

## JOURNAL OF THE HOUSE

## Fifty-first Legislative Assembly

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Bismarck, January 26, 1989

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

The prayer was offered by Rev. Ed Bartel, Bismarck Baptist Church, Bismarck, North Dakota.

The roll was called and all Representatives were present, except Representatives R. Berg, Shaft, and Trautman.

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 Sixteenth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 342, line 15, after "1179," insert "HB 1243,"

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

**REQUEST BY THE MAJORITY LEADER**

At the request of the Majority Leader, John Olsrud, Director of the Legislative Council, and John Walstad explained the tax ramifications of SB 2082 to the members.

**MOTION**

REP. A. HAUSAUER MOVED that HB 1615 be returned to the House floor from the Committee on Finance and Taxation, which motion prevailed.

**REQUEST**

REP. KINGSBURY REQUESTED the unanimous consent of the House to withdraw HB 1615. There being no objection, it was so ordered by the Speaker.

**MOTIONS**

REP. J. DEMERS MOVED that HB 1058, which is on the Eleventh order, be rereferred to the Committee on Appropriations, which motion prevailed. Pursuant to Rep. J. DeMers' motion, HB 1058 was rereferred.

REP. WHALEN MOVED that HB 1289 be returned to the House floor from the Committee on Industry, Business and Labor, which motion prevailed.

**REQUEST**

REP. MARKS REQUESTED the unanimous consent of the House to withdraw HB 1289. There being no objection, it was so ordered by the Speaker.

**SIGNING of BILLS and RESOLUTIONS (Roy Gilbreath, Chief Clerk)**

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following enrolled bill: HB 1080.

## REQUEST

REP. KLOUBEC REQUESTED that the record show that Rep. Trautman was absent as he was attending a funeral, which request was granted.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2045, SB 2057, SB 2064, SB 2072, SB 2080, SB 2123, SB 2225, SB 2242, SB 2258.

## SIXTH ORDER OF BUSINESS

REP. WHALEN MOVED that the amendments to HB 1160 as recommended by the Committee on Industry, Business and Labor as printed on page 353 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

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

## MOTION

REP. WHALEN MOVED that HB 1212 be rereferred to the Committee on Industry, Business and Labor, which motion prevailed.

HB 1212 was rereferred to the Committee on Industry, Business and Labor.

## SIXTH ORDER OF BUSINESS

REP. WHALEN MOVED that the amendments to HB 1294 as recommended by the Committee on Industry, Business and Labor as printed on page 355 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1294 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. MARTINSON MOVED that the amendments to HB 1464 as recommended by the Committee on State and Federal Government as printed on page 356 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1464 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. WENTZ MOVED that the amendments to HB 1498 as recommended by the Committee on Judiciary as printed on page 356 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1498 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

## MOTIONS

REP. AAS MOVED that the House reconsider its action whereby HB 1525 failed to pass for want of a Constitutional majority, which motion prevailed on a verification vote.

REP. AAS MOVED that HB 1525 be rereferred to the Committee on Judiciary, which motion prevailed. Pursuant to Rep. Aas' motion, HB 1525 was rereferred.

SECOND READING OF HOUSE BILL

HB 1039: A BILL for an Act to amend and reenact section 23-27-04.1 of the North Dakota Century Code, relating to emergency care or services rendered by officers, employees, or agents of ambulance service.

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, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; 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; 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.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Gerl; Olsen, D.; Peterson; Trautman

HB 1039 passed and the title was agreed to.

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MOTION

REP. R. ANDERSON MOVED that the House waive the reading of the title to HB 1052, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1052: A BILL for an Act to create and enact four new sections to chapter 12.1-32 of the North Dakota Century Code, relating to suspended execution and deferred imposition of sentence and lengths of periods of probation, release, discharge, or termination of probation, records and statistical data regarding suspended execution and deferred imposition of sentence, and when a probationer is deemed an escapee; to amend and reenact sections 12-59-18, 12.1-32-02, 12.1-32-07, subsection 4 of section 12.1-32-09, sections 12.1-32-14, 29-26-22, 39-06-30, 39-06-42, 39-07-11, subdivision e of subsection 4 of section 39-08-01, sections 40-05-06, 40-18-13, and 62.1-02-01 of the North Dakota Century Code, relating to references to suspended execution or suspended imposition of sentence, sentencing alternatives in criminal cases, and restoration of property; and to repeal chapter 12-53 and section 12.1-32-06 of the North Dakota Century Code, relating to suspended sentences and incidents and conditions of probation.

