

JOURNAL OF THE HOUSE

Fifty-first Legislative Assembly

* * * * *

Bismarck, March 13, 1989

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

The prayer was offered by Rev. Tom Stenzel, Our Saviour's Lutheran Church, Sherwood.

The roll was called and all Representatives were present, except Representative Nelson.

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 Forty-sixth Day and finds it to be correct.

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

CHAPLAINCY SCHEDULE
MARCH 13-17

DATE	CHURCH
13 Rev. Tom Stenzel	Our Saviour's Lutheran Church, Sherwood
14 Rev. Art Scanson	McCabe United Methodist Church, Bismarck
15 Father Marvin Klemmer	Ascension Church, Bismarck
16 Father Hugo Blotsky, Chaplain	University of Mary, Bismarck
17 Rev. Mark Duncan	Capitol Heights Baptist Church, Bismarck

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Kenneth Olafson

HOUSE ENROLLING REPORT

The following bills were enrolled: HB 1015, HB 1088, HB 1172, HB 1280, HB 1282, HB 1335, HB 1366.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

THE SPEAKER ANNOUNCED that the following bills were delivered to the Governor for his approval at the hour of 8:46 a.m., March 13, 1989: HB 1028, HB 1095, HB 1135, HB 1148, HB 1157, HB 1159, HB 1165, HB 1187, HB 1193, HB 1214, HB 1224, HB 1231, HB 1251, HB 1066, HB 1070, HB 1105, HB 1108, HB 1204, HB 1232, HB 1236, HB 1239, HB 1243, HB 1253, HB 1255, HB 1260, HB 1263, HB 1269, HB 1270, HB 1274, HB 1291, HB 1305, HB 1317, HB 1328, HB 1377, HB 1394, HB 1397, HB 1464.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that the committee reports on SB 2213, SB 2218, SB 2392, and SB 2493 recommending amendments on the Sixth order of business on the legislative calendar of the Forty-seventh Day be adopted, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. GATES MOVED that the amendments to Engrossed SB 2213 as recommended by the Committee on Education as printed on page 1384 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

Engrossed SB 2213, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. A. OLSON MOVED that the amendments to Engrossed SB 2218 as recommended by the Committee on Natural Resources as printed on page 1384 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

Engrossed SB 2218, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. GATES MOVED that the amendments to Engrossed SB 2392 as recommended by the Committee on Education as printed on page 1385 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS.

Engrossed SB 2392, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. GATES MOVED that the amendments to Engrossed SB 2493 as recommended by the Committee on Education as printed on page 1386 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

Engrossed SB 2493, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTION

REP. KLOUBEC MOVED that HB 1658, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1665: A BILL for an Act to amend and reenact sections 60-02-30 and 60-02-31 of the North Dakota Century Code, relating to termination of public grain warehouse storage contracts on edible beans; 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 104 YEAS, 0 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; Gernholz; 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; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst;

47th DAY

MONDAY, MARCH 13, 1989

1391

Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.;
Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Nelson; Thompson, V.

HB 1665 passed, the title was agreed to, and the emergency clause carried.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has amended and subsequently passed: SB 2047,
SB 2146, SB 2356.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has passed unchanged: SB 2039, SB 2040, SB 2054,
SB 2194, SB 2280, SB 2315, SB 2406, SB 2408, SB 2414, SB 2420, SB 2425,
SB 2426, SB 2435.

SIGNING of BILLS and RESOLUTIONS (Roy Gilbreath, Chief Clerk)
THE CHIEF CLERK ANNOUNCED that the Speaker signed the following enrolled
bills: HB 1015, HB 1088, HB 1172, HB 1195, HB 1280, HB 1282, HB 1335,
HB 1366.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The Speaker has signed and your signature is respectfully
requested: HB 1015, HB 1088, HB 1172, HB 1195, HB 1280, HB 1282, HB 1335,
HB 1366.

MOTIONS

REP. DALRYMPLE MOVED that the House reconsider its action whereby SB 2234
passed, which motion prevailed on a verification vote.

