

## JOURNAL OF THE HOUSE

## Fifty-first Legislative Assembly

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Bismarck, January 24, 1989

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

The prayer was offered by Rev. Delmar F. Becker, Grace Bible Church, Bismarck.

The roll was called and all Representatives were present, except Representatives G. Berg, R. Berg, Stofferahn, and V. Thompson.

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 Fourteenth Day and finds it to be correct.

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

**SIXTH ORDER OF BUSINESS**

REP. TIMM MOVED that the amendments to HB 1053 as recommended by the Committee on Transportation as printed on page 288 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1053 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. TIMM MOVED that the amendments to HB 1071 as recommended by the Committee on Transportation as printed on pages 288-294 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1071 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. TIMM MOVED that the amendments to HB 1183 as recommended by the Committee on Transportation as printed on pages 294-295 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1183 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. TIMM MOVED that the amendments to HB 1242 as recommended by the Committee on Transportation as printed on page 295 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1242 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Dean Vig

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 1086, HB 1091, HB 1092, HB 1093, HB 1099, HB 1143, HB 1156, HB 1158, HB 1203, HB 1227, HB 1232, HB 1238, HB 1251, HB 1269, HB 1273.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2090, SB 2130, SB 2141, SB 2160, SB 2163, SB 2188, SB 2194, SB 2203, SB 2230, SB 2240, SB 2266, SB 2280, SB 2304.

#### SECOND READING OF HOUSE BILLS

HB 1061: A BILL for an Act to provide counties and cities the option of funding crime victim and witness programs through fees assessed as part of criminal sentences.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 84 YEAS, 18 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Anderson, R.; Belter; Berg, R.; Bernstein; Brokaw; Carlson; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Kolbo; Kouba; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Myrdal; Nelson; Ness; Nicholas; Oban; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schmidt; Schneider; Shide; Shockman; Skjerven; Smette; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aas; Christman; Dorso; Enget; Flaagan; Gunsch; Haugen; Kingsbury; Knell; Lang; Laughlin; Melby; Mertens; Murphy; Olsen, D.; Schindler; Shaft; Solberg

ABSENT AND NOT VOTING: Berg, G.; Nowatzki; Thompson, V.; Wald

HB 1061 passed and the title was agreed to.

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HB 1245: A BILL for an Act to amend and reenact section 57-02-08.1 of the North Dakota Century Code, relating to property tax credits for persons sixty-five years of age or older with limited income; 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 103 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Berg, G.; Nowatzki; Thompson, V.

HB 1245 passed and the title was agreed to.

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HB 1247: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 57-38-01.2 of the North Dakota Century Code, relating to state income tax long-form exemptions for social security and railroad retirement benefits that are subject to federal income tax; to amend and reenact subsections 3, 4, and 5 of section 57-38-30.3 of the North Dakota Century Code, relating to a state income tax short-form exemption for social security and railroad retirement benefits that are subject to federal income tax and excluding any liability calculated pursuant to the Medicare Catastrophic Coverage Act of 1988 from the definition of federal income tax liability; 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 29 YEAS, 75 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Dorso; Gerl; Gerntholz; Gorman; Hanson, O.; Haugen; Hausauer, R.; Howard; Kingsbury; Lang; Laughlin; Melby; Murphy; Myrdal; Nicholas; Olson, A.; Olson, V.; Payne; Peterson; Schindler; Schmidt; Shaft; Skjervan; Smette; Soukup; Stenehjem; Stofferahn; Vander Vorst; Whalen

NAYS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gates; Gerhardt; Gilmore; Goetz; Graba; Gunsch; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Kouba; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Mertens; Nelson; Ness; Nowatzki; Oban; Olsen, D.; O'Shea; Ring; Rydell; Schatz; Scherber; Schneider; Shide; Shockman; Solberg; Sorensen; Starke; Thompson, K.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: Berg, G.; Thompson, V.

HB 1247 lost.

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HB 1274: A BILL for an Act to amend and reenact section 61-29-04 of the North Dakota Century Code, relating to the Little Missouri River commission.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 102 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Berg, G.; Murphy; Thompson, V.; Watne

HB 1274 passed and the title was agreed to.

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

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2082 and subsequently passed the same.

SECOND READING OF HOUSE BILLS

HB 1281: A BILL for an Act to create and enact a new section to chapter 61-14 of the North Dakota Century Code, relating to damage caused from placing irrigation works or equipment near roadways.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 69 YEAS, 34 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gerhardt; Gerl; Gilmore; Goetz; Graba; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Howard; Jensen; Kaldor; Kelly; Kolbo; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martinson; Melby; Mertens; Nelson; Ness; Nowatzki; Oban; Olson, V.; Peterson; Rydell; Scherber; Schindler; Schneider;

Shaft; Shide; Shockman; Solberg; Sorensen; Soukup; Starke; Stofferahn; Thompson, K.; Tokach; Tomac; Trautman; Ulmer; Vander Vorst; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

**NAYS:** Anderson, R.; Belter; Dorso; Gates; Gerntholz; Gorman; Gunsch; Hanson, O.; Haugen; Hokana; Huether; Kingsbury; Kloubec; Knell; Kouba; Lang; Martin; Murphy; Myrdal; Nicholas; Olsen, D.; Olson, A.; O'Shea; Payne; Ring; Schatz; Schmidt; Skjerven; Smette; Stenehjem; Timm; Tollefson; Urlacher; Wald

**ABSENT AND NOT VOTING:** Berg, G.; Thompson, V.; Watne

HB 1281 passed and the title was agreed to.

