

JOURNAL OF THE HOUSE

Fifty-first Legislative Assembly

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Bismarck, February 6, 1989

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

The prayer was offered by Rev. Carl Stoldt, United Parish Church, Bottineau.

The roll was called and all Representatives were present, except Representatives Murphy and Shaft.

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 Twenty-third Day and finds it to be correct.

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

CHAPLAINCY SCHEDULE
FEBRUARY 6-10

DATE	CHURCH
6 Rev. Carl Stoldt	United Parish Church, Bottineau
7 Bishop Barry Lee	Church of God Prophecy, Bismarck
8 Rev. Ross Reinhiller	Good Shepherd United Methodist Church, Mandan
9 Rev. Walter Schott	Rural United Methodist Church, Mandan
10 Rev. Ed Johnson, Chaplain ..	United Tribes Technical Institute, Bismarck

MOTION

REP. GATES MOVED that HB 1557 be returned to the House floor from the Committee on Education, which motion prevailed.

REQUEST

REP. G. BERG REQUESTED the unanimous consent of the House to withdraw HB 1557. There being no objection, it was so ordered by the Speaker.

MOTION

REP. A. OLSON MOVED that HB 1361 be returned to the House floor from the Committee on Natural Resources, which motion prevailed.

REQUEST

REP. MARKS REQUESTED the unanimous consent of the House to withdraw HB 1361. There being no objection, it was so ordered by the Speaker.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that the committee reports for HB 1015, HB 1034, HB 1184, HB 1192, HB 1198, HB 1199, HB 1261, HB 1339, HB 1354, HB 1391, HB 1485, HB 1601, and HB 1626 recommending amendments on the Sixth order of business on the legislative calendar of the Twenty-fourth Day, be adopted, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1015 as recommended by the Committee on Appropriations as printed on pages 509-510 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1015 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. MARTINSON MOVED that the amendments to HB 1034 as recommended by the Committee on State and Federal Government as printed on page 510 of the House Journal be adopted, and when so adopted, recommends the same DO PASS and be rereferred to the Committee on Appropriations.

HB 1034 was rereferred to the Committee on Appropriations.

REP. MARTINSON MOVED that the amendments to HB 1184 as recommended by the Committee on State and Federal Government as printed on pages 511-512 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1184 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. WHALEN MOVED that the amendments to HB 1192 as recommended by the Committee on Industry, Business and Labor as printed on page 512 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1192 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. MARTINSON MOVED that the amendments to HB 1198 as recommended by the Committee on State and Federal Government as printed on page 512 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1198 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. MARTINSON MOVED that the amendments to HB 1199 as recommended by the Committee on State and Federal Government as printed on page 512 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1199 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. TIMM MOVED that the amendments to HB 1261 as recommended by the Committee on Transportation as printed on page 513 of the House Journal be adopted, and when so adopted, recommends the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

HB 1261 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. WHALEN MOVED that the amendments to HB 1339 as recommended by the Committee on Industry, Business and Labor as printed on page 514 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1339 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. MARTINSON MOVED that the amendments to HB 1354 as recommended by the Committee on State and Federal Government as printed on pages 514-515 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1354 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. WHALEN MOVED that the amendments to HB 1391 as recommended by the Committee on Industry, Business and Labor as printed on page 515 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1391 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. NICHOLAS MOVED that the amendments to HB 1485 as recommended by the Committee on Agriculture as printed on pages 516-517 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1485 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. PETERSON MOVED that the amendments to HB 1601 as recommended by the Committee on Appropriations as printed on pages 518-519 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1601 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. NICHOLAS MOVED that the amendments to HB 1626 as recommended by the Committee on Agriculture as printed on page 519 of the House Journal be adopted, and when so adopted, recommends the same DO PASS and be rereferred to the Committee on Appropriations.

HB 1626 was rereferred to the Committee on Appropriations.

REP. MARTINSON MOVED that the amendments to HB 1035 as recommended by the Committee on State and Federal Government as printed on pages 510-511 of the House Journal be adopted, and when so adopted, recommends the same DO PASS and whether the amendments are adopted or not adopted, be rereferred to the Committee on Appropriations, which motion failed on a verification vote.