## 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, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; 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; 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.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Gerl; Olsen, D.; Peterson; Trautman

HB 1052 passed and the title was agreed to.

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HB 1076: A BILL for an Act to amend and reenact subsections 1 and 2 of section 43-17-41 of the North Dakota Century Code, relating to duty of physicians and others to report injuries.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 50 YEAS, 51 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, R.; Belter; Berg, R.; Bernstein; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Gates; Goetz; Gorman; Gunsch; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Howard; Jensen; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martin; Martinson; Melby; Olson, V.; Payne; Rydell; Schatz; Shaft; Shide; Shockman; Skjerven; Sorensen; Soukup; Stenehjem; Timm; Tollefson; Urlacher; Wald; Wentz; Speaker Kretschmar

NAYS: Aarsvold; Anderson, B.; Berg, G.; Brokaw; Carlson; Christman; Enget; Flaagan; Frey; Gerhardt; Gerntholz; Gilmore; Graba; Halmrast; Hanson, L.; Hanson, O.; Hoffner; Hokana; Huether; Kaldor; Laughlin; Marks; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olson, A.; O'Shea; Ring; Scherber; Schindler; Schmidt; Schneider; Smette; Solberg; Starke; Stofferahn; Thompson, K.; Thompson, V.; Tokach; Tomac; Ulmer; Vander Vorst; Watne; Whalen; Wilkie; Williams, A.; Williams, W.

ABSENT AND NOT VOTING: Gerl; Murphy; Olsen, D.; Peterson; Trautman

HB 1076 lost.

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MOTION

REP. KLOUBEC MOVED that HB 1077 be rereferred to the Committee on Appropriations, which motion prevailed. Pursuant to Rep. Kloubec's motion, HB 1077 was rereferred.

SECOND READING OF HOUSE BILL

HB 1079: A BILL 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.

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, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; 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; 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.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Gerl; Olsen, D.; Peterson; Trautman

HB 1079 passed and the title was agreed to.

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REQUEST

REP. KLOUBEC REQUESTED that the record show that Reps. Haugland and Peterson were excused in order to keep a medical appointment at Medcenter One, which request was granted.

SECOND READING OF HOUSE BILL

HB 1112: A BILL for an Act to provide for recovery of reasonable and necessary costs for environmental assessment and remediation as a result of environmental emergencies, in violation of North Dakota environmental statutes and rules and to establish an environmental emergency response fund.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 98 YEAS, 1 NAY, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gernholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; 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, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjelm; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Murphy

ABSENT AND NOT VOTING: Clayburgh; Gerl; Haugland; Olsen, D.; Peterson; Trautman; Wentz

HB 1112 passed and the title was agreed to.

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## MOTION

REP. R. ANDERSON MOVED that the House waive the reading of the title to HB 1127, which motion prevailed.

## SECOND READING OF HOUSE BILLS

HB 1127: A BILL for an Act to create and enact six new subsections to section 25-04-00.1 of the North Dakota Century Code, relating to the definition of developmental disabilities and related terms; to amend and reenact section 25-04-01 of the North Dakota Century Code as amended by section 1 of chapter 310 of the 1985 Session Laws of North Dakota, section 25-04-01 of the North Dakota Century Code as amended by section 1 of chapter 311 of the 1985 Session Laws of North Dakota, section 25-04-03 of the North Dakota Century Code as amended by section 3 of chapter 311 of the 1985 Session Laws of North Dakota, and subsection 3 of section 25-04-16 of the North Dakota Century Code, relating to the state developmental center at Grafton; and to repeal sections 25-04-03.1 and 25-04-05.2 of the North Dakota Century Code, section 25-04-03.1 of the North Dakota Century Code as amended by section 4 of chapter 311 of the 1985 Session Laws of North Dakota, and section 11 of chapter 311 of the 1985 Session Laws of North Dakota, relating to san haven and the organization of the department of human services.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 100 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; 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; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; 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.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Haugland; Lang; Olsen, D.; Peterson; Trautman; Wentz

HB 1127 passed and the title was agreed to.

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HB 1163: A BILL for an Act to amend and reenact sections 23-06-03.1, 43-10.1-03, 43-10.1-04, and 43-10.1-05 of the North Dakota Century Code, relating to pre-need funeral services.

#### 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, G.; 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; 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; 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.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Haugland; Olsen, D.; Peterson; Trautman

HB 1163 passed and the title was agreed to.