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**HB 1248:** A BILL for an Act to amend and reenact subdivisions c and g of subsection 9 of section 41-09-28 and subsection 1 of section 41-09-40 of the North Dakota Century Code, relating to perfecting security interests in growing crops.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, the roll was called and there were 22 YEAS, 81 NAYS, 3 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Brokaw; DeMers, J.; Gerl; Graba; Hanson, L.; Hokana; Marks; Murphy; Nelson; Ness; Oban; O'Shea; Schneider; Shockman; Starke; Tokach; Tomac; Ulmer; Watne; Williams, A.; Williams, W.

**NAYS:** Aarsvold; Aas; Anderson, R.; Belter; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Gorman; Gunsch; Halmrast; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Martin; Martinson; Melby; Mertens; Myrdal; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Shaft; Shide; Skjerven; Smette; Solberg; Sorensen; Soukup; Stenehjem; Stofferahn; Thompson, K.; Timm; Tollefson; Trautman; Urlacher; Vander Vorst; Wald; Wentz; Wilkie; Speaker Kretschmar

**ABSENT AND NOT VOTING:** Berg, G.; Thompson, V.; Whalen

HB 1248 lost.

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**HB 1253:** A BILL for an Act to amend and reenact section 39-21-39 of the North Dakota Century Code, relating to an exemption for tinted windshield restrictions.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, the roll was called and there were 101 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Aas; Anderson, B.; Belter; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.;

Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; 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.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjelm; Stofferahn; Thompson, K.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Anderson, R.; Berg, G.; Hausauer, R.; Thompson, V.; Whalen

HB 1253 passed and the title was agreed to.

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HB 1263: A BILL for an Act to amend and reenact sections 40-29-03, 40-29-05, and 40-29-10 of the North Dakota Century Code, relating to assessment of special assessments for sidewalk construction, rebuilding, or repair against the owners of property benefited by the sidewalk.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 80 YEAS, 24 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Berg, R.; Brokaw; Carlson; Christman; Clayburgh; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerntholz; Gilmore; Graba; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Kaldor; Kelly; Kloubec; Kolbo; Kouba; Lang; Larson, R.; Laughlin; Lindgren; Marks; Martinson; Mertens; Murphy; Nelson; Ness; Nicholas; Nowatzki; Oban; Olson, V.; O'Shea; Peterson; Ring; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjelm; Thompson, K.; Timm; Tokach; Tomac; Trautman; Ulmer; Vander Vorst; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Belter; Bernstein; Dalrymple; Gerl; Goetz; Gorman; Gunsch; Hanson, O.; Jensen; Kingsbury; Knell; Larson, D.; Martin; Melby; Myrdal; Olsen, D.; Olson, A.; Payne; Rydell; Stofferahn; Tollefson; Urlacher; Wald; Whalen

ABSENT AND NOT VOTING: Berg, G.; Thompson, V.

HB 1263 passed and the title was agreed to.

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HB 1265: A BILL for an Act to amend and reenact section 40-05-01.1 of the North Dakota Century Code, relating to assessment of the costs of water utility and wastewater utility systems against the property served if the assessment is unpaid.

## ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 99 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: Gunsch; Martin; Tollefson; Urlacher

ABSENT AND NOT VOTING: Berg, G.; Berg, R.; Thompson, V.

HB 1265 passed and the title was agreed to.

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HB 1268: A BILL for an Act to amend and reenact section 20.1-04-12 of the North Dakota Century Code, relating to the training of gun dogs.

## ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 1 YEA, 103 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Nicholas

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

ABSENT AND NOT VOTING: Berg, G.; Thompson, V.

HB 1268 lost.

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HB 1279: A BILL for an Act to create and enact a new chapter to title 43 of the North Dakota Century Code, relating to licensing of taxidermists; to repeal subsection 18 of section 20.1-03-12, and sections 20.1-03-14, 20.1-03-15, and 20.1-03-16 of the North Dakota Century Code, relating to taxidermist licenses; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 42 YEAS, 62 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Brokaw; Carlson; DeMers, J.; DeMers, P.; Flaagan; Gerhardt; Gerl; Gerntholz; Gilmore; Graba; Hanson, L.; Haugen; Hausauer, R.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kolbo; Larson, D.; Laughlin; Marks; Mertens; Nelson; Nowatzki; Peterson; Ring; Scherber; Schneider; Shockman; Skjervén; Starke; Stenehjem; Trautman; Ulmer; Watne; Wilkie; Williams, A.; Williams, W.

NAYS: Aas; Anderson, R.; Belter; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; Dorso; Enget; Frey; Gates; Goetz; Gorman; Gunsch; Halmrast; Hanson, O.; Haugland; Hausauer, A.; Howard; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, R.; Lindgren; Martin; Martinson; Melby; Murphy; Myrdal; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Rydell; Schatz; Schindler; Schmidt; Shaft; Shide; Smette; Solberg; Sorensen; Soukup; Stofferahn; Thompson, K.; Timm; Tokach; Tollefson; Tomac; Urlacher; Vander Vorst; Wald; Wentz; Whalen; Speaker Kretschmar

ABSENT AND NOT VOTING: Berg, G.; Thompson, V.

HB 1279 lost.

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SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3009: A concurrent resolution directing the Legislative Council to study the methodology for considering property costs in setting rates for nursing home care in North Dakota.

