

JOURNAL OF THE HOUSE

Fifty-first Legislative Assembly

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Bismarck, March 3, 1989

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

The prayer was offered by Chaplain Alvin Hagerott, Medcenter One, Bismarck.

The roll was called and all Representatives were present, except Representatives Huether, D. Olsen, Payne, and Stofferahn.

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 Fortieth Day and finds it to be correct.

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

DOCTOR OF THE DAY SCHEDULE

March 6:	Glenn A. Wiens, MD	- FP Resident	- Grand Forks
March 7:	Glenn A. Wiens, MD	- FP Resident	- Grand Forks
March 8:	Glenn A. Wiens, MD	- FP Resident	- Grand Forks
March 9:	Clayton E. Jensen, MD	- Family Practice	- Fargo
March 10:	Clayton E. Jensen, MD	- Family Practice	- Fargo

THE HOUSE RECOGNIZED THE PRESENCE OF:

Shantel Glasser, 1989 Easter Seal Ambassador

REP. ULMER: Shantel Glasser has the honor of being the 1989 Easter Seal Ambassador and she is here with us today.

Shantel is four years old and is from Mandan. Shantel will appear on the Easter Seal telethon on the KX Network this weekend.

Shantel would like to say "hello" and invite us to watch her during the telethon.

Easter Seal's motto is to provide the power to overcome, and Shantel is a great ambassador who exemplifies that power.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. LINDGREN MOVED that the House do concur in the Senate amendments to HB 1177 as printed on page 1233 of the House Journal, which motion prevailed.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that Engrossed HB 1177 be deemed properly reengrossed and be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1177: A BILL for an Act to amend and reenact sections 6-09.4-03, 6-09.4-06, 6-09.4-09, 6-09.4-10, 6-09.4-12, 6-09.4-13, 6-09.4-14, 6-09.4-16, 6-09.4-17, 6-09.4-18, 6-09.4-19, 6-09.4-20, and 6-09.4-21 and subdivision 1 of subsection 1 of section 28-32-01 of the North Dakota Century Code, relating to the North Dakota municipal bond bank; 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; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; 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; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Soukup; Starke; Stenehjem; 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: Huether; Olsen, D.; Payne; Sorensen; Stofferahn

HB 1177 passed, the title was agreed to, and the emergency clause carried.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that Reengrossed HB 1177 be messaged to the Senate immediately, which motion prevailed.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1177 and subsequently passed the same.

SECOND READING OF SENATE BILL

SB 2119: A BILL for an Act to amend and reenact section 52-06-23 of the North Dakota Century Code, relating to subpoenas for unemployment compensation purposes; 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 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; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; 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; 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: Huether; Olsen, D.; Payne

SB 2119 passed and the title was agreed to.

REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your procedural Committee on Delayed Bills (Rep. Kloubec, Chairman) has examined a resolution designating March 4, 1989, as Virgil Hill Day and urging the Governor to issue a proclamation to the same effect.

It shall be numbered HCR 3080.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this resolution.

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

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Sorensen, Kloubec, Schneider and Sens. Olson, Maixner, Yockim introduced:

(Approved by the Committee on Delayed Bills)

HCR 3080: A concurrent resolution designating March 4, 1989, as Virgil Hill Day and urging the Governor to issue a proclamation to the same effect. Was read the first time.

MOTION

REP. KLOUBEC MOVED that the rules be suspended, that HCR 3080 not be printed, not be referred to committee, be read in its entirety, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Reps. Sorensen, Kloubec, Schneider and Sens. Olson, Maixner, Yockim introduced:

(Approved by the Committee on Delayed Bills)

HOUSE CONCURRENT RESOLUTION NO. 3080

A concurrent resolution designating March 4, 1989, as Virgil Hill Day and urging the Governor to issue a proclamation to the same effect.

WHEREAS, Virgil Hill represented North Dakota and the United States with honor as a participant in the 1984 Olympic Games; and

WHEREAS, Virgil Hill honored North Dakota and the United States by winning the Silver Medal at the 1984 Summer Olympic Games; and

WHEREAS, Virgil Hill is presently the undefeated World Boxing Association Light Heavyweight Champion; and

WHEREAS, North Dakota takes great pride in the amateur and professional accomplishments and exemplary behavior of Virgil Hill; and

WHEREAS, in his travel throughout the world, Virgil Hill has brought honor to the State of North Dakota and has credited his North Dakota heritage as the basis of his hard work ethic which has brought him to international prominence;

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

That March 4, 1989, is designated as Virgil Hill Day and that the Fifty-first Legislative Assembly urges the Governor to issue a proclamation to the same effect; and

BE IT FURTHER RESOLVED, that the Fifty-first Legislative Assembly joins the citizens of North Dakota in wishing Virgil Hill the best of luck with his title defense on March 4, 1989.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3080: A concurrent resolution designating March 4, 1989, as Virgil Hill Day and urging the Governor to issue a proclamation to the same effect.

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

HCR 3080 was declared adopted on a voice vote.

SPECIAL ORDER OF BUSINESS

REP. KLOUBEC MOVED that a committee of two be appointed to escort the Honorable George A. Sinner, Governor, to the rostrum, which motion prevailed.

SPEAKER KRETSCHMAR APPOINTED Reps. Kloubec and Schneider to such committee and the Honorable George A. Sinner, Governor, was escorted to the rostrum.

REP. KLOUBEC MOVED that a committee of two be appointed to escort Virgil Hill to the rostrum, which motion prevailed.

SPEAKER KRETSCHMAR APPOINTED Reps. Sorensen and Clayburgh to such committee and Virgil Hill was escorted to the rostrum.