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HB 1179: A BILL for an Act to amend and reenact sections 61-04.1-34 and 61-04.1-35 of the North Dakota Century Code, relating to the

performance bond and bid bond required for weather modification contracts.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 98 YEAS, 3 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; 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; Nowatzki; Oban; Olson, A.; Olson, V.; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Gilmore; Ness; O'Shea

ABSENT AND NOT VOTING: Haugland; Nicholas; Olsen, D.; Peterson; Trautman

HB 1179 passed and the title was agreed to.

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HB 1243: A BILL for an Act to amend and reenact section 25-13-02 of the North Dakota Century Code, relating to the use of service dogs in public places, including facilities of health care providers; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended 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.; Anderson, R.; Belter; Berg, G.; 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; 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; 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.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Haugland; Nicholas; Olsen, D.; Peterson; Trautman

HB 1243 passed, the title was agreed to, and the emergency clause carried.

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HB 1009: A BILL for an Act providing an appropriation for defraying the expenses of the constitutional celebration committee.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 87 YEAS, 14 NAYS, 5 ABSENT AND NOT VOTING.

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

NAYS: Gerl; Gunsch; Hanson, O.; Larson, D.; Melby; Murphy; Ness; O'Shea; Shockman; Thompson, K.; Tokach; Tomac; Ulmer; Whalen

ABSENT AND NOT VOTING: Haugland; Nicholas; Olsen, D.; Peterson; Trautman

HB 1009 passed and the title was agreed to.

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HB 1106: A BILL for an Act to amend and reenact section 25-02-04 of the North Dakota Century Code, relating to the qualifications of the superintendent of the state hospital.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 64 YEAS, 36 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Christman; Clayburgh; Dalrymple; Dorso; Flaagan; Gates; Gerntholz; Goetz; Gorman; Gunsch; Hanson, O.; Haugen; Hausauer, A.; Hausauer, R.; Howard; Huether; Jensen; Kelly; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Nowatzki; Olson, A.; Olson, V.; O'Shea; Payne; Rydell; Schatz; Schindler; Schmidt; Shaft; Shide; Skjervan; Smette; Sorensen; Soukup; Stenehjem; Stofferahn; Timm; Tokach; Urlacher; Vander Vorst; Wald; Wentz; Whalen; Speaker Kretschmar

NAYS: Aarsvold; Aas; Anderson, B.; Anderson, R.; DeMers, J.; DeMers, P.; Enget; Frey; Gerhardt; Gerl; Gilmore; Graba; Halmrast; Hanson, L.; Hoffner; Hokana; Kaldor; Kolbo; Laughlin; Marks; Ness; Oban; Ring; Scherber;

Schneider; Shockman; Solberg; Starke; Thompson, V.; Tollefson; Tomac; Ulmer; Watne; Wilkie; Williams, A.; Williams, W.

ABSENT AND NOT VOTING: Haugland; Nicholas; Olsen, D.; Peterson; Thompson, K.; Trautman

HB 1106 passed and the title was agreed to.

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HB 1252: A BILL for an Act to amend and reenact subsections 1 and 2 of section 6-08-16, section 6-08-16.1, and subsections 2 and 3 of section 6-08-16.2 of the North Dakota Century Code, relating to restitution for bad check offenses.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 21 YEAS, 81 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Belter; Berg, G.; Dorso; Hanson, O.; Haugen; Hoffner; Kingsbury; Lang; Melby; Myrdal; Olsen, D.; Olson, A.; Olson, V.; Schindler; Schmidt; Shide; Smette; Thompson, K.; Timm; Vander Vorst; Whalen

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

ABSENT AND NOT VOTING: Haugland; Nicholas; Peterson; Trautman

HB 1252 lost.

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HB 1330: A BILL for an Act to amend and reenact section 6-06-29 of the North Dakota Century Code, relating to taxation of credit unions.

#### ROLL CALL

The question being on the final passage of the bill, which has been read and was PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 61 YEAS, 42 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, R.; Belter; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; Dorso; Enget; Gerhardt; Gerntholz; Goetz; Gorman; Gunsch; Halmrast; Hanson, O.; Haugen; Hausauer, A.; Hausauer, R.; Howard; Jensen; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martin; Martinson; Melby; Murphy; Myrdal; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; Payne; Rydell; Schatz; Schindler; Schmidt; Shaft; Shide; Smette; Solberg; Sorensen; Soukup; Stenehjem;

Stofferahn; Thompson, K.; Timm; Tokach; Tollefson; Urlacher; Wald; Wentz; Whalen

NAYS: Aarsvold; Anderson, B.; Berg, G.; Brokaw; Carlson; DeMers, J.; DeMers, P.; Flaagan; Frey; Gates; Gerl; Gilmore; Graba; Hanson, L.; Hoffner; Hokana; Huether; Kaldor; Kelly; Kolbo; Laughlin; Marks; Mertens; Nelson; Ness; Oban; O'Shea; Ring; Scherber; Schneider; Shockman; Skjerven; Starke; Thompson, V.; Tomac; Ulmer; Vander Vorst; Watne; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: Haugland; Peterson; Trautman

HB 1330 passed and the title was agreed to.