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

HCR 3009 was declared adopted on a voice vote.

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SECOND READING OF HOUSE BILLS

HB 1188: A BILL for an Act to create and enact a new section to chapter 61-02 of the North Dakota Century Code, relating to the condemnation power of the state water commission; and to amend and reenact subsection 2 of section 61-16.1-09 of the North Dakota Century Code, relating to the powers of water resource boards.

MOTIONS

REP. W. WILLIAMS MOVED the previous question, which motion failed.

REP. STOFFERAHN 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 48 YEAS, 55 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Belter; Berg, R.; Bernstein; DeMers, J.; Dorso; Gates; Gerhardt; Gerl; Goetz; Gorman; Halmrast; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Huether; Jensen; Kelly; Kloubec; Kouba; Larson, R.; Lindgren; Martin; Martinson; Mertens; Myrdal; Nicholas; Olson, A.; Payne; Peterson; Rydell; Schatz; Scherber; Skjerven; Smette; Sorensen; Starke; Stenehjem; Timm; Tollefson; Trautman; Urlacher; Vander Vorst; Wald; Wentz; Williams, A.; Speaker Kretschmar

NAYS: Aarsvold; Anderson, B.; Anderson, R.; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, P.; Enget; Flaagan; Frey; Gerntholz; Gilmore; Graba; Gunsch; Hanson, O.; Hoffner; Hokana; Howard; Kaldor; Kingsbury; Knell; Kolbo; Lang; Larson, D.; Laughlin; Marks; Melby; Murphy; Nelson; Ness; Nowatzki; Oban; Olsen, D.; Olson, V.; O'Shea; Ring; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Solberg; Soukup; Stofferahn; Thompson, K.; Tokach; Tomac; Ulmer; Watne; Whalen; Wilkie; Williams, W.

ABSENT AND NOT VOTING: Berg, G.; Hanson, L.; Thompson, V.

HB 1188 lost.

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HB 1233: A BILL for an Act to amend and reenact subsection 1 of section 15-39.1-09 and subsection 1 of section 15-39.1-10 of the North Dakota Century Code, relating to assessments and eligibility for retirement benefits under the teachers' fund for retirement.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 94 YEAS, 10 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Gunsch; Hanson, O.; Haugen; Kingsbury; Melby; Murphy; Shaft; Thompson, K.; Tollefson; Whalen

ABSENT AND NOT VOTING: Berg, G.; Thompson, V.

HB 1233 passed and the title was agreed to.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4027.

SECOND READING OF HOUSE BILLS

HB 1381: A BILL for an Act to amend and reenact section 23-11-29 of the North Dakota Century Code, relating to tax exemptions for housing authorities.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Berg, G.; Peterson; Thompson, V.

HB 1381 passed and the title was agreed to.

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HB 1384: A BILL for an Act to amend and reenact subdivision j of subsection 1 of section 57-38-01.2 of the North Dakota Century Code, relating to an income tax deduction for highway patrolmen's retirement benefits; 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 99 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke;

Stenehjem; Stofferahn; Thompson, K.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Brokaw; Frey; Gunsch; Murphy

ABSENT AND NOT VOTING: Berg, G.; Peterson; Thompson, V.

HB 1384 passed and the title was agreed to.

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#### SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3028: A concurrent resolution regarding the approval of state agency use of block grant funds, and authorizing the Budget Section of the Legislative Council to hold the required legislative hearings on state plans for the receipt and expenditure of new or revised block grants as passed by Congress.

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

HCR 3028 was declared adopted on a voice vote.

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#### FIRST READING OF SENATE CONCURRENT RESOLUTION

Sen. Satrom and Rep. Martinson introduced:

SCR 4027: A concurrent resolution providing and designating Senate and House employees and fixing their compensation.

Was read the first time.

#### REQUEST

REP. MARTINSON REQUESTED the unanimous consent of the House to amend engrossed SCR 4027. There being no objection, unanimous consent of the House was granted to amend engrossed SCR 4027 as follows:

On page 4, line 24, delete the word "Assistant" and insert in lieu thereof the word "Deputy" and delete the numerals "48.00" and insert in lieu thereof the numerals "52.00"

#### MOTION

REP. KLOUBEC MOVED that the rules be suspended, that engrossed SCR 4027, as amended, not be referred to committee, not be read in its entirety, be printed in the Journal as amended on the floor by Rep. Martinson, be placed on the calendar for second reading and final passage, and be laid over one legislative day, which motion prevailed.

Sen. Satrom and Rep. Martinson introduced:

#### SENATE CONCURRENT RESOLUTION NO. 4027

A concurrent resolution providing and designating Senate and House employees and fixing their compensation.

BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That for the Fifty-first Legislative Assembly the following named persons are employed and appointed as employees of the Senate and House and

are to be paid the daily wages opposite their respective names in accordance with their positions as shown below;

## SENATE

Pat Conrad, Secretary of the Senate	\$85.00
Sally Paul, Desk Reporter	79.00
Doug Nordby, Sergeant-at-Arms	64.00
Perry Grotberg, Assistant Secretary of the Senate	70.00
Kathy Horsager, Bill Clerk	64.00
Roberta Nelson, Chief Stenographer and Payroll Clerk	64.00
Mary Schmitz, Chief Committee Clerk	64.00
Carin Noriega, Appropriations Committee Clerk	66.00
Cynthia Jonson, Assistant Appropriations Committee Clerk	62.00
Jean Antelman, Committee Clerk	58.00
Dolores Boutilier, Committee Clerk	58.00
Carol Hieb, Committee Clerk	58.00
Michelle Kalenze, Committee Clerk	58.00
Michelle Larson, Committee Clerk	58.00
Patricia Lemer, Committee Clerk	58.00
Jeannette Shaw-Lynch, Committee Clerk	58.00
Connie Skager, Committee Clerk	58.00
Phyllis Skager, Committee Clerk	58.00
Paulette Wilson, Committee Clerk	58.00
Tami Heid, Assistant Committee Clerk	55.00
Lucy Miller, Chief Page and Bill Book Clerk	55.00
Daniel Fitzgerald, Desk Page	48.00
Sandi Kershaw, Secretary to Majority Leader	70.00
Wanda Scheid, Assistant Secretary to Majority Leader	64.00
Jan Steinle, Secretary to Minority Leader	70.00
Craig Hagen, Assistant Secretary to Minority Leader	64.00
Loren Paul, Deputy Sergeant-at-Arms	52.00
Kevin Urness, Deputy Sergeant-at-Arms	52.00
Vernon Erickson, Assistant Sergeant-at-Arms	48.00
James Walsh, Assistant Sergeant-at-Arms	48.00
Frank Christensen, Assistant Sergeant-at-Arms	48.00
Amy Zacha, Journal Page	48.00
Mary Defender-Wilson, Information Desk Attendant	48.00
Selma Carlson, Bill Room Clerk	48.00
Patricia Hoffner, Bill Room Clerk	48.00
Reuben Schuh, Bill Room Clerk	48.00
Ledores Robey, Bill Room Clerk	48.00
Nettie Monroe, Journal Room Clerk	48.00
Diane Mittelstedt, Journal Room Clerk	48.00
Jan Sanford, Telephone Attendant	48.00
Mary Vonasek, Telephone Attendant	48.00
Ruby Stadick, Telephone Attendant	48.00
Joan Stein, Telephone Attendant	48.00
Nancy Ludwig, Telephone Page	48.00
Rolland Ketterling, Parking Lot Attendant	48.00
Jane Grant, Stenographer	52.00
Patti Haux, Stenographer	52.00
Sharon Neukircher, Stenographer	52.00
Lois J. Scherr, Stenographer	52.00
Diana Schlosser, Page	48.00
Carol Smith, Page	48.00
Verne Westervall, Page	48.00
Mae DeLaBarre, Page	48.00
Ruth Faiman, Page	48.00

Jerol Johnson, Bill Book Clerk	48.00
Jeffrey Spitzer, Bill Book Clerk	48.00
Mike Black, Bill Book Clerk	48.00
Delano Huston, Chief Bill and Journal Room Clerk	58.00
Dick Lang, Janitor (partial pay only)	38.00
Luke Giesinger, Janitor (partial pay only)	51.00
Elizabeth Ternes, Janitor (partial pay only)	24.00

## HOUSE

Roy Gilbreath, Chief Clerk	\$85.00
Barbara Middaugh, Desk Reporter	79.00
David Hillesland, Sergeant-at-Arms	64.00
Skip Sjothun, Assistant Chief Clerk	70.00
Jeane Marschke, Bill Clerk	64.00
Theola Stetson, Chief Stenographer and Payroll Clerk	64.00
Cindy Nelson, Appropriations Committee Clerk	66.00
Carol Nitschke, Assistant Appropriations Committee Clerk	62.00
Nancy Thompson, Assistant Appropriations Committee Clerk	62.00
Gloria Halvorson, Chief Assistant Committee Clerk	55.00
Elaine Anderson, Assistant Committee Clerk	55.00
Judy Hoffman, Committee Clerk	58.00
Constance Johnsen, Committee Clerk	58.00
Marion Kolb, Committee Clerk	58.00
Jan Mumma, Committee Clerk	58.00
Sandy Schafer, Committee Clerk	58.00
Marsha Smith, Committee Clerk	58.00
Helen Soma, Committee Clerk	58.00
Janice Stein, Committee Clerk	58.00
Jon Thomson, Committee Clerk	58.00
Joan Von Rueden, Committee Clerk	58.00
Verna Kohls, Committee Clerk	58.00
Tove Mandigo, Chief Page and Bill Book Clerk	55.00
Karla Kramer, Desk Page	48.00
Barbara Larson, Desk Page	48.00
Brian Overton, Desk Page	48.00
Darlyne Clausnitzer, Secretary to Speaker	64.00
Mazie Patchen, Secretary to Majority Leader	70.00
Shannon Peterson, Assistant Secretary to Minority Leader	64.00
Dave Koland, Assistant Secretary to Majority Leader	64.00
Ruth Elbert, Secretary to Minority Leader	70.00
Kim Neumann, Assistant Sergeant-at-Arms	48.00
Ron Carlisle, Deputy Sergeant-at-Arms	52.00
Cliff Nygard, Assistant Sergeant-at-Arms	48.00
Dan Stuart, Assistant Sergeant-at-Arms	48.00
Mark Zimmerman, Assistant Sergeant-at-Arms	48.00
Phyllis Connolly, Assistant Sergeant-at-Arms	48.00
Todd Gierke, Assistant Sergeant-at-Arms	48.00
LeRoy Miller, Assistant Sergeant-at-Arms	48.00
Cindy Kephart, Journal Page	48.00
Margaret Puetz, Information Desk Attendant	48.00
Burnetta Barth, Bill Room Clerk	48.00
Eli Nemer, Bill Room Clerk	48.00
Dan O'Neil, Bill Room Clerk	48.00
MaryAnn Varriano, Bill Room Clerk	48.00
Bernice Asbridge, Journal Room Clerk	48.00
Hella Keller, Journal Room Clerk	48.00
Bonnie Elefson, Chief Telephone Clerk	52.00
Irma Holmstrom, Telephone Clerk	48.00