HB 1035 was rereferred to the Committee on Appropriations.

REP. WHALEN MOVED that the amendments to HB 1036 as recommended by the Committee on Industry, Business and Labor as printed on page 511 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion failed on a verification vote.

HB 1036 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. A. HAUSAUER MOVED that the amendments to HB 1318 as recommended by the Committee on Finance and Taxation as printed on page 513 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS.

REQUEST

REP. OBAN REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to HB 1318, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to HB 1318, the roll was called and there were 64 YEAS, 42 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; Dorso; Gates; Gerntholz; Goetz; Gorman; Gunsch; Hanson, O.; Haugen; Hausauer, A.; Hausauer, R.; Howard; Jensen; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Rydell; Schatz; Schindler; Schmidt; Shaft; Shide; Skjerven; Smette; Sorensen; Soukup; Stenehjelm; Thompson, K.; Timm; Tokach; Tollefson; Tomac; Trautman; Urlacher; Vander Vorst; Wald; Whalen; Speaker Kretschmar

NAYS: Aarsvold; Anderson, B.; Brokaw; Carlson; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gerhardt; Gerl; Gilmore; Graba; Halmrast; Hanson, L.; Haugland; Hoffner; Hokana; Huether; Kaldor; Kelly; Kolbo; Laughlin; Marks; Nelson; Ness; Oban; O'Shea; Ring; Scherber; Schneider; Shockman; Solberg; Starke; Stofferahn; Thompson, V.; Ulmer; Watne; Wentz; Wilkie; Williams, A.; Williams, W.

ABSENT AND NOT VOTING: None

The motion to adopt the amendments to HB 1318 passed.

HB 1318 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SIXTH ORDER OF BUSINESS

REP. WHALEN MOVED that the amendments to HB 1489 as recommended by the Committee on Industry, Business and Labor as printed on pages 517-518 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1489 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SECOND READING OF HOUSE BILL

HB 1142: A BILL for an Act to amend and reenact sections 26.1-05-04, 26.1-12-10, and 26.1-18-23 of the North Dakota Century Code, relating to solvency requirements for stock insurance companies, incorporated mutual insurance companies, county mutual insurance companies, and health maintenance organizations.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 106 YEAS, 0 NAYS, 0 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; 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; Peterson; 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; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: None

HB 1142 passed and the title was agreed to.

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 1105, HB 1295, HB 1322, HB 1349, HB 1495, HB 1569, HB 1634, HB 1650.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2041, SB 2054, SB 2063, SB 2187, SB 2198, SB 2243, SB 2277, SB 2278, SB 2282, SB 2294, SB 2311, SB 2378, SB 2396, SB 2435, SB 2458.

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

MR. SPEAKER: The Senate has adopted the conference committee report on SCR 4027 and subsequently passed the same.

MOTION

REP. KLOUBEC MOVED that HB 1254 be placed at the top of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1254: 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.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 72 YEAS, 34 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Anderson, R.; Berg, R.; Brokaw; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Graba; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Marks; Martin; Martinson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Peterson; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shide;

Shockman; Solberg; Starke; Stenehjem; Stofferahn; Thompson, V.; Timm; Trautman; Urlacher; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aas; Belter; Berg, G.; Bernstein; Carlson; Dorso; Gorman; Gunsch; Hanson, O.; Howard; Kingsbury; Kloubec; Knell; Lindgren; Melby; Mertens; Murphy; Myrdal; Nelson; Payne; Ring; Shaft; Skjerven; Smette; Sorensen; Soukup; Thompson, K.; Tokach; Tollefson; Tomac; Ulmer; Vander Vorst; Wald; Whalen

ABSENT AND NOT VOTING: None

HB 1254 passed and the title was agreed to.

MOTIONS

REP. KLOUBEC MOVED that HB 1212 be placed at the top of the calendar, which motion prevailed.

