; Ring; Rydell; Scherber; Schneider; Skjerven; Sorensen; Stenehjem; Stofferahn; Ulmer; Wentz; Williams, W.; Speaker Kretschmar

NAYS: Aarsvold; Aas; Anderson, R.; Belter; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; DeMers, P.; Dorso; Gates; Gerntholz; Goetz; Gunsch; Hanson, O.; Haugen; Haugland; Hausauer, A.; Howard; Kaldor; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, D.; Martin; Martinson; Melby; Murphy; Myrdal; Ness; Olson, A.; Olson, V.; O'Shea; Payne; Schatz; Schindler; Schmidt; Shaft; Shide; Smette; Solberg; Soukup; Starke; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Urlacher; Vander Vorst; Wald; Watne; Whalen; Wilkie; Williams, A.

ABSENT AND NOT VOTING: Gorman; Hausauer, R.; Laughlin; Nicholas; Olsen, D.; Shockman

HB 1065 lost.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Warren G. Allen
Former Senator Ernest C. Livingston

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2011, SB 2017, SB 2035, SB 2040, SB 2042, SB 2069, SB 2075, SB 2076, SB 2097, SB 2099, SB 2126, SB 2138, SB 2161, SB 2167, SCR 4006, SCR 4007.

SECOND READING OF HOUSE BILL

HB 1234: A BILL for an Act to create and enact a new section to chapter 57-38 and a new subsection to section 57-38-30.3 of the North Dakota Century Code, to provide an income tax credit to taxpayers who vote in a general election; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 4 YEAS, 96 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Aas; Frey; Peterson; Ulmer

NAYS: Aarsvold; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nowatzki; Oban; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: Gorman; Hausauer, R.; Laughlin; Nicholas; Olsen, D.; Shockman

HB 1234 lost.

MOTIONS

REP. GATES MOVED that HB 1240, which is on the Eleventh order, be rereferred to the Committee on Education, which motion prevailed. Pursuant to Rep. Gate's motion, HB 1240 was rereferred.

REP. A. OLSON MOVED that HB 1309 be returned to the House floor from the Committee on Natural Resources and be rereferred to the Committee on Agriculture, which motion prevailed. Pursuant to Rep. A. Olson's motion, HB 1309 was rereferred.

REP. A. OLSON MOVED that HB 1327 be returned to the House floor from the Committee on Natural Resources and be rereferred to the Committee on Agriculture, which motion prevailed. Pursuant to Rep. A. Olson's motion, HB 1327 was rereferred.

REP. A. OLSON MOVED that HB 1523 be returned to the House floor from the Committee on Natural Resources, which motion prevailed.

REQUEST

REP. RYDELL REQUESTED the unanimous consent of the House to withdraw HB 1523. There being no objection, it was so ordered by the Speaker.

REQUEST BY THE SPEAKER

SPEAKER KRETSCHMAR REQUESTED that the Rules for Decorum in the House Chamber be printed in the Journal and read by the Chief Clerk, which request was granted.

RULES FOR DECORUM IN THE HOUSE CHAMBER

1. No food or beverages are permitted on the floor of the House when the House is convened.
2. Smoking is not permitted in the House Chamber.
3. Pictures, including video camera taping, are not permitted to be taken at any time, except by the press, House and caucus employees or designees.
4. No one is permitted to sleep or rest in a prone position on the seats which line both sides of Memorial Hall between the House and Senate Chambers.
5. When a Roll Call vote is taken, every member shall be in their seat and register their own vote. The Majority and Minority Leaders and their assistants are exempt from the provisions of this rule.
6. During debate, members are to be attentive and quiet and the noise behind the rail shall be held to a minimum.
7. No member shall have more than one guest seated with the member on the floor at any one time.
8. No one is permitted to visit or lean over the back railing.
9. The Sergeant-at-Arms shall clear the floor of the House Chamber in front of the railing of all persons except legislators, legislative guests, legislative employees, and members of the press, during the time period commencing thirty minutes before the House convenes on any legislative day until the House recesses for that calendar day.
10. Legislators and employees shall be suitably attired.
11. When the Speaker is putting the question, no member shall walk out of or across the floor of the House.
12. When a member is speaking, no person shall pass between the person speaking and the Chair.
13. A member desiring to speak shall rise and respectfully address the Speaker and shall remain in place before proceeding to speak until recognized by the Chair.
14. Visitors sitting in lower tier of seats in House Balcony shall not touch, lean over, place objects on, or put their feet on brass railings.