REMARKS OF THE HONORABLE GEORGE A. SINNER, GOVERNOR AND VIRGIL HILL

GOV. SINNER: Thank you very much, Mr. Speaker. Virgil noted that when the motion of support for the Resolution on his behalf was passed, it was probably the first time this House had voted unanimously for any such resolution. Virgil, I have to tell you, you are going to have to compete in your fight with the Appropriations Committee over the EDC budget. We are not sure where the biggest crowd will be. But we also want you to know that sparring is the specialty of this House.

The world has many champions, and North Dakota has its share of them -- in the arts, in industry, in research, in education, in food production, in

specialties of the professions, and in sports. Today we are honoring a very special champion. We are honoring him both for the sake of honoring him but, more especially, to encourage him and to spur him on. He is an Olympic champion, a world champion, our own Virgil Hill.

Virgil, you always box like a champion. You always speak like a champion. And we wish you ardently -- we wish you well in your championship defense tomorrow. We will all be cheering you on. North Dakota is proud of you and wishes you the best of success, our friend, Virgil Hill.

VIRGIL HILL: Thank you very much. First of all, I would like to introduce the gentlemen behind me. On my far left is my trainer, Freddie Roach, who is an assistant to Eddie Futch. And a dear friend of mine that I was raised with when I was real young. We have been competitors together. I call him "Big Lal" Larsien.

Ladies and gentlemen, I am the fighter and I am a little upset that you guys were trying to steal my publicity away from me. But in any case, after Saturday you can have the referees and the judges and they will come up here and take care of you.

But anyway, I am glad that you guys could agree upon giving me this, and I am very, very honored to be here. On behalf of my family and everybody that has anything to do with me, I thank you. I am very, very proud to be able to come back here to Bismarck, the capital of North Dakota, to be able to put on a show for ABC and the rest of the world. This will finally give them a chance to see where the real "me" comes from -- North Dakota. I do not feel any more special than anybody else out there. I am just honored that we are going to have this chance to let people know where we come from, where we live, and what we stand for. Again, thank you for all that you have done for me, and it is an honor to be here. Thank you.

MOTION

REP. KLOUBEC MOVED that the remarks of the Honorable George A. Sinner, Governor, and Virgil Hill be printed in the Journal, which motion prevailed.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3080.

SECOND READING OF SENATE BILLS

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

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; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Jensen; Kaldor; Kelly; Kingsbury; 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; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Soukup; Starke; Stenehjelm; 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: Huether; Kloubec; Olsen, D.; Payne; Peterson; Sorensen

SB 2136 passed and the title was agreed to.

SB 2226: A BILL for an Act to create and enact a new section to chapter 54-30 of the North Dakota Century Code, relating to the sale or lease of land acquired by the state treasurer as trustee for the state of North Dakota; 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, D.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; 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; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Soukup; Starke; Stenehjelm; 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: Huether; Olsen, D.; Payne; Peterson; Sorensen

SB 2226 passed, the title was agreed to, and the emergency clause carried.

SB 2251: A BILL for an Act to create and enact two new sections to chapter 57-43.1 and a new section to chapter 57-43.2 of the North Dakota Century Code, relating to determination of motor vehicle fuel tax if no return is made and a credit for motor fuel and special fuel taxes paid on worthless accounts; and to amend and reenact subsection 3 of section 57-43.1-01, sections 57-43.1-04, 57-43.1-06, 57-43.1-09, 57-43.1-10, 57-43.1-16, subsections 4 and 5 of section 57-43.2-01, subsection 1 of

section 57-43.2-02, sections 57-43.2-11 and 57-43.2-15 of the North Dakota Century Code, relating to definition of "importer for use" as applied to motor vehicle fuel taxes, refund claims for motor vehicle fuel, refunds for tax paid on motor fuel when taken out of North Dakota, refunds for fuel used for heating purposes, invoices issued to purchasers of motor vehicle fuel, the witness requirements for motor fuel dealers' reports, definitions of "highway purposes" and "importer for use" as applied to special fuel taxes, the imposition of special fuel tax on fuel blended with recovered oil, and penalties for failure to pay special fuels tax.

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, 1 NAY, 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; Gunsch; Halmrast; Hanson, L.; Hanson, D.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; 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; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; 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: Gerl

ABSENT AND NOT VOTING: Huether; Olsen, D.; Payne; Peterson; Sorensen

SB 2251 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4018: A concurrent resolution urging the Congress of the United States to increase appropriations for Indian health care.

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

SCR 4018 was declared adopted on a voice vote.

SECOND READING OF SENATE BILLS

SB 2056: A BILL for an Act to amend and reenact sections 4-10-19, 6-09.11-04, subsection 3 of section 10-19.1-116, subsection 2 of section 11-10-10, sections 11-13-18, 12.1-12-02, 12.1-12-09, subsection 1 of section 13-03.1-15, subsection 3 of section 14-09-09.10, sections 16.1-15-06, 19-18-04, 20.1-01-07, 21-10-06, 23-01-09, subsection 2 of section 23-07-01.1, section 23-07.1-03, subsection 2 of section 23-13-02.3, section 24-01-22.1, subsection 1 of