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HB 1343: A BILL for an Act to amend and reenact subsection 6 of section 26.1-08-01 of the North Dakota Century Code, relating to the definition of an insurance company for purposes of the comprehensive health association.

#### 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, G.; 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; 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.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Haugland; Peterson; Trautman

HB 1343 passed and the title was agreed to.

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HB 1395: A BILL for an Act to create and enact a new section to chapter 26.1-24 of the North Dakota Century Code, relating to insurance audits by insurers.

#### 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, G.; 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; 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; Skjervan; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Haugland; Peterson; Trautman

HB 1395 passed and the title was agreed to.

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#### 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 Thirteenth order of business, and at the conclusion of the Thirteenth order, the House stand adjourned until 1:00 p.m., Friday, January 27, 1989, which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred HB 1020 has had the same under consideration and recommends by a vote of 19 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 22, replace "36,000" with "56,000"

Page 2, line 1, replace "36,000" with "56,000"

Page 2, line 17, replace "6,157,637" with "6,177,637"

Page 2, line 18, replace "There is hereby appropriated in" with "In"

Page 2, line 21, after the first "1" insert "are hereby appropriated and can be spent only upon authorization of the emergency commission"

Page 2, remove lines 23 through 26

Re-number accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

Section 2 is amended to provide that funds deposited in the various special funds included in this bill in addition to the amounts appropriated in Section 1 may be spent only upon authorization of the Emergency Commission.

## DEPARTMENT 609 - HONEY PROMOTION FUND

This amendment provides an additional \$20,000 in the operating expenses line item in Section 1 for publication expenses of honey cookbooks.

Since 1989 Senate Bill No. 2074 authorizes the North Dakota Beekeepers Association to charge fees for items used to promote honey, Section 3 of this bill, which provides a continuing appropriation for the Commissioner of Agriculture to spend funds received from the sale of honey cookbooks for cookbook publication expenses, is removed.

HB 1020 was placed on the Sixth 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 1041 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 12, overstrike "with a"

Page 1, line 13, overstrike "nonprofit corporation"

Page 2, line 8, overstrike "one", remove "member", and overstrike "appointed by the board" and insert immediately thereafter ": 1. The commissioner"

Page 2, line 9, overstrike ", one", remove "member", overstrike "appointed by the" and insert immediately thereafter "or the commissioner's designee.  
2. The", and overstrike the second comma

Page 2, line 10, after "eight" insert "or the superintendent's designee. 3. Two citizen members", remove the overstrike over "appointed by the governor" and replace "one member appointed by the director of" with "giving preference to users of a telecommunications system"

Page 2, remove lines 11 through 17

Page 2, line 18, remove "management and budget" and insert immediately thereafter:

- "4. The director of the central data processing division of the office of management and budget.
5. A representative of prairie public broadcasting, appointed by the governor.
6. A representative of the telephone industry, appointed by the governor.
7. A representative of the rural telephone industry, appointed by the governor.
8. A representative of the North Dakota cable television association, appointed by the governor."

Page 2, line 19, overstrike "1."

Page 2, line 28, remove the overstrike over "~~two~~" and remove "three"

Page 2, line 29, after the first comma insert "and", remove the overstrike over "~~two~~", and remove "and three"

Page 3, line 3, remove "2.", overstrike "No member", remove "may", overstrike "receive any compensation but", after "~~shall~~" insert "The two citizen", and after "members" insert "of the council appointed by the governor"

Page 3, line 4, overstrike "reasonable and" and insert immediately thereafter "actual"

Page 3, line 5, overstrike "connection with service on" and insert immediately thereafter "the performance of their duties as members of" after "council" insert "at the same rates as provided by law for other state officers and employees. The costs incurred in reimbursing the two citizen members of the council for their actual necessary expenses must be divided among the superintendent of public instruction, the central data processing division of the office of management and budget, and the board of higher education. The other members of the council are not entitled to any compensation or reimbursement for expenses incurred in performing their duties"

Page 3, line 14, after "1." insert:

"Direct the implementation of telecommunication systems that are compatible and that can be connected with each other.