REP. KLOUBEC MOVED that the House waive the reading of the title to HB 1212, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1212: A BILL for an Act to amend and reenact sections 64-02-01, 64-02-02, 64-02-03, 64-02-04, 64-02-05, 64-02-07, 64-02-08, 64-02-09, 64-02-10, 64-02-11, 64-02-12, 64-02-13, 64-02-14, 64-02-15, 64-02-15.1, 64-02-20, 64-03-01, 64-03-02, 64-03-03, 64-03-06, 64-03-07, 64-03-09, 64-03-10, 64-03-11, 64-03-12, 64-04-01, 64-04-02, 64-04-03, 64-04-04, and 64-04-05 of the North Dakota Century Code, relating to weights and measures; and to repeal sections 64-02-05.1, 64-02-06, 64-02-19, and 64-03-05 of the North Dakota Century Code, relating to weights and measures.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 105 YEAS, 0 NAYS, 1 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; Halmarst; 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; Peterson; 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; Trautman; Ulmer; Urlacher; Vander Vorst; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Wald

HB 1212 passed and the title was agreed to.

HB 1258: A BILL for an Act to provide for imposition of a transfer tax on the purchase price of land sold to certain governmental entities and to provide for distribution of tax revenues; 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 88 YEAS, 18 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Anderson, R.; Belter; Berg, G.; Brokaw; Carlson; Christman; Dalrymple; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; 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.; O'Shea; Peterson; Ring; Rydell; Schatz; Scherber; Schneider; Shaft; Shide; Shockman; Skjervem; Smette; Solberg; Sorensen; Starke; Stenehjem; Stofferahn; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.

NAYS: Aas; Berg, R.; Bernstein; Clayburgh; Dorso; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Murphy; Olson, V.; Payne; Schindler; Schmidt; Soukup; Thompson, K.; Whalen; Speaker Kretschmar

ABSENT AND NOT VOTING: None

HB 1258 passed, the title was agreed to, and the emergency clause carried.

HB 1266: A BILL for an Act to amend and reenact section 43-44-01, subsection 1 of section 43-44-02, and section 43-44-06 of the North Dakota Century Code, relating to definitions, membership of the board of dietetic practice, and licensure, titles, and abbreviations for dietitians and nutritionists.

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, 4 NAYS, 2 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; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Kolbo; Kouba; Lang; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; 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; Skjervem; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem;

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

NAYS: Gunsch; Knell; Larson, D.; Melby

ABSENT AND NOT VOTING: Mertens; Peterson

HB 1266 passed and the title was agreed to.

HB 1271: A BILL for an Act to authorize nonprofit organizations to become members of insurance reserve funds.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 27 YEAS, 77 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Brokaw; Carlson; DeMers, J.; DeMers, P.; Enget; Gerl; Gilmore; Halmrast; Hoffner; Kelly; Marks; Martin; Mertens; Ness; Oban; O'Shea; Ring; Scherber; Schneider; Shockman; Starke; Stofferahn; Thompson, V.; Ulmer; Urlacher; Williams, A.; Williams, W.

NAYS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; Dorso; Flaagan; Frey; Gates; Gerhardt; Gerntholz; Goetz; Gorman; Graba; Gunsch; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hokana; Howard; Huether; Jensen; Kaldor; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Martinson; Melby; Murphy; Myrdal; Nelson; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; Payne; Rydell; Schatz; Schindler; Schmidt; Shaft; Shide; Skjerven; Smette; Solberg; Sorensen; Soukup; Stenehjem; Thompson, K.; Timm; Tokach; Tollefson; Tomac; Trautman; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Speaker Kretschmar

ABSENT AND NOT VOTING: Hausauer, R.; Peterson

HB 1271 lost.

HB 1335: A BILL for an Act to amend and reenact sections 43-30-01, 43-30-03, 43-30-04, 43-30-05, 43-30-06, 43-30-08, 43-30-09, 43-30-12, 43-30-13, 43-30-14, and 43-30-15 of the North Dakota Century Code, relating to the functions, powers, and duties of the state private investigative and security board.

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, 2 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; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.;

Hanson, O.; 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; 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; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Gunsch; Melby

ABSENT AND NOT VOTING: Gerl; Haugen; Peterson

HB 1335 passed and the title was agreed to.