section 25-03.1-26, sections 25-04-06, 25-04-07, 25-04-08.1, 25-04-11.1, 25-04-14, subsection 2 of section 25-04-15, subsection 3 of section 25-04-16, section 26.1-09-09, subsection 4 of section 26.1-25-02, sections 26.1-30.1-01, 26.1-36-01, subdivisions i and j of subsection 2 of section 26.1-36-04, sections 26.1-39-10, 26.1-41-08, subsection 1 of section 26.1-41-13, subsection 1 of section 28-01-44, section 30.1-12-05, subsection 4 of section 34-13-01, sections 36-01-21, 37-17.1-16, subsection 3 of section 38-14.1-14, subsection 4 of section 38-14.1-40, sections 39-03.1-26, 39-04-10.2, subsection 7 of section 39-06.1-06, section 39-07-07.1, subsection 5 of section 39-16.1-11, sections 40-23.1-13, 40-40-15, subsection 5 of section 43-07-01, sections 43-07-04, 43-07-11, 43-32-10, 50-06-01.3, 50-06.3-05, 51-04-01, 52-01-02, subsection 3 of section 52-06-01, section 52-06-27, subsection 2 of section 54-27-20.2, section 54-27-20.3, subdivision e of subsection 4 of section 54-52-17, subsection 4 of section 54-52.1-01, subsection 6 of section 55-10-08, subsection 10 of section 57-38-01, sections 59-01-03, 61-01-01, 61-01-26, 61-03-20, subdivision e of subsection 2 of section 61-04.1-16, sections 61-16.1-06, 61-16.1-20, 61-31-09, 65-01-01, subsections 9 and 13 of section 65-01-02, sections 65-01-05, 65-01-11, 65-02-01, 65-04-02, 65-04-04.1, subsection 1 of section 65-04-27.1, sections 65-04-29, 65-05-09.1, 65-05.1-01, subsection 1 of section 65-05.1-03, sections 65-05.1-07, 65-05.2-01, 65-05.2-04, subsection 3 of section 65-06.2-02, sections 65-06.2-03, 65-08-02, 65-08-03, and 65-08-04 of the North Dakota Century Code, relating to improper, inaccurate, redundant, missing, or obsolete references.

ROLL CALL

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

YEAS: Aarsvold; Aas; Anderson, B.; 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; 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; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; 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: Huether; Olsen, D.; Payne; Peterson; Sorensen

SB 2056 passed and the title was agreed to.

SB 2132: A BILL for an Act to amend and reenact subsection 25 of section 39-01-01 of the North Dakota Century Code, relating to the definition of house car.

ROLL CALL

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

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Jensen; Kaldor; Kelly; 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; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Berg, G.; Kingsbury; Skjerven; Urlacher

ABSENT AND NOT VOTING: Gerl; Huether; Olsen, D.; Payne; Peterson; Wentz

SB 2132 passed and the title was agreed to.

MOTION

REP. KLOUBEC MOVED that SB 2134 be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2138: A BILL for an Act to amend and reenact subsection 1 of section 39-05-20 of the North Dakota Century Code, relating to obtaining certificate of title upon inability to obtain an assigned certificate of title for a vehicle.

ROLL CALL

The question being on the final passage of the 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; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; 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; 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; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Gerl; Huether; Olsen, D.; Payne; Peterson; Wentz

SB 2138 passed and the title was agreed to.

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

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 98 YEAS, 2 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.; Enget; Flaagan; Frey; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; 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; 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; Hanson, O.

ABSENT AND NOT VOTING: Dorso; Gerl; Huether; Olsen, D.; Payne; Peterson

SB 2140 passed and the title was agreed to.

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

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 96 YEAS, 5 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; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olson, A.; Olson, V.; O'Shea; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Skjerven; Smette; 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; Kingsbury; Murphy; Shockman; Solberg

ABSENT AND NOT VOTING: Huether; Mertens; Olsen, D.; Payne; Peterson

SB 2142 passed and the title was agreed to.

MOTION

REP. KLOUBEC MOVED that the House be on the Fifth order of business on the calendar, which motion prevailed.

REPORT OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred HB 1025 has had the same under consideration and recommends by a vote of 12 YEAS, 11 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 2, remove "and"

Page 1, line 3, remove "contingency" and after "fund" insert "; and providing legislative intent regarding economic development and small business development centers"

Page 1, line 12, replace "2,200,668" with "1,713,429"

Page 1, line 14, replace "2,693,246" with "2,647,344"

Page 1, after line 15, insert:

"Industrial and small business development program	1,369,737
Washington, D.C., economic development office	200,000
Pacific rim economic development program	250,000"

Page 1, line 16, replace "937,631" with "287,896"

Page 1, line 17, replace "5,861,713" with "6,498,574"

Page 1, line 18, replace "1,391,298" with "2,578,487"

Page 1, line 19, replace "4,470,415" with "3,920,087"

Page 1, remove lines 20 through 22

Page 2, remove lines 1 through 11 and insert:

"SECTION 2. TRANSFER. The amount of \$1,801,628 included in the estimated income line item in section 1 of this Act shall be transferred from the state highway fund to the economic development commission operating fund as directed by the office of management and budget during the biennium beginning July 1, 1989, and ending June 30, 1991.

SECTION 3. LEGISLATIVE INTENT - ECONOMIC DEVELOPMENT. It is the intent of the legislative assembly that the economic development

commission establish a Washington, D.C., economic development office to assist North Dakota businesses in obtaining federal funds and grants and other federal assistance, including any rural revitalization funds that may become available, that promote or enhance the development of the state's economy. In addition, it is the intent of the legislative assembly that the economic development commission establish a Pacific rim economic development program including representation in the countries of Republic of China (Taiwan), Republic of Korea (South Korea), Kingdom of Thailand, Republic of Singapore, and Japan for the purpose of selling North Dakota products in those countries and to assist businesses from those countries in conducting trade and business development in North Dakota. The representation shall be by an individual who is a citizen of the nation in which the office is located.