15. While the House is convened, no person shall read newspapers or other large publications in an unfolded and conspicuous manner.
16. All persons shall wear identification badges while in the House Chamber or in the employ of the House.
17. Any member seeing a violation of these directives, or who has a question or problem, should advise the Sergeant-at-Arms or an assistant as soon as possible.

FIRST READING OF SENATE CONCURRENT RESOLUTION

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

SCR 4023: A concurrent resolution designating March 6, 1989, as United States Military Academy Day and inviting the West Point Glee Club to perform in Memorial Hall of the State Capitol.

Was read the first time.

MOTION

REP. KLOUBEC MOVED that the rules be suspended, that SCR 4023 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 SENATE CONCURRENT RESOLUTION

SCR 4023: A concurrent resolution designating March 6, 1989, as United States Military Academy Day and inviting the West Point Glee Club to perform in Memorial Hall of the State Capitol.

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

SCR 4023 was declared adopted on a voice vote.

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

MR. PRESIDENT: The House has passed unchanged: SCR 4023.

MOTIONS

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

REP. KLOUBEC MOVED that the House be on the Ninth order of business, and at the conclusion of the Ninth order, the House be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the House stand adjourned until 1:00 p.m., Friday, January 20, 1989, which motion prevailed.

FIRST READING OF HOUSE BILLS

Reps. Wilkie, P. DeMers, Myrdal and Sens. David, O'Connell, Yockim introduced:

HB 1529: A BILL for an Act to amend and reenact sections 54-03.1-03 and 54-44.1-07 of the North Dakota Century Code, relating to the organizational session agenda and presentation of the executive budget.

Was read the first time and referred to the Committee on State and Federal Government.

Reps. A. Hausauer, Belter, G. Berg and Sens. Ingstad, Moore, Stromme introduced:

HB 1530: A BILL for an Act to amend and reenact section 57-38-30 of the North Dakota Century Code, relating to the imposition and rate of income tax on corporations.

Was read the first time and referred to the Committee on Finance and Taxation.

Rep. Solberg and Sen. Richard introduced:

HB 1531: A BILL for an Act to amend and reenact section 39-04-10.3 of the North Dakota Century Code, relating to personalized plates for motorcycles.

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

Reps. K. Thompson, Whalen introduced:

HB 1532: A BILL for an Act to amend and reenact subsection 5 of section 20.1-03-11 of the North Dakota Century Code, relating to preferential landowner antelope licenses.

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

Reps. Gerl, Lindgren, Dorso and Sen. Maxson introduced:

HB 1533: A BILL for an Act to create and enact a new subsection to section 53-06.1-01 and three new sections to chapter 53-06.1 of the North Dakota Century Code, relating to electronic facsimiles of games of chance, taxes on proceeds from games of chance conducted by electronic facsimiles, and the foundation aid reserve fund; to amend and reenact subsections 2 and 3 of section 53-06.1-03, sections 53-06.1-07, 53-06.1-07.1, 53-06.1-12, 53-06.1-12.1, 53-06.1-14, and 53-06.1-17 of the North Dakota Century Code, relating to electronic facsimiles of games of chance; and to provide a continuing appropriation.

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

Rep. W. Williams introduced:

HB 1534: A BILL for an Act to amend and reenact subsection 1 of section 57-39.2-18 and subsection 1 of section 57-40.2-15 of the North Dakota Century Code, relating to penalties for delinquent sales and use tax returns and payments.

Was read the first time and referred to the Committee on Finance and Taxation.