HB 1390: A BILL for an Act to create and enact a new section to chapter 15-38.2, relating to documentation of material in teachers' personnel files.

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, 36 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Brokaw; Carlson; Christman; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gerhardt; Gerl; Goetz; Graba; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kolbo; Lang; Marks; Martin; Martinson; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shide; Shockman; Solberg; Sorensen; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Tokach; Tomac; Trautman; Ulmer; Urlacher; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aas; Anderson, R.; Belter; Berg, R.; Bernstein; Clayburgh; Dalrymple; Dorso; Gates; Gerntholz; Gilmore; Gorman; Gunsch; Hanson, O.; Haugen; Howard; Kingsbury; Kloubec; Knell; Kouba; Larson, D.; Larson, R.; Laughlin; Lindgren; Melby; Murphy; Payne; Shaft; Skjerven; Smette; Soukup; Timm; Tollefson; Vander Vorst; Wald; Whalen

ABSENT AND NOT VOTING: Peterson

HB 1390 passed and the title was agreed to.

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 12:30 p.m., Tuesday, February 7, 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 1083 has had the same under consideration and recommends by a vote of 15 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 13, after "~~as~~" insert "No rule may be adopted with respect" and remove the overstrike over "to building construction of"

Page 1, line 14, remove the overstrike over "existing medical hospitals", after "relation" insert "or related medical institutions unless the rule relates", and remove the overstrike over "to safety factors" and insert immediately thereafter "or the hospital or related medical institution changes the scope of service in such a way that a different license is required from the department pursuant to rules adopted under chapter 23-16"

Renumber accordingly

HB 1083 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 1130 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:

Page 2, line 9, replace "\$100,000" with "\$4,500"

Renumber accordingly

HB 1130 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation (Rep. Timm, Chairman) to which was referred HB 1131 has had the same under consideration and recommends by a vote of 13 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 60-06-15 of the North Dakota Century Code, relating to warehouse leases on railroad rights of way.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Amendment. Section 60-06-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

60-06-15. Application to existing leaseholds. The provisions of this chapter ~~shall~~ apply to the renewal of existing leaseholds on railroad rights of way, and to existing leaseholds on lands that have ceased to be used for railroad rights of way after the leasehold was first created, and so long thereafter as the lease site remains under

the ownership or control of the railroad or an entity that was or is under common ownership or control of the railroad. The value of a leaseholder's improvements may not be considered in determining annual rental or the gross sum for the right, privilege, and easement sought."

Renumber accordingly

HB 1131 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 1140 has had the same under consideration and recommends by a vote of 13 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 3, line 21, remove "money or" and after "property" insert "or money, and any interest accruing thereon,"

Page 3, line 22, after the first "fund" insert "and is hereby appropriated to the department"

Page 3, line 24, remove "solely" and after "donation" insert "as determined by the director"

Renumber accordingly

HB 1140 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 1188 has had the same under consideration and recommends by a vote of 13 YEAS, 2 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 3, after "commission" insert "for the southwest pipeline project"

Page 1, line 9, replace "property" with "a right of way"

Page 1, line 10, replace "this title and the" with "chapter 61-24.3"

Page 1, line 11, remove "interest sought to be obtained in the property is a right of way"

Page 2, line 11, remove "or purpose"

Page 2, line 12, after "chapter" insert "for which federal funds have been appropriated" and replace "may make an" with ", after making a written"

Page 2, line 13, replace "may deposit" with "depositing"

Page 2, line 15, remove "and"

Renumber accordingly

HB 1188 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was rereferred HB 1196 has had the same under consideration and recommends by a vote of 22 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 10, line 16, remove "However, the credit unions may only be required to"

Page 10, remove lines 17 through 20

Page 10, line 21, remove "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 Natural Resources (Rep. A. Olson, Chairman) to which was referred HB 1280 has had the same under consideration and recommends by a vote of 17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION:

Page 1, line 13, overstrike "in the order the applications for the licenses"

Page 1, line 14, overstrike "are received" and insert immediately thereafter "by lottery as prescribed", remove the overstrike over "~~maximum~~", and remove "minimum"

Page 1, line 15, remove "A person holding a valid license to"

Page 1, remove line 16

Page 1, line 17, remove "sex."