SECTION 4. LEGISLATIVE INTENT - INDUSTRIAL AND SMALL BUSINESS DEVELOPMENT PROGRAM. It is the intent of the legislative assembly the funds included in the industrial and small business development program line item in section 1 of this Act be used by the economic development commission to provide industrial and small business development through the institutions of higher education. It is the intent of the legislative assembly that \$1,000,000 of the \$1,369,737 for the industrial and small business development program be made available to the university of North Dakota aerospace center, \$169,737 be allocated to the center for innovation and business development at the university of North Dakota, and \$200,000 be allocated to an economic development management committee to be established by the governor consisting of representatives of the university of North Dakota and North Dakota state university. The committee has the responsibility and authority to allocate the \$200,000 provided to the necessary university functions to assist in bringing technical innovations and product discovery to commercialization.

SECTION 5. LEGISLATIVE INTENT - SMALL BUSINESS DEVELOPMENT CENTERS. It is the intent of the legislative assembly that general fund moneys appropriated in section 1 of this Act be spent for small business development centers only if matching federal funds are available and received by the economic development commission."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The following is a schedule of the changes contained in these amendments:

	Salaries and Wages	Data Processing	Operating Expenses	Equipment	Grants, Benefits, and Claims	Other Line Items	Total All Funds	General Fund	Other Funds
House Bill No. 1025 as introduced	\$ 2,200,648	\$ 2,500	\$ 2,693,246	\$ 27,648	\$ 937,631		\$ 5,861,713	\$ 4,470,415	\$ 1,391,298
Changes:									
1. Delete six FTE; two in administration and four in industrial development	(451,841)						(451,841)	(396,700)	(55,141)
2. Delete funding for Agricultural Products Utilization	(35,398)		(145,902)		(1479,998)		(1561,298)		(1561,298)
3. Fund a portion of Tourism Division from highway fund								(1,801,628)	1,801,628
4. Transfer funding for the Center for Innovation and Business Development to the industrial and small business development program line item					(1169,737)		(1169,737)	(1169,737)	
5. Add an industrial and small business development program line item						81,369,737	1,369,737	1,369,737	
6. Add funds for a Washington, D.C., office						200,000	200,000	200,000	
7. Add funds for Pacific rim economic development						250,000	250,000	250,000	
Total net changes	\$ (487,239)	\$ 0	\$ (145,902)	\$ 0	\$ (649,735)	\$ 1,819,737	\$ 636,861	\$ (1,550,328)	\$ 1,187,189
House Bill No. 1025 as amended	\$ 1,713,409	\$ 2,500	\$ 2,647,344	\$ 27,648	\$ 287,896	\$ 1,819,737	\$ 6,498,576	\$ 3,920,087	\$ 2,578,487

-2-

The salaries and wages line item is in accordance with House salary policy contained in House Bill No. 1005.

In addition, the amendments provide for a transfer of \$1,801,628 from the highway fund to fund a portion of the Tourism Division. Also, Section 3 of the bill is removed which appropriated \$561,298 from the agricultural derived fuel tax fund for the Agricultural Products Utilization Commission. The funding for this function is deleted from the bill.

In addition, a new Section 2 is added providing legislative intent regarding the Washington, D.C., economic development office and the Pacific rim economic development program. Also a new Section 3 is added providing legislative intent regarding the industrial development and small business development program line item of \$1,369,737 to be used as follows:

1. UND Aerospace Center	\$1,000,000
2. UND Center for Innovation and Business Development	169,737
3. Economic Development Management Committee	<u>200,000</u>
Total	<u>\$1,369,737</u>

It is the intent of these amendments that \$727,811 is to be available for the small business development centers, of which \$267,811 is from the general fund. A section of intent is added that the general fund moneys be spent only if federal funds are received.

1025.4

HB 1025 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that HB 1025 be placed on the Sixth order of business, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. R. HAUSAUSER MOVED that the amendments to HB 1025 as recommended by the Committee on Appropriations be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that HB 1025 be deemed properly engrossed and be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1025: A BILL for an Act making an appropriation for defraying the expenses of the economic development commission of the state of North Dakota; providing for a transfer from the state highway fund; and providing legislative intent regarding economic development and small business development centers.

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, 15 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.; Enget; Flaagan; Gates; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Howard; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Nicholas; Oban; Olson, V.; O'Shea; Peterson; Ring; Rydell; Schatz; Scherber; Schmidt; Schneider; Shaft; Shide; Shockman; Skjervsen; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Dorso; Frey; Gerhardt; Gerl; Halmrast; Hokana; Lang; Murphy; Ness; Nowatzki; Olson, A.; Schindler; Stofferahn; Ulmer; Wilkie

ABSENT AND NOT VOTING: Huether; Olsen, D.; Payne

HB 1025 passed and the title was agreed to.

REPORT OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was rereferred HB 1035 has had the same under consideration and recommends by a vote of 15 YEAS, 8 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, remove "to establish a pay equity implementation committee by the"

Page 1, line 2, remove "central personnel division and"

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

Page 1, line 12, remove "Compensation"

Page 1, remove lines 13 through 22

Page 2, remove lines 1 through 21

Page 2, line 24, after "to" insert "the office of management and budget, which in turn shall report to"

Page 2, line 25, after the period insert "The central personnel division shall seek input from public employees and other affected parties in the implementation of the state's pay equity policy."

Page 2, line 29, replace "1991" with "1989"

Page 3, line 2, replace "Upon the request of the pay" with "The"

Page 3, line 3, remove "equity implementation committee, the"

Page 3, remove lines 7 and 8

Page 3, line 9, replace the first comma with "and" and remove ", and 4"

Re-number accordingly

HB 1035 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that HB 1035 be placed on the Sixth order of business, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1035 as recommended by the Committee on Appropriations be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that HB 1035 be deemed properly engrossed and be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1035: A BILL for an Act to create a pay equity implementation fund; to create and enact a new section to chapter 54-44.3 of the North Dakota Century Code, relating to compensation relationships within the state's classification plan; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 82 YEAS, 20 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Anderson, R.; Belter; Berg, G.; Brokaw; Carlson; 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; Howard; Jensen; Kaldor; Kelly; Kloubec; Kolbo; Larson, D.; Laughlin; Lindgren; Marks; Martin; Martinson; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olson, V.; O'Shea; Peterson; Ring; Rydell; Schatz; Scherber; Schmidt; Schneider; Shaft; Shockman; Skjerven; Smette; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Berg, R.; Bernstein; Dorso; Gorman; Gunsch; Hanson, O.; Kingsbury; Knell; Kouba; Lang; Larson, R.; Melby; Murphy; Olson, A.; Schindler; Shide; Solberg; Thompson, K.; Vander Vorst; Whalen

ABSENT AND NOT VOTING: Aas; Huether; Olsen, D.; Payne

HB 1035 passed and the title was agreed to.