REP. KLOUBEC MOVED that SB 2234 be placed at the foot of the calendar, which
motion prevailed.

REP. KLOUBEC MOVED that the rules be suspended and that HB 1665 be messaged
to the Senate immediately, which motion prevailed.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1440.

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

Page 2, after line 10, insert:

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

Renumber accordingly

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The President has signed: HB 1064, HB 1079, HB 1117, HB 1122,
HB 1160, HB 1188, HB 1190, HB 1194, HB 1202, HB 1227, HB 1242, HB 1288,
HB 1359, HB 1393, HB 1420, HB 1428, HB 1512.

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

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2136 and subsequently passed the same.

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

MR. SPEAKER: The Senate has failed to pass: HB 1491.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1198, HB 1233, HB 1273, HB 1332, HB 1336, HB 1339, HB 1373, HB 1392, HB 1395, HB 1408, HB 1409, HB 1412, HB 1429, HB 1467, HB 1470, HB 1477, HB 1485, HB 1488, HB 1496, HB 1502, HB 1519, HB 1520.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HCR 3010.

Page 2, line 9, replace "a February" with "an April"

Renumber accordingly

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

MR. SPEAKER: The President has signed and your signature is respectfully requested: SB 2211, SCR 4004, SCR 4016, SCR 4024, SCR 4029, SCR 4035, SCR 4036, SCR 4044, SCR 4045.

SECOND READING OF SENATE BILLS

SB 2175: A BILL for an Act to create and enact section 10-04-10.3 of the North Dakota Century Code, relating to post-registration requirements for registered dealers, salesmen, investment advisers, and investment adviser representatives; and to amend and reenact subdivision e of subsection 1 and subsection 3 of section 10-04-11 of the North Dakota Century Code, relating to suspension or revocation of dealer's, salesman's, investment adviser's, and investment adviser representative's registration.

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; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, D.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloube; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Gorman; Nelson; Thompson, V.

SB 2175 passed and the title was agreed to.

SB 2203: A BILL for an Act to create and enact a new section to chapter 43-15 of the North Dakota Century Code, relating to temporary suspension of a pharmacy permit or a certificate of registration of a pharmacist; to repeal section 43-15-28 of the North Dakota Century Code, relating to cancellation of certificate of registration; 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 102 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; 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; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Berg, R.

ABSENT AND NOT VOTING: Nelson; Peterson; Thompson, V.

SB 2203 passed, the title was agreed to, and the emergency clause carried.

MOTION

REP. KLOUBEC MOVED that the House waive the reading of the title to SB 2246, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2246: A BILL for an Act to create and enact section 10-04-10.3 of the North Dakota Century Code, relating to postregistration requirements for registered dealers, salesmen, investment advisers, and investment adviser representatives; and to amend and reenact section 10-04-02, subsection 1 of section 10-04-03, sections 10-04-10, 10-04-10.1, 10-04-10.2, 10-04-11, and 10-04-12 of the North Dakota Century Code, relating to registration requirements for investment advisers and investment adviser representatives, and suspension or revocation of dealer's, salesman's, investment adviser's, and investment adviser representative's registration.

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; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjervan; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; 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: Nelson; Peterson; Thompson, V.

SB 2246 passed and the title was agreed to.

SB 2278: A BILL for an Act to amend and reenact section 15-39.1-15 of the North Dakota Century Code, relating to withdrawal from the teachers' fund for retirement and return to teaching by a previously withdrawn teacher.

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; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjervan; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; 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: Nelson; Peterson; Thompson, V.

SB 2278 passed and the title was agreed to.

MOTION

REP. KLOUBEC MOVED that the House waive the reading of the title to SB 2350, but read the committee report, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2350: A BILL for an Act to create and enact two new sections to chapter 26.1-26 of the North Dakota Century Code, relating to the licensing of insurance adjusters; and to amend and reenact subsections 15 and 16 of section 26.1-01-07, sections 26.1-26-01, 26.1-26-02, 26.1-26-03, 26.1-26-08, 26.1-26-13, 26.1-26-14, 26.1-26-23, 26.1-26-30, 26.1-26-32, 26.1-26-35, and subsection 5 of section 26.1-26-42 of the North Dakota Century Code, relating to the qualifications and procedures for the licensing of insurance adjusters.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 11 YEAS, 92 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Carlson; DeMers, J.; Gerl; Graba; Halmrast; Hoffner; Kelly; Oban; Ring; Shaft; Williams, A.