2. Develop a comprehensive written plan for the development of telecommunications in this state.

3."

Page 3, line 17, overstrike "2." and insert immediately thereafter "4."

Page 3, line 21, overstrike "3." and insert immediately thereafter "5."

Page 3, line 27, overstrike "4." and insert immediately thereafter "6."

Page 4, line 4, overstrike "5." and insert immediately thereafter "7."

Page 4, line 8, overstrike "6." and insert immediately thereafter "8."

Page 4, line 12, overstrike "7." and insert immediately thereafter "9."

Page 4, line 13, overstrike "8." and insert immediately thereafter "10."

Page 4, line 15, overstrike "9." and insert immediately thereafter "11."

Page 4, line 19, overstrike "10." and insert immediately thereafter "12."

Renumber accordingly

HB 1041 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 1062 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 2, after "branch" insert "; and declaring an emergency"

Page 1, line 14, after "legislation" insert "that has not been introduced in the legislative assembly", after "or" insert "to proposed", and remove the second "to"

Page 1, line 15, remove "proposed legislation", replace the first "or" with "and", and after the first "a" insert "personal"

Page 1, line 16, remove ", or entered or stored in an information processing"

Page 1, line 17, remove "system"

Page 1, after line 20, insert:

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

Re-number accordingly

HB 1062 was placed on the Sixth 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 1220 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1220 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 1222 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1222 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 1264 has had the same under consideration and recommends by a vote of 9 YEAS, 6 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 3, after "Act" insert "; and to declare an emergency"

Page 1, line 21, after "means" insert "an informal adjustment under section 27-20-10,"

Page 2, after line 5, insert:

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

Re-number accordingly

HB 1264 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 1305 has had the same under consideration and recommends by a vote of 9 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 10, overstrike "transportation" and insert immediately thereafter "administrative"

Page 1, line 21, replace "transportation" with "administrative"

Re-number accordingly

HB 1305 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture (Rep. Nicholas, Chairman) to which was referred HB 1328 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 1328 was placed on the Eleventh 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 1359 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 1359 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture (Rep. Nicholas, Chairman) to which was referred HB 1377 has had the same under consideration and recommends by a vote of 14 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1377 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 1424 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 1424 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 1455 has had the same under consideration and recommends by a vote of 11 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

HB 1455 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 1457 has had the same under consideration and recommends by a vote of 12 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1457 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 HCR 3023 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HCR 3023 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### FIRST READING OF SENATE BILLS

SB 2111: A BILL for an Act to create and enact a new section to chapter 4-09 and two new subdivisions to subsection 1 of section 4-09-14 of the North Dakota Century Code, relating to prohibitions regarding the sale of seeds; and to amend and reenact sections 4-09-01, 4-09-02, subsections 2 and 3 of section 4-09-03, sections 4-09-06, 4-09-07, 4-09-08, 4-09-10, subsection 2 of section 4-09-15, sections 4-09-16, 4-09-17, 4-09-18, 4-09-20, subsections 6 and 7 of section 4-25-02, and section 4-25-04 of the North Dakota Century Code, relating to seed and the state seed department.

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

SB 2155: A BILL for an Act to create and enact a new section to chapter 15-38.2 of the North Dakota Century Code, relating to the confidentiality of teachers' personnel files; to amend and reenact sections 15-29-10 and 15-51-10 of the North Dakota Century Code, relating to school district and school board records; and to provide a penalty.

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

SB 2202: A BILL for an Act to create and enact a new section to chapter 47-30.1 of the North Dakota Century Code, relating to the public dissemination and confidentiality of information held by the state abandoned property office; and to amend and reenact subsections 1 and 2 of section 47-30.1-18 and subsection 1 of section 47-30.1-23 of the North Dakota Century Code, relating to the time for publication of notice of abandoned property reported by life insurance companies, the contents of the publication of notice of abandoned property, and the public dissemination of information held by the state abandoned property office.

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

SB 2231: A BILL for an Act to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to exemptions from the open meetings and open records laws for attorney work product and attorney consultation.

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

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested: HB 1080.

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 1061, HB 1233, HB 1245, HB 1253, HB 1263, HB 1265, HB 1274, HB 1281, HB 1381, HB 1384, HCR 3009, HCR 3028.

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

ROY GILBREATH, Chief Clerk