Donna Ismar, Telephone Clerk	48.00
Lois Borke, Telephone Clerk	48.00
Jane Hammel, Telephone Page	48.00
John Schmidt, Parking Lot Attendant	48.00
Verna Dixon, Stenographer	52.00
Lori Domine, Stenographer	52.00
Sandie Eckert, Stenographer	52.00
Phyllis Johnson, Stenographer	52.00
Barb Klein, Stenographer	52.00
Kay Zingg, Typist	52.00
Sharon Jensen, Typist	52.00
Richard Stenberg, Assistant Chief Page and Bill Book Clerk	52.00
Mark Brannan, Page and Bill Book Clerk	48.00
Jeff Carlson, Page and Bill Book Clerk	48.00
Jon Dockter, Page and Bill Book Clerk	48.00
JoAnn Doll, Page and Bill Book Clerk	48.00
Daniel Gannon, Page and Bill Book Clerk	48.00
Anton Gross, Page and Bill Book Clerk	48.00
Russell Hanson, Page and Bill Book Clerk	48.00
Sandi Hohbein, Page and Bill Book Clerk	48.00
Lisa Lang, Page and Bill Book Clerk	48.00
Sandi McCollum, Page and Bill Book Clerk	48.00
Carl Strum, Page and Bill Book Clerk	48.00
Cheri Thurn, Page and Bill Book Clerk	48.00
Marilyn Witteman, Page and Bill Book Clerk	48.00
Althea Yantzer, Page and Bill Book Clerk	48.00
Lloyd Billey, Page and Bill Book Clerk	48.00
Lisa Dirks, Page and Bill Book Clerk	48.00
Faye Caya, Bill Room Clerk	48.00
Joe Emineth, Janitor (partial pay only)	43.00
Gene Reynolds, Janitor (partial pay only)	51.00
Helen Just, Janitor (partial pay only)	34.00
Francis Scharosch, Janitor (partial pay only)	36.00

BE IT FURTHER RESOLVED, that it is the intent of the Legislative Assembly that if the Fifty-first Legislative Assembly provides a general salary increase for state employees, then the compensation of House and Senate employees who would not otherwise benefit from that increase will receive an additional five dollars per day, retroactive to January 1, 1989; and

BE IT FURTHER RESOLVED, that if any employee resigns, is discharged, or for other reasons terminates employment, the compensation provided for in this resolution ceases effective the last day of employment.

#### MOTIONS

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

REP. KLOUBEC MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House be on the 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., Wednesday, January 25, 1989, which motion prevailed.

## REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs (Rep. Haugland, Chairman) to which was referred HB 1039 has had the same under consideration and recommends by a vote of 15 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 17, remove "receives no compensation or who is paid" and insert "provides emergency medical services for a licensed ambulance service without the expectation of remuneration and who does not depend in any way upon the provision of these services for the individual's livelihood. An individual may be considered a volunteer even though that individual receives an hourly stipend for each hour of actual service, provided this hourly stipend does not exceed one thousand dollars in total payments per calendar year."

Page 1, remove lines 18 and 19

Page 1, line 20, remove "individual volunteered."

ReNUMBER accordingly

HB 1039 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred HB 1052 has had the same under consideration and recommends by a vote of 14 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 5, line 24, remove "and"

Page 10, line 15, after "convicted" add "except as provided by section 62.1-02-01"

Page 19, line 19, remove the overstrike over "suspended", after the word "suspended" insert "execution of sentence in accordance with subsection 3 of section 12.1-32-02", and remove the overstrike over "or"

Page 19, line 23, after "12.1-32-02" add "or section 5 of this Act"

ReNUMBER accordingly

HB 1052 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs (Rep. Haugland, Chairman) to which was referred HB 1058 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 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 4, line 11, after "program" insert "- Rules"

Page 4, line 17, remove ", and adopt rules to facilitate uniformity, if"

Page 4, line 18, remove "appropriate, in the provision of adult protective services"

Page 4, line 21, after the period insert "The department may adopt rules in accordance with chapter 28-32 for the purpose of implementing the provisions of this Act."

Page 12, after line 5, insert:

"SECTION 14. Implementation contingent upon appropriation. The department and county social service boards are not required to implement or enforce this Act if the legislative assembly does not provide an appropriation to support the implementation and enforcement of this Act."

Renumber accordingly

HB 1058 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs (Rep. Haugland, Chairman) to which was referred HB 1076 has had the same under consideration and recommends by a vote of 10 YEAS, 4 NAYS, 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, replace "subsection" with "subsections" and after "1" insert "and 2"

Page 1, line 5, replace "Subsection" with "Subsections" and after "1" insert "and 2"

Page 1, line 6, replace "is" with "are"

Page 1, line 8, overstrike "has under his charge or care or"

Page 1, line 10, remove "intentionally"

Page 1, line 11, overstrike "he" and insert immediately thereafter "the health care professional"

Page 1, line 14, overstrike "or state's attorney" and after "county" insert "or a police officer of the city" and overstrike "such"

Page 1, line 15, overstrike "care was" and insert immediately thereafter "the professional services were"

Page 1, line 17, after the period insert "However, any report concerning injuries sustained from the operation of a motor vehicle is governed by section 23-07-01.1."