REPORT OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was rereferred Engrossed HB 1507 has had the same under consideration and recommends by a vote of 13 YEAS, 10 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 4, line 18, replace "960,000" with "480,000"

Page 4, line 24, after "district" insert "during the 1990-91 school year"

Page 4, line 26, after "shall" insert "upon receipt of an acceptable plan in accord with rules pursuant to this Act"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The appropriation is reduced by \$480,000 from the general fund. The total appropriation after the amendment is \$680,000 from the general fund, \$200,000 for planning and organizing, and \$480,000 for education costs for the program for one year. The original appropriation was based on education costs for two years.

The other language is added to clarify other provisions of the bill.

HB 1507 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and Engrossed HB 1507 be placed on the Sixth order of business, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to Engrossed HB 1507 as recommended by the Committee on Appropriations be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that Engrossed HB 1507 be deemed properly reengrossed and be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1507: A BILL for an Act to create unified school district demonstration projects; to provide an appropriation; to provide legislative intent regarding the funding of a portion of the cost of education in the unified school district demonstration project areas; to provide for a distribution; to provide an expiration date; 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 80 YEAS, 20 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Howard; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martinson; Myrdal; Nelson; Nicholas; Nowatzki; Oban; Olson, A.; Olson, V.; Peterson; Rydell; Schatz; Scherber; Schmidt; Shaft; Shide; Skjerven; Smette; Sorensen; Soukup; Starke; Stenehjem; Thompson, V.; Timm; Tokach; Tollefson; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Anderson, R.; Brokaw; Enget; Hokana; Kouba; Lang; Martin; Melby; Murphy; Ness; O'Shea; Ring; Schindler; Schneider; Shockman; Solberg; Stofferahn; Thompson, K.; Urlacher; Whalen

ABSENT AND NOT VOTING: Huether; Mertens; Olsen, D.; Payne; Tomac; Wentz

HB 1507 passed, the title was agreed to, and the emergency clause carried.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that Engrossed HB 1025, Engrossed HB 1035, and Reengrossed HB 1507 be messaged to the Senate immediately, which motion prevailed.

HOUSE ENGROSSING REPORT

The following bills were engrossed: HB 1025, HB 1035.

The following bill was reengrossed: HB 1507.

HOUSE ENROLLING REPORT

The following resolution was enrolled: HCR 3080.

MOTION

REP. KLOUBEC MOVED that House Rule 326, House Rule 507, and Joint Rule 203 be reinstated, which motion prevailed.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1048, HB 1053, HB 1054, HB 1055, HB 1059, HB 1100, HB 1118, HB 1121.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1028, HB 1062, HB 1095, HB 1106, HB 1117, HB 1122, HB 1144, HB 1146, HB 1152, HB 1251.

SENATE AMENDMENTS TO ENGROSSED HB 1028

Page 1, line 3, remove "; and to provide an expiration date"

Page 2, remove lines 1 and 2

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1062

Page 1, line 5, after "records" insert ", regardless of form or characteristic,"

Page 1, line 8, replace "note, preliminary draft," with "record of a purely personal or private nature, a record that is attorney work product or is attorney-client communication, a record that reveals the content of private communications between a member of the legislative assembly and any person, and, except with respect to a governmental entity determining the proper use of telephone service, a record of telephone usage which identifies the parties or lists the telephone numbers of the parties involved."

Page 1, remove lines 9 through 17

Page 1, line 18, remove "form or characteristic."

Re-number accordingly

SENATE AMENDMENTS TO HB 1095

Page 1, line 14, overstrike "following the out-of-state teaching"

Re-number accordingly

SENATE AMENDMENTS TO HB 1106

Page 1, line 13, after the overstruck period insert "A board eligible psychiatrist appointed as superintendent after July 1, 1989, must accomplish board certification within three years after the date of appointment."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1117

Page 3, line 6, remove "financial resources and"

Page 3, line 8, replace the first comma with "and" and remove ", and any other matters justice"

Page 3, line 9, remove "requires"

Page 3, line 10, replace "ten" with "five" and replace "two" with "one"

Page 3, line 11, after "continues" insert "after service of an order"

Renumber accordingly

SENATE AMENDMENTS TO HB 1122

Page 1, line 18, replace "are" with "may be made available to the financial institution's board of directors, or the board's specifically authorized agents or representatives, but the reports remain"

Renumber accordingly

SENATE AMENDMENTS TO HB 1144

Page 1, line 11, after "of" insert "administering," and after "establishing" insert an underscored comma

Page 1, line 12, after "facilities" insert "and snowmobile safety programs"

Renumber accordingly

SENATE AMENDMENTS TO HB 1146

Page 2, line 1, remove the overstrike over "~~3-~~"

Page 2, line 3, after the second "~~fund~~" insert "The board and the Bank of North Dakota shall enter into an agreement through which the Bank shall supervise and monitor the payment and repayment of interest subsidies approved by the board" and remove the overstrike over the overstruck period

Renumber accordingly

SENATE AMENDMENTS TO HB 1152

Page 1, line 1, after "to" insert "create and enact a new section to chapter 44-08 of the North Dakota Century Code, relating to validation of certificates of acknowledgment; and to"

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

Page 1, line 3, remove "effective date"

Page 1, line 12, overstrike "embossed,"

Page 1, line 15, remove "The requirement of an"

Page 1, remove line 16

Page 1, line 17, remove "or after July 1, 1989."