Reps. Wald, Myrdal, Kouba and Sens. Nalewaja, Axtman, Kelsh introduced:

HB 1535: A BILL for an Act to prohibit the use of public funds and proceeds derived from games of chance for providing family health planning services for school children and to prohibit school employees from providing transportation to aid school children in obtaining family health planning services; and to provide a penalty.

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

Rep. Melby introduced:

HB 1536: A BILL for an Act to create and enact three new sections to chapter 15-34.1 of the North Dakota Century Code, relating to nonapproved private school education, participation in public school courses of instruction, other activities by students receiving home-based instruction or education at nonapproved private schools, compulsory school attendance, and state aid; and to amend and reenact sections 15-34.1-03, 15-34.1-04, and 15-34.1-05 of the North Dakota Century

Code, relating to home-based instruction and compulsory school attendance; and to provide an expiration date.

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

FIRST READING OF SENATE BILLS

SB 2046: A BILL for an Act to create and enact a new section to chapter 26.1-21 of the North Dakota Century Code, relating to the state bonding fund; and to amend and reenact sections 20.1-03-17 and 20.1-03-20 of the North Dakota Century Code, relating to bonds of county auditors and agents appointed by county auditors to distribute hunting and fishing licenses or stamps.

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

SB 2079: A BILL for an Act to amend and reenact subsection 1 of section 11-18-05 of the North Dakota Century Code, relating to fees for recording instruments.

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

SB 2115: A BILL for an Act to amend and reenact subsection 13 of section 52-01-01 and subsections 9 and 10 of section 52-06-02 of the North Dakota Century Code, relating to the definition of education institutions under the unemployment compensation law and educational employee disqualification from unemployment compensation benefits.

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

SB 2118: A BILL for an Act to create and enact a new subsection to section 52-04-05 of the North Dakota Century Code, relating to determination of rates for unemployment compensation purposes.

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

SB 2120: A BILL for an Act to create and enact a new section to chapter 52-06 of the North Dakota Century Code, relating to applicability of unemployment compensation decisions to separate proceedings.

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

SB 2121: A BILL for an Act to create and enact a new section to chapter 52-04 of the North Dakota Century Code, relating to personal liability of corporate officers for unemployment compensation purposes.

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

SB 2136: A BILL for an Act to amend and reenact sections 11-23-01 and 11-23-06 of the North Dakota Century Code, relating to county budgets and appropriations; and to repeal section 11-23-08 of the North Dakota Century Code, relating to county expenditures made before the appropriation is approved.

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

SB 2140: A BILL for an Act to amend and reenact section 39-04-13, subsection 2 of section 39-04-36, and section 39-05-09.1 of the North Dakota Century Code, relating to duplicate vehicle registration and title and to the fee for transfer of license plates.

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

SB 2142: A BILL for an Act to amend and reenact subsection 1 of section 39-04-10.4 of the North Dakota Century Code, relating to registration of antique motor vehicles.

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

SB 2143: A BILL for an Act to create and enact a new subsection to section 39-01-15 of the North Dakota Century Code, relating to reciprocal use of mobility impaired parking privileges.

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

SB 2152: A BILL for an Act to amend and reenact sections 54-10-14 and 54-10-15 of the North Dakota Century Code, relating to the requirements for requesting a state audit by petition or at the request of the chairman of the board.

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

SB 2164: A BILL for an Act to amend and reenact section 12.1-20-11 of the North Dakota Century Code, relating to the definition of the crime of incest.

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

SB 2170: A BILL for an Act to amend and reenact sections 19-18-02, 19-18-03, 19-18-04, 19-18-05, 19-18-06, 19-18-06.1, 19-18-07, 19-18-08, 19-18-09, 19-18-10, and 19-18-11 of the North Dakota Century Code, relating to the registration and sale of pesticides.