Reumber accordingly

HB 1280 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 1299 has had the same under consideration and recommends by a vote of 12 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS, and be rereferred to the Committee on Appropriations.

Page 1, line 7, replace "game and fish department private land habitat" with "general"

Page 1, line 8, remove "improvement"

Reumber accordingly

HB 1299 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 1429 has had the same under consideration and

recommends by a vote of 11 YEAS, 5 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 14, after "rifle insert "or with muzzleloading long guns"

Renumber accordingly

HB 1429 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Political Subdivisions (Rep. Lindgren, Chairman) to which was referred HB 1432 has had the same under consideration and recommends by a vote of 9 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 1, line 2, remove "and to require each fire department and fire protection"

Page 1, line 3, remove "district in the state to be certified by the state firemen's association"

Page 1, remove lines 12 through 18

Renumber accordingly

HB 1432 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 1435 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations:

Page 1, line 3, after "children" insert "; and to provide an effective date"

Page 1, after line 15, insert:

"SECTION 2. EFFECTIVE DATE. This Act becomes effective on January 1, 1990."

Renumber accordingly

HB 1435 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 1444 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 1, line 16, remove "a farmer or the farmer's"

Page 1, line 17, remove "creditor, or both," and overstrike "to a farmer,"

Page 1, line 18, overstrike "such funds to be used to continue the program" and after "~~1989~~" insert "at a rate of up to twenty-five dollars per hour. The program shall continue until June 30, 1991"

Re-number accordingly

HB 1444 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 1502 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:

Page 2, line 11, overstrike "buys" and insert immediately thereafter "is in the business of buying"

Page 3, line 5, after "Such" insert ", except when the licensee pays cash for ninety percent of all grain or hay at the time of delivery and the remaining ten percent within twenty-four hours of the time of delivery to the licensee in which case the bond amount may not be less than fifty thousand dollars"

Re-number accordingly

HB 1502 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 1511 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 NOT PASS:

Page 1, line 3, replace "Every restroom that is" with "At least two restrooms, one male and one female, that are"

Page 1, line 5, after the period insert "All restrooms in buildings covered by this Act must be marked to indicate the location of the restrooms with changing tables."

Re-number accordingly

HB 1511 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 1519 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, overstrike "acresages" and insert immediately thereafter "production"

Re-number accordingly

HB 1519 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 1524 has had the same under consideration and recommends by a vote of 11 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 8, remove the overstrike over "~~state~~" and insert immediately thereafter "or"

Page 1, line 9, after "than" insert "one hundred" and replace "40.23" with "201.17"

Page 1, line 14, after the period insert "The noncustodial parent may not change residence to another location more than one hundred twenty-five miles [201.17 kilometers] from the child's residence except upon order of the court or with the consent of the custodial parent."

Renumber accordingly

HB 1524 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Political Subdivisions (Rep. Lindgren, Chairman) to which was referred HB 1533 has had the same under consideration and recommends by a vote of 11 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 53-06.1-01 and two new sections to chapter 53-06.1 of the North Dakota Century Code, relating to electronic video gaming devices, taxes on proceeds from games of chance conducted by electronic video gaming devices, and the foundation aid reserve fund; to amend and reenact sections 53-06.1-07, 53-06.1-07.1, 53-06.1-12, 53-06.1-12.1, 53-06.1-14, and 53-06.1-17 of the North Dakota Century Code, relating to electronic video gaming devices; and to provide a continuing appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 53-06.1-01 of the 1987 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

"Electronic video gaming device" means an electronic video machine or device that simulates the play of a game of chance, in the manner provided in this chapter or by rules adopted by the attorney general. The device may not directly dispense coins, cash, tokens, or anything of value other than a credit voucher.