Page 1, line 18, replace "EFFECTIVE DATE. This Act is retroactive to July 1," with "A new section to chapter 44-08 of the North Dakota Century Code is hereby created and enacted to read as follows:

Validation - Certificates of acknowledgment. All certificates of acknowledgment by notaries public on all documents filed for record with a register of deeds in the state, notwithstanding any defects or irregularities with the notary seal, are hereby validated, ratified, approved, and confirmed. Notwithstanding section 44-08-06, all seals of a court or officer of this state are binding, legal, and enforceable. The provisions of this section relating to validation of acknowledgments are applicable to all documents filed with any county register of deeds in the state after July 1, 1987."

Page 1, remove line 19

Renumber accordingly

SENATE AMENDMENTS TO HB 1251

Page 1, line 13, remove "and cities"

Page 1, line 15, remove "or city"

Page 1, line 16, remove "or city"

Renumber accordingly

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 1002, HB 1014, HB 1034, HB 1037, HB 1626, HB 1637, HCR 3073.

SECOND READING OF SENATE BILLS

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

ROLL CALL

The question being on the final passage of the 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, 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; 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; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Stockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Strafferahn; 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: Berg, G.; Huether; Murphy; Olsen, D.; Payne; Stenehjem

SB 2143 passed and the title was agreed to.

SB 2144: A BILL for an Act to amend and reenact section 39-04-37 of the North Dakota Century Code, relating to violations of vehicle registration.

ROLL CALL

The question being on the final passage of the 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, 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; 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; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; 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: Berg, G.; Huether; Murphy; Olsen, D.; Payne; Stenehjem

SB 2144 passed and the title was agreed to.

SB 2147: A BILL for an Act to amend and reenact subsection 2 of section 26.1-22-01 and section 26.1-22-10 of the North Dakota Century Code, relating to insurance of permanent contents through the fire and tornado fund and the insurable value of property; and to repeal sections 26.1-22-07, 26.1-22-12, and 26.1-22-12, and 26.1-22-07 of the North Dakota Century Code, relating to fire and tornado fund insurance on farm buildings and property owned by the Bank of North Dakota, insurance policy fees collected, and the replacement of fire and tornado fund insurance policies.

ROLL CALL

The question being on the final passage of the 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, 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; 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; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; 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: Berg, G.; Huether; Murphy; Olsen, D.; Payne; Stenehjem

SB 2147 passed and the title was agreed to.

SB 2148: A BILL for an Act to amend and reenact subsection 3 of section 54-52.1-01 and section 54-52.1-03.1 of the North Dakota Century Code, relating to participation by political subdivisions in the uniform group insurance program.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 99 YEAS, 0 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; 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; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; 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: Berg, G.; Huether; Murphy; Olsen, D.; Payne; Peterson; Stenehjem

SB 2148 passed and the title was agreed to.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The Senate has passed unchanged: HCR 3080.

SECOND READING OF SENATE BILLS

SB 2151: A BILL for an Act to amend and reenact section 39-02-03 of the North Dakota Century Code, relating to the uniform fee schedule of the motor vehicle department.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 19 YEAS, 77 NAYS, 10 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Carlson; DeMers, J.; DeMers, P.; Graba; Hanson, L.; Hoffner; Kaldor; Marks; Mertens; Oban; Ring; Schneider; Sorensen; Stofferahn; Thompson, V.; Ulmer; Wilkie; Williams, W.

NAYS: Aarsvold; Aas; Anderson, R.; Belter; Berg, R.; Bernstein; Brokaw; Christman; Clayburgh; Dalrymple; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Gorman; Gunsch; Halmrast; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hokana; Howard; Jensen; Kelly; Kingsbury; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Martin; Martinson; Melby; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Olson, V.; O'Shea; Rydell; Schatz; Scherber; Schindler; Schmidt; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Soukup; Starke; Thompson, K.; Timm; Tokach; Tollefson; Tomac; Trautman; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Speaker Kretschmar

ABSENT AND NOT VOTING: Berg, G.; Gerl; Huether; Kloubec; Murphy; Olsen, D.; Olson, A.; Payne; Peterson; Stenehjem

SB 2151 lost.

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

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 96 YEAS, 0 NAYS, 10 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerntholz; Gilmore; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Jensen; Kaldor; 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; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; 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: Belter; Berg, G.; Gerl; Goetz; Huether; Kelly; Murphy; Olsen, D.; Payne; Stenehjem

SB 2154 passed and the title was agreed to.

SB 2161: A BILL for an Act to amend and reenact subsection 2 of section 10-06-08 of the North Dakota Century Code, relating to the address and agent of a North Dakota farm corporation as reported on the annual report.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 96 YEAS, 0 NAYS, 10 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; 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; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olson, A.; Olson, V.; O'Shea; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlicher; Vander Vorst; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Berg, G.; DeMers, J.; Huether; Mertens; Murphy; Olsen, D.; Payne; Starke; Stenehjem; Wald

SB 2161 passed and the title was agreed to.

SB 2163: A BILL for an Act to amend and reenact section 50-09-21 of the North Dakota Century Code, relating to the reimbursement of the county share of aid to dependent children, foster care, and subsidized adoption payments.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 98 YEAS, 0 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, R.; Bernstein; Brokaw; Carlson; Christman; 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; 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; Peterson; Ring; Rydell;

Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stofferahn; Thompson, K.; Thompson, V.; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Berg, G.; Clayburgh; Huether; Murphy; Olsen, D.; Payne; Stenehjem; Timm

SB 2163 passed and the title was agreed to.