Page 1, after line 17, insert:

"2. The reports mandated by this section ~~shall~~ must be made as soon as practicable and may be either oral or in writing. Oral reports ~~shall~~ must be followed by written reports within forty-eight hours if so requested by the sheriff or ~~state's~~

attorney police officer to whom the oral report is originally made."

Reumber accordingly

HB 1076 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs (Rep. Haugland, Chairman) to which was referred HB 1077 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 8, after "education" insert "or a designee of the commissioner"

Page 1, line 21, after the second comma insert "medically disabled,"

Page 2, line 6, after the period insert "No funds, grants, gifts, or services may be used for the purposes of direct provision of contraception services, abortion, or abortion referrals to minors."

Reumber accordingly

HB 1077 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs (Rep. Haugland, Chairman) to which was referred HB 1079 has had the same under consideration and recommends by a vote of 15 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 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 23-07.3 of the North Dakota Century Code, relating to disclosure of confidential information concerning exposure to contagious diseases; to amend and reenact sections 23-07.3-01 and 23-07.3-02 of the North Dakota Century Code, relating to notification of exposure to contagious diseases; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 23-07.3-01 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-07.3-01. Definitions. In ~~sections 23-07.3-01 and 23-07.3-02~~ this chapter, unless the context or subject matter otherwise requires:

1. "Contagious disease" means the interruption, cessation, or disorder of body functions, systems, or organs transmissible by association with the sick or their secretions or excretions, excluding the common cold.
2. "Department" means the state department of health and consolidated laboratories.

3. "Emergency medical technician" services provider means a firefighter, law enforcement officer, or other person trained and authorized by law or rule to render emergency medical assistance or treatment.
2. "Infectious disease" means the interruption, cessation, or disorder of body functions, systems, or organs transmissible by association with the sick or their secretions or excretions, excluding the common cold.
- 3- 4. "Licensed facility" means a hospital, nursing home, dialysis center, or any entity licensed by the state to provide medical care.
5. "Significant exposure" means:
  - a. Contact of broken skin or mucous membrane with a patient's blood or bodily fluids other than tears or perspiration;
  - b. The occurrence of a needle stick or scalpel or instrument wound in the process of caring for a patient; or
  - c. Exposure that occurs by any other method of transmission defined by the department as a significant exposure.

SECTION 2. AMENDMENT. Section 23-07.3-02 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-07.3-02. Notification of infectious diseases: A licensed facility, medical clinic, or physician's office that receives a patient who is subsequently diagnosed as having an infectious disease shall notify the employer of any fireman or emergency medical technician who transported the patient to the facility, or who administered care to the patient during transportation, of the employee's exposure to the infectious disease. The notification must be made within forty-eight hours of confirmation of the diagnosis. The employer shall request the employee to contact the licensed facility to determine the infectious disease to which the employee has been exposed and to receive the appropriate medical direction for dealing with the infectious disease. Notification must be conducted in a manner that protects the confidentiality of the patient and fireman and emergency medical technician. Procedures following significant exposure.

1. If an emergency medical services provider has a significant exposure in the process of caring for a patient, the emergency medical services provider shall document that exposure. The documentation must be on forms approved by the department, and in the manner and time designated by the department.
2. Upon notification of a significant exposure, or upon receipt of the documentation described in subsection 1, the attending physician shall request the patient to consent to testing to determine the presence of any contagious disease. The patient must be informed that the patient may refuse to consent to the test and, if the patient refuses, that the

fact of the patient's refusal will be forwarded to the emergency medical services provider. If the patient consents to testing, the attending physician shall test for the presence of contagious disease.

3. If a patient who is the subject of a reported significant exposure is unconscious or incapable of giving informed consent for testing under this section, that consent may be obtained from the patient's next of kin or legal guardian. If a patient who is the subject of a reported significant exposure dies without an opportunity to consent to testing prior to admission to, or discharge or release from, the facility that received the patient, testing for the presence of any contagious disease must be conducted.
4. The attending physician that conducted the test under this section shall report the results of the test to the department and to the emergency medical services provider who reported the significant exposure. The physician shall use a case number instead of the patient's name in making a report to the emergency medical services provider who requested the test to ensure the confidentiality of the patient's identity.

SECTION 3. A new section to chapter 23-07.3 of the North Dakota Century Code is hereby created and enacted to read as follows:

Penalty. A person authorized to receive information that is confidential under this chapter, other than the individual identified in the information, who releases or makes public that confidential information is guilty of a class C felony."