SECTION 2. AMENDMENT. Section 53-06.1-07 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-06.1-07. Games of chance allowed. ~~Eligible organizations shall be permitted to conduct the following games of chance:~~

1. Eligible organizations licensed by the attorney general shall be permitted to conduct bingo, raffles, pull tabs, jars, punchboards, twenty-one, ~~and~~ sports pools for professional sports only, draw poker, stud poker, and electronic video gaming device play of any of these games of chance.
2. College fraternities or sororities may conduct raffles and bingo.
3. Draw poker and stud poker in accordance with section 53-06.1-07.2. Any game of chance permitted in this section and played by the use of an electronic video gaming device must be played in the same manner and subject to the same laws and rules applicable to the game of chance conducted, except:
 - a. In electronic video gaming device play of bingo, raffles, pull tabs, jars, or punch boards, no ticket need be sold and only electronic display of the results is required.
 - b. In electronic video gaming device play of twenty-one, no chips need be used, no playing cards need be dealt, and the electronic video gaming device is considered the dealer.
 - c. In video gaming device play of draw poker or stud poker, the limitation on the number of occasions of play per year does not apply.

SECTION 3. AMENDMENT. Section 53-06.1-07.1 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-06.1-07.1. Limitations on hours and participation in games of chance. A person under twenty-one years of age may not participate in the games of pull tabs, jars, punchboards, twenty-one, or sports pools or in any game conducted by use of an electronic video gaming device. The games of pull tabs, jars, punchboards, twenty-one, or sports pools and any game conducted by use of an electronic video gaming device may be conducted only during the hours when alcoholic beverages may be dispensed in accordance with applicable regulations of the state or the political subdivision.

SECTION 4. AMENDMENT. Section 53-06.1-12 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-06.1-12. Tax based on adjusted gross proceeds or gross proceeds. ★

1. Except for games played by use of an electronic video gaming device, a tax as provided in this section subsection upon the total adjusted gross proceeds received by a licensed eligible organization shall must be paid to the licensing authority on a quarterly basis in such the manner and upon such the forms as shall be prescribed by the licensing authority by rule. The figure used for adjusted gross proceeds is as determined in subsection 1 of section 53-06.1-01 before any reduction

for expenses. The amount of this tax ~~shall~~ must be paid from adjusted gross proceeds and not charged against the percentage limitation of expenses. The tax is hereby imposed upon every eligible organization, to be levied, collected, and paid quarterly with respect to the adjusted gross proceeds of the eligible organization as provided in this section, computed at the following rates:

- ~~1.~~ a. On adjusted gross proceeds not in excess of six hundred thousand dollars per quarter, a tax of five percent.
- ~~a.~~ b. On adjusted gross proceeds in excess of six hundred thousand dollars per quarter, a tax of twenty percent.
2. A tax of four and one-half percent of the gross proceeds received by an eligible organization from conduct of games of chance through use of an electronic video gaming device must be paid to the licensing authority on a quarterly basis in the manner and upon the forms prescribed by the licensing authority.

SECTION 5. A new section to chapter 53-06.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

Separate tax on net proceeds of electronic video gaming device games of chance. An eligible organization shall pay a tax of twenty-five percent of the net proceeds of the eligible organization from games of chance conducted through use of an electronic video gaming device. The tax provided in this section is in addition to the tax imposed under section 53-06.1-12. The eligible organization shall pay the tax to the licensing authority on a monthly basis in the manner and upon the forms prescribed by the licensing authority. The amount of the tax must be paid from net proceeds from games of chance conducted through use of an electronic video gaming device. For purposes of this section, "net proceeds" means adjusted gross proceeds from games of chance conducted through use of an electronic video gaming device less allowable expenses, fees for conducting games of chance through use of electronic video gaming devices, and taxes paid under subsection 2 of section 53-06.1-12. The entire amount of the tax imposed by this section must be transferred by the licensing authority to the state treasurer for deposit in the foundation aid reserve fund.