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

ROLL CALL

The question being on the final passage of the 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, 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; 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; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stofferahn; Thompson, K.; Thompson, V.; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Berg, G.; Huether; Murphy; Olsen, D.; Stenehjem; Timm

SB 2164 passed and the title was agreed to.

SB 2167: A BILL for an Act to amend and reenact subsection 9 of section 61-28-04 and subsection 2 of section 61-28-06 of the North Dakota Century Code, relating to submission of information concerning disposal systems to the state water commission and permits for disposal systems.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 99 YEAS, 0 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt;

Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; 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; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Berg, G.; Huether; Murphy; Olsen, D.; Peterson; Stenehjem; Ulmer

SB 2167 passed and the title was agreed to.

SB 2168: A BILL for an Act to create and enact a new subsection to section 57-40.3-04 of the North Dakota Century Code, relating to an exemption from motor vehicle excise tax for specialty motor vehicles.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 100 YEAS, 1 NAY, 5 ABSENT AND NOT VOTING.

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

NAYS: Vander Vorst

ABSENT AND NOT VOTING: Berg, G.; Huether; Murphy; Olsen, D.; Stenehjem

SB 2168 passed and the title was agreed to.

MOTION

REP. R. ANDERSON MOVED that the House waive the reading of the title to SB 2170, which motion prevailed.

SECOND READING OF SENATE BILL

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

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 97 YEAS, 0 NAYS, 9 ABSENT AND NOT VOTING.

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

SB 2170 passed and the title was agreed to.

MOTION

REP. KLOUBEC MOVED that the House waive the reading of the title to SB 2174, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2174: A BILL for an Act to create and enact a new section to chapter 61-03 of the North Dakota Century Code, relating to the authority of the state engineer to levy civil penalties for unauthorized construction of works or appropriation of water; and to amend and reenact sections 61-01-23, 61-02-41, and 61-03-21.2 of the North Dakota Century Code, relating to access to rivers and streams for removal of obstructions and authority of the state engineer to survey water appropriations and regulate unauthorized or unsafe structures.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 97 YEAS, 3 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Belter; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang;

Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Ness; Nicholas; Nowatzki; Oban; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; 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; Nelson; Schmidt

ABSENT AND NOT VOTING: Anderson, R.; Berg, G.; Huether; Murphy; Olsen, D.; Stenehjem

SB 2174 passed and the title was agreed to.

SB 2183: A BILL for an Act to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to information concerning undercover law enforcement officers.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 95 YEAS, 5 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Jensen; 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; Peterson; Rydell; Schatz; Scherber; Schindler; Schmidt; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stofferahn; Thompson, K.; Timm; Tokach; Tollefson; Tomac; Trautman; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Kaldor; Ring; Schneider; Thompson, V.; Ulmer

ABSENT AND NOT VOTING: Berg, G.; Frey; Huether; Murphy; Olsen, D.; Stenehjem

SB 2183 passed and the title was agreed to.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2032: Reps. Dorso, Tollefson, Oban.

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 1025, HB 1035, HB 1507.

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

MR. PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on

SB 2032: Reps. Dorso, Tollefson, Oban

REPORTS OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your procedural Committee on Delayed Bills (Rep. Kloubec, Chairman) has examined a bill to amend and reenact section 40-23-10 of the North Dakota Century Code, relating to methods of notice of assessments of benefits for improvements by special assessment.

It shall be numbered HB 1667.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this bill.

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

MR. SPEAKER: Your procedural Committee on Delayed Bills (Rep. Kloubec, Chairman) has examined a bill to amend and reenact section 57-02-26 of the North Dakota Century Code, relating to the assessment of pipeline property; and to provide an effective date.

It shall be numbered HB 1668.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this bill.

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

MR. SPEAKER: Your procedural Committee on Delayed Bills (Rep. Kloubec, Chairman) has examined a bill to authorize the industrial commission acting as the North Dakota building authority to issue evidences of indebtedness to make funds available for the construction of various buildings and facilities at the North Dakota state penitentiary; to provide an appropriation; and to declare an emergency.

It shall be numbered HB 1669.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this bill.

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

MR. SPEAKER: Your procedural Committee on Delayed Bills (Rep. Kloubec, Chairman) has examined a bill to create and enact two new sections to chapter 15-40.1 of the North Dakota Century Code, relating to distribution of excess foundation aid and to supplemental payments to school districts with high local effort; to amend and reenact sections 15-40.1-07 and 15-40.1-08 of the North Dakota Century Code, relating to distribution of foundation aid payments based on number of students in a school district; to repeal section 14 of chapter 38 of the 1987 Session Laws of North Dakota, relating to distribution of unspent foundation program funds; and to declare an emergency.

It shall be numbered HB 1670.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this bill.

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

MR. SPEAKER: Your procedural Committee on Delayed Bills (Rep. Kloubec, Chairman) has examined a resolution directing the Legislative Council to study legislative employee compensation.

It shall be numbered HCR 3081.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this resolution.

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

MR. SPEAKER: Your procedural Committee on Delayed Bills (Rep. Kloubec, Chairman) has examined a resolution directing the Legislative Council to study the feasibility and desirability of replacing county and city emergency management organizations with regional emergency management organizations and transferring responsibility for the state radio broadcasting system to the Adjutant General.

It shall be numbered HCR 3082.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this resolution.

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

MR. SPEAKER: Your procedural Committee on Delayed Bills (Rep. Kloubec, Chairman) has examined a resolution directing the Legislative Council to study the adequacy of property insurance coverage to replace state buildings.