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

SB 2217: A BILL for an Act to amend and reenact subsection 1 of section 57-51-05, subsection 3 of section 57-51-06, and sections 57-51-17 and 57-51-19 of the North Dakota Century Code, relating to interest to be paid on oil and gas production tax if an extension of time for payment has been granted, reports filed to facilitate the administration of the oil and gas production tax, and refunds of the oil and gas production tax; and to repeal sections 57-51-20 and 57-51.1-04 of the North Dakota Century Code, relating to statement sheets for oil or gas and the authority of the commissioner to accept production reports.

Was read the first time and referred to the Committee on Finance and Taxation.

SB 2221: A BILL for an Act to create and enact a new section to chapter 47-21 and a new subsection to section 57-40.3-11 of the North Dakota Century Code, relating to penalty and interest on tax levied on selling and licensing performing rights and fixing motor vehicle excise tax audit assessments; and to amend and reenact section 57-37.1-01 of the North Dakota Century Code, relating to the federalization of the estate tax.

Was read the first time and referred to the Committee on Finance and Taxation.

SB 2222: A BILL for an Act to provide for an exception to the open records law for law enforcement criminal intelligence and criminal investigative information.

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

SB 2224: A BILL for an Act to create and enact a new section to chapter 16.1-12 of the North Dakota Century Code, relating to the

affidavit of candidate to accompany the nomination by petition before the general election.

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

SB 2228: A BILL for an Act to create and enact a new section to chapter 39-03.1 and a new section to chapter 54-52 of the North Dakota Century Code, relating to payment of retirement benefits in accordance with domestic relations orders under the highway patrolmen's retirement system and public employees retirement system; and to amend and reenact sections 28-22-03.1 and 28-22-19 of the North Dakota Century Code, relating to property exempt from judicial process.

Was read the first time and referred to the Committee on State and Federal Government.

SB 2229: A BILL for an Act to amend and reenact sections 11-10.1-01, 11-10.1-02, 11-10.1-03, 11-10.1-04, subsection 2 of section 11-10.1-05, sections 11-10.1-07, 11-23-01, 57-02-08.1, 57-06-01, 57-14-01 and 57-61-01.1 of the North Dakota Century Code, relating to the qualifications of a county director of tax equalization, property tax credits for persons sixty-five years of age or older with limited income, the exemption of rural water pipelines from central ad valorem assessment, the duty of a county auditor to correct clerical errors, and the coal severance tax exemption for coal used for space heating purposes.

Was read the first time and referred to the Committee on Finance and Taxation.

SB 2257: A BILL for an Act to amend and reenact subsection 1 of section 4-13.2-03, sections 4-13.2-04, 4-30-21, 36-01-01, 36-01-02, 36-01-03, 36-01-04, 36-01-05, 36-01-06, 36-01-07, 36-01-08, 36-01-09, 36-01-10, 36-01-11, 36-01-12, 36-01-12.1, 36-01-13, 36-01-14, 36-01-15, 36-01-16, 36-01-17, 36-01-18, 36-01-19, 36-01-22, 36-01-23, 36-01-24, 36-01-26, 36-01-27, 36-01-28, 36-01-29, 36-01-30, 36-05-03, 36-05-07, 36-05-09, 36-05-10, 36-05-11, 36-05-11.1, 36-05-13, 36-07-01, 36-07-02, 36-07-03, subsection 4 of section 36-07-07, sections 36-07-09, 36-07-10, 36-07-11, 36-09-15, 36-14-01, 36-14-02, 36-14-03, 36-14-05, 36-14-06, 36-14-07, 36-14-10, 36-14-11, 36-14-12, 36-14-13, 36-14-15, subsection 1 of section 36-14-19, section 36-14-21, subsection 1 of section 36-14.1-01, subsection 2 of section 36-15-01, sections 36-15-08, 36-15-08.1, 36-15-21, subsection 2 of section 36-21.1-01, sections 36-22-03, 36-23.1-01, 36-23.1-02, 49-18-31, and subdivision p of subsection 1 of section 54-07-01.2 of the North Dakota Century Code, relating to changing the name of the livestock sanitary board to the board of animal health.

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

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

ROY GILBREATH, Chief Clerk