NAYS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Christman; Clayburgh; Dalrymple; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Gorman; Gunsch; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hokana; Howard; Huether; Jensen; Kaldor; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Ness; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; 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; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: Nelson; Peterson; Wilkie

SB 2350 lost.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

THE SPEAKER ANNOUNCED that the following resolution was delivered to the Secretary of State for his filing at the hour of 1:40 p.m., March 13, 1989: HCR 3034.

SECOND READING OF SENATE BILLS

SB 2486: A BILL for an Act to amend and reenact section 55-06-01 of the North Dakota Century Code, relating to the Yellowstone-Missouri-Fort Union commission; 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 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, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; 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; Uriacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Gunsch; Hausauer, A.; Kingsbury; Murphy

ABSENT AND NOT VOTING: Nelson; Peterson

SB 2486 passed, the title was agreed to, and the emergency clause carried.

SB 2514: A BILL for an Act relating to pen registers and trap and trace devices.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 104 YEAS, 0 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; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; 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; Uriacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Nelson; Peterson

SB 2514 passed and the title was agreed to.

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

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 44 YEAS, 59 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Brokaw; Christman; Clayburgh; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gates; Gerl; Goetz; Graba; Halmrast; Hanson, L.; Hausauer, A.; Hausauer, R.; Hoffner; Jensen; Kaldor; Kolbo; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Ness; Oban; Olson, V.; O'Shea; Rydell; Schatz; Scherber; Shockman; Solberg; Stenehjem; Urlacher; Watne; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aas; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Carlson; Dalrymple; Dorso; Gerhardt; Gerntholz; Gilmore; Gorman; Gunsch; Hanson, O.; Haugen; Haugland; Hokana; Howard; Huether; Kelly; Kingsbury; Kloubec; Knell; Kouba; Lang; Laughlin; Melby; Mertens; Murphy; Myrdal; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Payne; Ring; Schindler; Schmidt; Schneider; Shaft; Skjerven; Smette; Sorensen; Soukup; Starke; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Wentz; Whalen

ABSENT AND NOT VOTING: Nelson; Peterson; Shide

SB 2155 lost.

SB 2156: A BILL for an Act to amend and reenact section 15-39.1-16 of the North Dakota Century Code, relating to optional forms of retirement benefits under the teachers' fund for retirement.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 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; 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; 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: None

ABSENT AND NOT VOTING: Dalrymple; Nelson; Peterson

SB 2156 passed and the title was agreed to.

SB 2282: A BILL for an Act to create and enact two new subsections to section 26.1-05-19 of the North Dakota Century Code, relating to hydrocarbon production and royalty loans and collateral loans.

ROLL CALL

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

YEAS: Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Haugen; Haugland; 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; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjervén; 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: Aarsvold; Gerl; Gunsch; Hausauer, A.

ABSENT AND NOT VOTING: Hanson, O.; Nelson; Peterson

SB 2282 passed and the title was agreed to.

SB 2287: A BILL for an Act to create and enact two new subsections to section 26.1-01-07 and a new chapter to title 26.1 of the North Dakota Century Code, relating to insurance premium finance companies.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 104 YEAS, 0 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; 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;

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; 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: Nelson; Peterson

SB 2287 passed and the title was agreed to.

MOTION

REP. GATES MOVED that SB 2322, which is on the Fourteenth order, be rereferred to the Committee on Education, which motion prevailed. Pursuant to Rep. Gates' motion, SB 2322 was rereferred.

SECOND READING OF SENATE BILLS

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.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 103 YEAS, 1 NAY, 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; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; 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; 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: Murphy

ABSENT AND NOT VOTING: Nelson; Peterson

SB 2330 passed and the title was agreed to.