It shall be numbered HCR 3083.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this resolution.

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

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 stand adjourned until 1:00 p.m., Monday, March 6, 1989, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred SB 2047 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 7, after the first comma insert "61-21-17,"

Page 1, line 22, replace "fifteen" with "thirty"

Page 19, after line 6, insert:

"SECTION 30. AMENDMENT. Section 61-21-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-21-17. Notice of order establishing drain and period for appeal. Upon the making of an order establishing or denying establishment of a drain, the board shall give notice to all affected landowners by publishing a notice in a newspaper of general circulation in ~~such~~ the county. ~~Such~~ The notice ~~shall~~ must include a copy of ~~such~~ the order and ~~shall~~ must advise the affected landowners ~~that~~ of their right to appeal to the district court from such order will expire upon ~~thirty days from and after the date of such publication~~ under section 61-21-18."

Reumber accordingly

SB 2047 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred Engrossed SB 2048 has had the same under consideration and recommends by a vote of 11 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 4, line 4, after "each" insert "district," and after "county" insert an underscored comma

Page 7, line 22, after the first comma insert "district,"

Reumber accordingly

Engrossed SB 2048 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred Engrossed SB 2049 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 4, line 2, after the first comma insert "district,"

Reumber accordingly

Engrossed SB 2049 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred Engrossed SB 2050 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.

Engrossed SB 2050 was placed on the Fourteenth 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 Engrossed SB 2057 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 PASS.

Engrossed SB 2057 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture (Rep. Nicholas, Chairman) to which was referred Engrossed SB 2159 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.

Engrossed SB 2159 was placed on the Fourteenth 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 SB 2191 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.

SB 2191 was placed on the Fourteenth 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 Engrossed SB 2198 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 PASS.

Engrossed SB 2198 was placed on the Fourteenth 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 Engrossed SB 2261 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 and be rereferred to the Committee on Appropriations:

Page 3, line 6, after the period insert "However, the survey shall maintain a facility or branch office for geologic studies and a core and sample library at a location where appropriate analytical equipment, geologic literature, and geological expertise are available."

Re-number accordingly

Engrossed SB 2261 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 SB 2302 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 PASS.

SB 2302 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture (Rep. Nicholas, Chairman) to which was referred SB 2339 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.

SB 2339 was placed on the Fourteenth 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 SB 2366 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

SB 2366 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred SB 2374 has had the same under consideration and recommends by a vote of 9 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

SB 2374 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred Engrossed SB 2402 has had the same under consideration and recommends by a vote of 11 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

Engrossed SB 2402 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation (Rep. Timm, Chairman) to which was referred SB 2425 has had the same under consideration and recommends by a vote of 13 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SB 2425 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation (Rep. Timm, Chairman) to which was referred SB 2435 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.

SB 2435 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation (Rep. Timm, Chairman) to which was referred SB 2437 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 PASS.

SB 2437 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation (Rep. Timm, Chairman) to which was referred SB 2467 has had the same under consideration and recommends by a vote of 11 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

SB 2467 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation (Rep. Timm, Chairman) to which was referred SB 2469 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.

SB 2469 was placed on the Fourteenth 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 SCR 4016 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

SCR 4016 was placed on the Tenth 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 Engrossed SCR 4029 has had the same under consideration and recommends by a vote of 10 YEAS, 1 NAY, 6 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

Engrossed SCR 4029 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

FIRST READING OF HOUSE BILLS

Rep. R. Berg introduced:

(Approved by the Committee on Delayed Bills)

HB 1667: A BILL for an Act to amend and reenact section 40-23-10 of the North Dakota Century Code, relating to methods of notice of assessments of benefits for improvements by special assessment.

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

Rep. Knell introduced:

(Approved by the Committee on Delayed Bills)

HB 1668: A BILL for an Act to amend and reenact section 57-02-26 of the North Dakota Century Code, relating to the assessment of pipeline property; and to provide an effective date.

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

Reps. Schneider, Goetz, Rydell and Sens. Mushik, Satrom, Thane introduced:

(Approved by the Committee on Delayed Bills)

HB 1669: A BILL for an Act to authorize the industrial commission acting as the North Dakota building authority to issue evidences of indebtedness to make funds available for the construction of various buildings and facilities at the North Dakota state penitentiary; to provide an appropriation; and to declare an emergency.

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

Reps. Hoffner, Gates, Schindler and Sens. Heinrich, O'Connell introduced:

(Approved by the Committee on Delayed Bills)

HB 1670: A BILL for an Act to create and enact two new sections to chapter 15-40.1 of the North Dakota Century Code, relating to distribution of excess foundation aid and to supplemental payments to school districts with high local effort; to amend and reenact sections 15-40.1-07 and 15-40.1-08 of the North Dakota Century Code, relating to distribution of foundation aid payments based on number of students in a school

district; to repeal section 14 of chapter 38 of the 1987 Session Laws of North Dakota, relating to distribution of unspent foundation program funds; and to declare an emergency.

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

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Reps. Peterson, Martinson introduced:

(Approved by the Committee on Delayed Bills)

HCR 3081: A concurrent resolution directing the Legislative Council to study legislative employee compensation.

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

Rep. Kloubec introduced:

(Approved by the Committee on Delayed Bills)

HCR 3082: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of replacing county and city emergency management organizations with regional emergency management organizations and transferring responsibility for the state radio broadcasting system to the Adjutant General.

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

Rep. Kloubec introduced:

(Approved by the Committee on Delayed Bills)

HCR 3083: A concurrent resolution directing the Legislative Council to study the adequacy of property insurance coverage to replace state buildings.

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

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

ROY GILBREATH, Chief Clerk