SECTION 6. AMENDMENT. Section 53-06.1-12.1 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-06.1-12.1. Allocation of games of chance tax - Appropriation. The state treasurer, at the direction of the licensing authority, shall pay quarterly to cities and counties in proportion to the tax collected under section 53-06.1-12 from eligible organizations conducting games of chance within each city, for sites within city limits, or within each county, for sites outside city limits, the following amounts which are hereby appropriated:

1. Two-fifths of the tax collected under subdivision a of subsection 1 and under subsection 2 of section 53-06.1-12 within the city or county.

2. One-tenth of the tax collected under subdivision b of subsection a 1 of section 53-06.1-12 within the city or county.

The remaining tax collected under section 53-06.1-12, up to the amount paid during the 1985-87 biennium, ~~shall~~ must be paid by the licensing authority to the state treasurer for deposit in the state general fund. Any amounts received by a city or county under this section must be used by the city or county for expenses connected with enforcement of this chapter within the city or county. Any amount remaining because of the limitation with respect to the 1985-87 biennium, up to two hundred thousand dollars, must be deposited in the attorney general's operating budget and must be used only for the enforcement of gaming as appropriated. Any amount remaining in excess of two hundred thousand dollars must be deposited by the state treasurer in the general fund.

SECTION 7. A new section to chapter 53.06.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

Foundation aid reserve fund - Continuing appropriation. The foundation aid reserve fund is a special fund in the state treasury. The balance in the fund at any time is limited to fifty million dollars and the state treasurer shall deposit any amount, including income of the fund, in excess of this limitation in the state general fund. Whenever general fund appropriations authorized by the legislative assembly are reduced by executive action under section 54-44.1-12 or 54-44.1-13.1 or otherwise, any amounts deducted from the most recent appropriation by the legislative assembly for foundation aid by reason of the reduction are hereby appropriated from the foundation aid reserve fund, as a standing and continuing appropriation, to the superintendent of public instruction so that actual distributions under sections 15-40.1-06 through 15-40.1-08 will be in the amounts appropriated by the most recent appropriation made by the legislative assembly.

SECTION 8. AMENDMENT. Section 53-06.1-14 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-06.1-14. Distributors and manufacturers - Licensure.

1. Every manufacturer of charitable gaming tickets and every distributor shall ~~annually~~ apply before the first day of April in each year for ~~a an annual~~ an annual license upon a form prescribed by the attorney general ~~before the first day of April in each year~~ and shall submit the appropriate license fee. Each applicant shall provide such necessary and reasonable information as the attorney general may require. The license fee for a distributor is one thousand dollars, and the license fee for a manufacturer of charitable gaming tickets is two hundred fifty dollars.
2. Every nonresident manufacturer or distributor of bingo paper or supplies doing business in this state shall appoint a North Dakota agent who is licensed as a distributor. No distributor may sell, market, or otherwise distribute raffle tickets or equipment for games of chance except to eligible organizations. A manufacturer of charitable gaming tickets

may not sell, market, or otherwise distribute charitable gaming tickets, other than to a licensed distributor.

3. Every eligible organization shall acquire all raffle tickets or equipment for games of chance from a distributor licensed under this chapter, unless the raffle tickets or equipment for games of chance are printed, manufactured, or constructed by the eligible organization or unless the raffle tickets are obtained from a resident printer who has printed the raffle tickets at the request of the organization. At no time shall any eligible organization print, manufacture, or construct any raffle tickets or equipment for games of chance for sale to any other eligible organization.
4. Every manufacturer or distributor of electronic video gaming devices through which games of chance are conducted under this chapter shall apply before the first day of April of each year for an annual license upon a form prescribed by the attorney general and shall submit the appropriate license fee. Each applicant shall provide such necessary and reasonable information as the attorney general may require. The license fee for a manufacturer or distributor is one thousand dollars. Every eligible organization shall purchase or lease all electronic video gaming devices from a distributor licensed under this chapter.
5. No licensed or authorized eligible organization may be a distributor. No wholesaler of liquor or alcoholic beverages may be a distributor.
- ~~5- 6.~~ The attorney general may, by motion based on reasonable grounds or on written complaint, suspend or revoke a distributor's or manufacturer's license in accordance with chapter 28-32 for violation, by the licensee or any officer, director, agent, member, or employee of the licensee, of this chapter or any rule adopted under this chapter.