SB 2377: A BILL for an Act to amend and reenact section 15-47-38.1 of the North Dakota Century Code, relating to the nonrenewal of superintendents' contracts.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 43 YEAS, 60 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, R.; Brokaw; Christman; DeMers, J.; Flaagan; Frey; Gates; Gerntholz; Graba; Hanson, L.; Hausauer, R.; Hoffner; Hokana; Jensen; Kaldor; Kelly; Kloubec; Kolbo; Larson, R.; Laughlin; Lindgren; Marks; Martinson; Mertens; Myrdal; Oban; Olson, V.; Ring; Rydell; Schatz; Scherber; Schneider; Starke; Stenehjem; Stofferahn; Thompson, V.; Watne; Wentz; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aas; Anderson, R.; Belter; Berg, G.; Bernstein; Carlson; Clayburgh; Dalrymple; DeMers, P.; Dorso; Enget; Gerhardt; Gerl; Gilmore; Goetz; Gorman; Gunsch; Halmrast; Hanson, O.; Haugen; Haugland; Hausauer, A.; Howard; Huether; Kingsbury; Knell; Kouba; Lang; Larson, D.; Martin; Melby; Murphy; Ness; Nicholas; Nowatzki; Olsen, D.; Olson, A.; O'Shea; Payne; Schindler; Schmidt; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Thompson, K.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Whalen; Wilkie

ABSENT AND NOT VOTING: Nelson; Peterson; Wald

SB 2377 lost.

SB 2442: A BILL for an Act to amend and reenact section 40-18-15.1 of the North Dakota Century Code, relating to the division of funds between cities and counties that contract for prosecution and defense services.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 103 YEAS, 1 NAY, 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; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; 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: Murphy

ABSENT AND NOT VOTING: Nelson; Peterson

SB 2442 passed and the title was agreed to.

SB 2471: A BILL for an Act to create and enact a new section to chapter 15-38.2 of the North Dakota Century Code, to prohibit the placing of certain materials in a teacher's personnel file.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 41 YEAS, 63 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Flaagan; Frey; Gates; Gerl; Gerntholz; Graba; Halmrast; Hanson, L.; Haugland; Hausauer, R.; Hoffner; Hokana; Huether; Kolbo; Kouba; Larson, R.; Lindgren; Marks; Martin; Mertens; Myrdal; Nicholas; Nowatzki; Oban; Olson, A.; Olson, V.; Ring; Schatz; Stenehjem; Wentz; Wilkie; Williams, A.; Williams, W.

NAYS: Aas; Anderson, R.; Belter; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Gerhardt; Gilmore; Goetz; Gorman; Gunsch; Hanson, O.; Haugen; Hausauer, A.; Howard; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Lang; Larson, D.; Laughlin; Martinson; Melby; Murphy; Ness; Olsen, D.; O'Shea; Payne; Rydell; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjervens; Smette; Solberg; Sorensen; Soukup; Starke; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Whalen; Speaker Kretschmar

ABSENT AND NOT VOTING: Nelson; Peterson

SB 2471 lost.

SB 2481: A BILL for an Act to amend and reenact subsection 2 of section 26.1-30-19 of the North Dakota Century Code, relating to the insurance commissioner's approval of life insurance forms.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 9 YEAS, 94 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Brokaw; Flaagan; Hokana; Kolbo; Shockman; Skjervens; Stofferahn; Wentz; Williams, W.

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

ABSENT AND NOT VOTING: Murphy; Nelson; Peterson

SB 2481 lost.

SB 2494: A BILL for an Act to amend and reenact subsection 2 of section 26.1-45-09 of the North Dakota Century Code, relating to the outline of coverage required to be delivered to applicants for long-term care insurance.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 18 YEAS, 85 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Brokaw; DeMers, P.; Flaagan; Gilmore; Hanson, L.; Hokana; Kolbo; Kouba; Laughlin; Mertens; Ness; O'Shea; Schmidt; Schneider; Shockman; Stofferahn; Wilkie; Williams, W.