ReNUMBER accordingly

HB 1079 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 1112 has had the same under consideration and recommends by a vote of 13 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, replace "cost recovery for environment assessment," with "recovery of reasonable and necessary costs for environmental assessment and remediation as a result of environmental emergencies, in violation"

Page 1, line 2, remove "remediation, and restoration as a result of violations"

Page 1, line 4, replace "restoration" with "emergency response"

Page 1, replace lines 6 through 19 with:

"SECTION 1. Environmental emergency cost recovery. The state department of health and consolidated laboratories may recover from the parties responsible for an environmental emergency the reasonable and necessary state costs incurred in assessment, removal, corrective action, or monitoring as a result of an environmental emergency in

violation of chapters 23-20.1, 23-20.3, 23-25, 23-29, 61-28, or 61-28.1. As used in this Act "environmental emergency" means a release into the environment of a substance requiring an immediate response to protect public health or welfare or the environment from an imminent and substantial endangerment and which is in violation of chapters 23-20.1, 23-20.3, 23-25, 23-29, 61-28, or 61-28.1, and "reasonable and necessary costs" means those costs incurred by the department as a result of the failure of the parties responsible for the environmental emergency to implement appropriate assessment and corrective action after receipt of written notice from the department. If assessment, removal, monitoring, or corrective action must be initiated prior to identification of the responsible parties, the department may assess those prior costs to the responsible parties at the time they are identified."

Page 2, line 3, remove "administration," and replace "remedial" with "corrective"

Page 2, line 4, remove "restoration,"

ReNUMBER accordingly

HB 112 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs (Rep. Haugland, Chairman) to which was referred HB 1127 has had the same under consideration and recommends by a vote of 15 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 2, remove lines 3 and 4

Page 3, line 17, after "of" insert "the state developmental center at"

Page 3, line 18, overstrike "state school"

ReNUMBER accordingly

HB 1127 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs (Rep. Haugland, Chairman) to which was referred HB 1163 has had the same under consideration and recommends by a vote of 15 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 8, overstrike "in"

Page 1, line 9, overstrike "a bank or trust company" and overstrike "Bank" and insert immediately thereafter "Depository"

Page 1, line 15, after "bank" insert ", credit union, savings and loan association,"

Page 2, line 1, after "bank" insert ", credit union, savings and loan association,"

- Page 2, line 3, after "bank" insert ", credit union, savings and loan association,"
- Page 2, line 5, after "bank" insert ", credit union, savings and loan association,"
- Page 2, line 7, after "bank" insert ", credit union, savings and loan association,"
- Page 2, line 9, after "bank" insert ", credit union, savings and loan association,"
- Page 3, line 15, after "bank" insert ", credit union, savings and loan association,"
- Page 3, line 21, after "bank" insert ", credit union, savings and loan association,"
- Page 4, line 19, after "banks" insert ", credit unions, savings and loan associations,"
- Page 4, line 22, after "bank" insert ", credit union, savings and loan association,"

Renumber accordingly

HB 1163 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 1179 has had the same under consideration and recommends by a vote of 16 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 1, replace "section" with "sections" and after "61-04.1-34" insert "and 61-04.1-35"

Page 1, line 2, after "bond" insert "and bid bond"

Page 1, after line 14, insert:

"SECTION 2. AMENDMENT. Section 61-04.1-35 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-04.1-35. Bid bond required. All bids submitted to the board of weather modification for operations conducted under this chapter shall be accompanied by a separate envelope containing a bidder's bond or cash or negotiable securities in a sum equal to five percent of the full amount of the bid, executed by the bidder as principal ~~and~~ or by a surety company authorized to do business in this state as a guaranty that the bidder will enter into the contract if it is awarded to him."

Renumber accordingly

HB 1179 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 1196 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 1 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 10, line 16, after "unions" insert "However, the credit unions may only be required to pay eighty percent of the credit unions' portion of the budget from July 1, 1989, to June 30, 1990, and ninety percent of the credit unions' portion of the budget from July 1, 1990, to June 30, 1991. Credit unions shall pay one hundred percent of the credit unions' portion of the budget after June 30, 1991".

Reumber accordingly

HB 1196 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs (Rep. Haugland, Chairman) to which was referred HB 1243 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 3, after "providers" insert "; and to declare an emergency"

Page 1, after line 16, insert:

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

Reumber accordingly

HB 1243 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 1286 has had the same under consideration and recommends by a vote of 10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1286 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 1291 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1291 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred HB 1303 has had the same under consideration and recommends by a vote of 13 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1303 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 1338 has had the same under consideration and recommends by a vote of 11 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1338 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 1383 has had the same under consideration and recommends by a vote of 9 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1383 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 1389 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 1389 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 1411 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1411 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred HB 1446 has had the same under consideration and recommends by a vote of 8 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1446 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 1470 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

HB 1470 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 1473 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1473 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 1488 has had the same under consideration and recommends by a vote of 9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1488 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 1518 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS and be rereferred to the Committee on Appropriations.

HB 1518 was rereferred to the Committee on Appropriations.

MR. SPEAKER: Your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred HB 1525 has had the same under consideration and recommends by a vote of 12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1525 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

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

HCR 3030: A concurrent resolution inviting President Bush to visit North Dakota in recognition of the Centennial of the admittance of the states formally comprising the Dakota Territory.

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

Reps. Mertens, L. Hanson, Haugen and Sens. Nething, Stromme, Yockim introduced:

HCR 3031: A concurrent resolution urging the Secretary of Transportation to refrain from adopting regulations to reduce essential air service levels or impede current service levels until the Congress of the United States has had the opportunity to review the department's actions and appropriate supplemental funding for the Essential Air Service program.

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

Rep. Kretschmar introduced:

HCR 3032: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of providing a county option for state funding of the clerk of district court.

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

#### FIRST READING OF SENATE BILLS

SB 2038: A BILL for an Act to amend and reenact subsection 4 of section 15-34.1-03 and subsection 3 of section 15-59-01 of the North Dakota Century Code, relating to an exception from compulsory school attendance for handicapped students.