SECTION 9. AMENDMENT. Section 53-06.1-17 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-06.1-17. Rules. The licensing authority shall adopt rules in accordance with chapter 28-32, relating to, but not limited to, methods of play, conduct, and promotion of games of chance; methods, procedures, and minimum standards for accounting and recordkeeping; requiring reports by licensees and authorized organizations; methods of competition and doing business by distributors; and marking or identification of raffle tickets, charitable gaming tickets, bingo equipment, jars, punchboards, or any other implements of gambling used or distributed in this state to implement or effectuate the provisions and purpose of this chapter; quality standards for the manufacture of charitable gaming tickets; to regulate electronic video gaming devices including licensing of machines, manufacturers, and distributors; to test, approve, and set specifications for electronic video gaming devices; to establish methods and rules of play of electronic video gaming devices; to regulate sales or lease agreements for electronic video gaming devices; to ensure that the entire net proceeds of games of chance are devoted to educational, charitable, patriotic, fraternal,

religious, or other public-spirited uses as defined by this chapter; to define capital improvements and furnishings; to protect and promote the public interest; to ensure fair and honest games of chance; to ensure that fees and taxes are paid; and to seek to prevent or detect unlawful gambling activity."

Renumber accordingly

HB 1533 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation (Rep. Timm, Chairman) to which was referred HB 1575 has had the same under consideration and recommends by a vote of 12 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 2, after "bonds" insert "; and to provide for application of this Act."

Page 1, line 11, replace "fifty" with "twenty-five"

Page 2, after line 4, insert:

"SECTION 2. APPLICATION. This Act applies to motor vehicle dealer's licenses issued after December 31, 1989."

Renumber accordingly

HB 1575 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 1610 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:

Page 1, line 1, replace "silo" with "equipment and building"

Page 1, line 3, replace "Silo" with "Equipment and building"

Page 1, line 4, replace "a silo" with "equipment, buildings, or both"

Renumber accordingly

HB 1610 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Kretschmar, Nicholas, Vander Vorst introduced:

HCR 3051: A concurrent resolution directing the Legislative Council to study the fees charged for inspecting cattle for brands when the cattle are transported for sale in this state from an out-of-state location in which an ownership inspection is not required.

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

FIRST READING OF SENATE BILLS

SB 2105: A BILL for an Act to amend and reenact subsections 1 and 2 of section 62.1-02-01 of the North Dakota Century Code, relating to possession of firearms; and to declare an emergency.

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

SB 2192: A BILL for an Act to amend and reenact section 28-32-05 of the North Dakota Century Code, relating to a change of an administrative hearing officer.

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

SB 2193: A BILL for an Act to create and enact a new section to chapter 28-32 of the North Dakota Century Code, relating to the appointment of independent administrative hearing officers.

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

SB 2305: A BILL for an Act to create and enact a new section to chapter 54-02 of the North Dakota Century Code, designating the honey bee as the official state insect.

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

SB 2313: A BILL for an Act to amend and reenact subsections 1 and 2 of section 30.1-18-03, subdivision b of subsection 1 of section 30.1-19-03, subsection 1 of section 30.1-21-01, section 30.1-21-02, subdivision a of subsection 1 of section 30.1-21-03, and subsection 1 of section 30.1-21-06 of the North Dakota Century Code, relating to closing decedent's estates; and to provide a penalty.

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

SB 2330: A BILL for an Act to amend and reenact subsection 1 of section 15-28-09 of the North Dakota Century Code, relating to the election of members of a school board.

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

SB 2351: A BILL for an Act to amend and reenact section 40-18-15.1 of the North Dakota Century Code, relating to transfer of municipal ordinance violation cases to county court.

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

SB 2373: A BILL for an Act to amend and reenact section 20.1-03-07.1 of the North Dakota Century Code, relating to the nonresident season for taking waterfowl.

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

SB 2390: A BILL for an Act to create and enact a new section to chapter 35-13 of the North Dakota Century Code, relating to repairman's storage liens.

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