NAYS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; Dorso; Enget; Frey; Gates; Gerhardt; Gerl; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Melby; Myrdal; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Shaft; Shide; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Uriacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Speaker Kretschmar

ABSENT AND NOT VOTING: Murphy; Nelson; Peterson

SB 2494 lost.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4003: A concurrent resolution directing the Legislative Council to study the statutory duties of county superintendents of schools with respect to reorganization, annexation, and dissolution of school districts; tuition hearings and appeals; appeals relating to the placement of students in other districts; and other matters to determine who should be responsible for those duties.

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

SCR 4003 lost on a voice vote.

MOTION

REP. KLOUBEC MOVED that SCR 4038 be removed from the consent calendar, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR

SCR 4001: A concurrent resolution directing the Legislative Council to study in lieu of property tax payments to school districts; school district

revenues derived from oil, gas, and coal taxes; and other payments to school districts other than from the state to determine whether to include these funds as local resources when measuring school district contributions to the foundation program.

- SCR 4002: A concurrent resolution directing the Legislative Council to study the use of various factors in addition to property wealth which could be used in the education finance formula to equalize educational opportunities for students.
- SCR 4030: A concurrent resolution directing the Legislative Council to study child care issues and needs, including the feasibility and cost of providing child care support to low income working families.
- SCR 4042: A concurrent resolution directing the Legislative Council to study the structure, organization, and administration of the Workers Compensation Bureau and the qualifications of the Workers Compensation Bureau claims analysts and rehabilitation staff.
- SCR 4014: A concurrent resolution directing the Legislative Council to carry out a comprehensive study, with additional public and private sector involvement, of the governmental and societal impact of the incidence and cost of organ and tissue transplants, and the appropriate statutory and regulatory policy to address those impacts.
- SCR 4025: A concurrent resolution directing the Legislative Council to study the state of the law with respect to legislative apportionment.
- SCR 4028: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of regulating salvage pool operations and the activities of insurance companies disposing of vehicles through such operations.
- SCR 4034: A concurrent resolution directing the Legislative Council to study the administration of building and mechanical code enforcement at the state and local level.
- SCR 4037: A concurrent resolution requesting the United States Congress and the United States Customs Service to assume the responsibility for establishing and operating a twenty-four-hour port of entry at Fortuna, North Dakota.
- SCR 4039: A concurrent resolution directing the Legislative Council to study the operation and effect of North Dakota's no-fault insurance law in comparison with no-fault insurance laws in other states.

The question being on the final adoption of the resolutions, which have been read.

The resolutions were adopted on a voice vote.

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 1665.

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

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following enrolled bill and resolutions: SB 2211, SCR 4004, SCR 4016, SCR 4024, SCR 4029, SCR 4035, SCR 4036, SCR 4044, SCR 4045.

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

MR. PRESIDENT: The Speaker has signed: SB 2211, SCR 4004, SCR 4016, SCR 4024, SCR 4029, SCR 4035, SCR 4036, SCR 4044, SCR 4045.

MOTIONS

REP. KLOUBEC MOVED that the absent member 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 stand adjourned until 1:00 p.m., Tuesday, March 14, 1989, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Political Subdivisions (Rep. Lindgren, Chairman) to which was referred SB 2042 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 PASS:

Page 5, line 22, replace "or may be appropriately" with "zoned or" and remove "or useful in"

Page 5, remove lines 23 and 24

Page 5, line 25, remove "enterprises and is otherwise suitable"

Page 13, line 3, after "commission" insert "unless the planning commission requests the governing body to submit the plan for review and recommendation by the planning commission"

Renumber accordingly

SB 2042 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 Engrossed SB 2045 has had the same under consideration and recommends by a vote of 10 YEAS, 0 NAYS, 7 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 15, after the second comma insert "twenty-five cents for the issuance of each of the first one thousand resident hunting, fishing, or fur-bearer licenses issued each year and"

Page 1, line 16, after "license" insert "issued in excess of the first one thousand licenses issued each year"

Page 1, line 19, remove "A county auditor who receives less than"