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

SB 2043: A BILL for an Act to amend and reenact subsection 9 of section 10-04-06 of the North Dakota Century Code, relating to the authority of the securities commissioner to adopt transactional exemptions from securities registration requirements.

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

SB 2145: A BILL for an Act to create and enact three new subsections to section 52-04-12 of the North Dakota Century Code, relating to

unemployment compensation contribution liens and certificates; and to amend and reenact subsection 2 of section 52-01-01, subsections 2 and 3 of section 52-04-05, subsection 4 of section 52-04-06.1, and sections 52-04-08 and 52-04-11 of the North Dakota Century Code, relating to definition of average annual payroll, determination of rates, incremental bonding of impact projects, and transfers of experience record for unemployment compensation purposes and to penalty and interest on unpaid unemployment compensation contributions.

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

SB 2154: A BILL for an Act to amend and reenact sections 4-12.2-01, 4-12.2-03, 4-12.2-04, 4-12.2-04.1, 4-12.2-06, 4-12.2-07, 4-12.2-10, 4-12.2-13, 4-12.2-14, 4-12.2-23, and subsection 3 of section 4-12.2-24 of the North Dakota Century Code, relating to licensing beekeepers and maintaining bees in this state.

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

SB 2175: A BILL for an Act to create and enact section 10-04-10.3 of the North Dakota Century Code, relating to post-registration requirements for registered dealers, salesmen, investment advisers, and investment adviser representatives; and to amend and reenact subsection 3 of section 10-04-11 of the North Dakota Century Code, relating to suspension or revocation of dealer's, salesman's, investment adviser's, and investment adviser representative's registration.

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

SB 2176: A BILL for an Act to create and enact sections 19-03.1-36.1, 19-03.1-36.2, 19-03.1-36.3, 19-03.1-36.4, 19-03.1-36.5, 19-03.1-36.6, and 19-03.1-36.7 of the North Dakota Century Code, relating to forfeiture procedures; to amend and reenact subsections 1, 5, and 6 of section 19-03.1-36 of the North Dakota Century Code, relating to forfeitures; and to declare an emergency.

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

SB 2178: A BILL for an Act to amend and reenact subsection 1 of section 51-19-04 and subsection 2 of section 51-19-17 of the North Dakota Century Code, relating to requirements of, and exemptions from, the franchise investment law.

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

SB 2179: A BILL for an Act to create and enact a new section to chapter 54-52.1 of the North Dakota Century Code, relating to the establishment of a contingency reserve fund in the uniform group insurance program; and to amend and reenact section 54-52.1-04.2 of the North Dakota Century Code, relating to the bidding of administrative services only and third party administrator contracts; and to provide an appropriation.

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

SB 2209: A BILL for an Act to amend and reenact subsection 6 of section 10-04-10 and section 43-10.1-03 of the North Dakota Century Code, relating to registration fees for securities dealers and salesmen and filing fees for pre-need funeral services annual reports.

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

SB 2210: A BILL for an Act to create and enact two new sections to chapter 27-21 of the North Dakota Century Code, relating to definitions and custodial powers for purposes of the division of juvenile services; to amend and reenact sections 12-52-01, 27-21-01, 27-21-02, 27-21-03, 27-21-05, 27-21-06, 27-21-07, 27-21-08, and 27-21-09 of the North Dakota Century Code, relating to aftercare and other programs and the creation of a division of juvenile services in the department of corrections and rehabilitation; and to repeal sections 27-21-04 and 27-21-10 of the North Dakota Century Code, relating to an advisory board and cooperation with federal agencies and departments.

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

SB 2215: A BILL for an Act to amend and reenact sections 15-54-01, 15-54-02, 15-54-03, 15-54-04, 15-54-05, and 15-54-06 of the North Dakota Century Code, relating to the child nutrition and food distribution programs.

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

SB 2250: A BILL for an Act to create and enact a new chapter to title 54 of the North Dakota Century Code, relating to the establishment of a pretax benefits program to be administered by the public employees retirement system board; and to provide an appropriation.

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

SB 2251: A BILL for an Act to create and enact two new sections to chapter 57-43.1 and a new section to chapter 57-43.2 of the North Dakota Century Code, relating to determination of motor vehicle fuel tax if no return is made and a credit for motor fuel and special fuel taxes paid on worthless accounts; and to amend and reenact subsection 3 of section 57-43.1-01, sections 57-43.1-04, 57-43.1-06, 57-43.1-09, 57-43.1-10, 57-43.1-16, subsections 4 and 5 of section 57-43.2-01, subsection 1 of section 57-43.2-02, sections 57-43.2-11 and 57-43.2-15 of the North Dakota Century Code, relating to definition of "importer for use" as applied to motor vehicle fuel taxes, refund claims for motor vehicle fuel, refunds for tax paid on motor fuel when taken out of North Dakota, refunds for fuel used for heating purposes, invoices issued to purchasers of motor vehicle fuel, the witness requirements for motor fuel dealers' reports, definitions of "highway purposes" and "importer for use" as applied to special fuel taxes, the imposition of special fuel tax on fuel blended with recovered oil, and penalties for failure to pay special fuels tax.

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

SB 2271: A BILL for an Act to amend and reenact section 26.1-25-04.1 of the North Dakota Century Code, relating to premium reductions for accident prevention course completion.

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

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

ROY GILBREATH, Chief Clerk