Page 1, remove lines 20 through 22

Page 2, remove lines 1 through 6

Renumber accordingly

Engrossed SB 2045 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred Engrossed SB 2093 has had the same under consideration and recommends by a vote of 11 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, replace "section" with "sections 26.1-01-03.1 and" and remove ", subsection 9 of"

Page 1, line 2, remove "section 26.1-04-03, and subsection 1 of section 26.1-04-13"

Page 1, line 4, remove "and to penalties for prohibited practices"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Section 26.1-01-03.1 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

26.1-01-03.1. Cease and desist authority - Hearing - Failure to appear. The commissioner may issue an order to cease and desist when it appears that any person is engaged in an act or practice which violates or may lead to a violation of this title. The commissioner shall provide written notice to the person named in the order stating the time and place of the hearing on the matter and setting forth the alleged violation. A hearing must be held not later than ten days after the issuance of the order unless a delay is requested by all persons named in the order. The commissioner shall, within thirty days after the issuance of the cease and desist order, issue an order vacating the cease and desist order or making the cease and desist order permanent, as the facts require. The failure of any named person to appear at any proper hearing under this section after receiving notice of the hearing will cause that person to be in default and the allegations contained in the cease and desist order may be deemed to be true and may be used against the person at the hearing. If no civil monetary penalty is otherwise provided by law, the offender is, after hearing by the commissioner, subject to payment of an administrative monetary penalty of up to ten thousand dollars."

Page 1, remove lines 19 through 21

Page 2, remove lines 1 through 28

Page 3, remove lines 1 through 29

Page 4, remove lines 1 through 15

Re-number accordingly

Engrossed SB 2093 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred SB 2122 has had the same under consideration

and recommends by a vote of 16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SB 2122 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred SB 2123 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SB 2123 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 2141 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, replace "section" with "sections 57-40.4-02 and"

Page 1, line 2, after "to" insert "motor vehicle excise tax refunds and"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 57-40.4-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-40.4-02. Procedure for refunding. Any person entitled to a refund of motor vehicle excise tax, may make application for ~~such~~ the refund to the ~~tax commissioner registrar~~ in the manner prescribed by the ~~commissioner registrar~~. Upon the presentation of proof satisfactory to the ~~commissioner registrar~~, ~~he~~ the registrar shall authorize the refund to be made from moneys appropriated for that purpose. No refund ~~shall~~ may be authorized by the ~~commissioner registrar~~ until ~~he~~ the registrar is fully satisfied through the production of necessary purchase agreements, tax receipts, and other documents and information that the refund is warranted. Payment of the refund ~~shall~~ must be made by warrant prepared by the office of management and budget, after approval of the voucher by the office of the budget registrar."

Renumber accordingly

SB 2141 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 SB 2337 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING that the same DO PASS.

SB 2337 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred SB 2418 has had the same under consideration and recommends by a vote of 11 YEAS, 2 NAYS, 4 ABSENT AND NOT VOTING that the

same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 1, line 11, replace "or" with an underscored semicolon

Page 1, line 12, after "contracts" insert "; or bids for other portions of the project"

Page 2, line 2, replace "or" with an underscored semicolon

Page 2, line 3, after "contracts" insert "; or bids for other portions of the project"

Renumber accordingly

SB 2418 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 SB 2450 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 2450 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 2508 has had the same under consideration and recommends by a vote of 11 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 2, remove "subsection 1 of section"

Page 1, line 3, remove "4-35-14, subsection 16 of section 4-35-15,"

Page 1, line 5, after "pesticides" insert "by commercial applicators"

Page 1, line 14, remove the overstrike over "~~or~~"

Page 1, line 15, remove the overstrike over "~~supervises the use of~~"

Page 3, remove lines 7 through 20

Page 3, line 27, remove the overstrike over "~~The provisions of this chapter relating to licenses and~~"

Page 3, remove the overstrike over lines 28 and 29

Page 4, line 1, remove the overstrike over "~~a~~", after "certified" insert "private", and remove the overstrike over "~~applicator, unless the pesticide labeling requires that~~"

Page 4, remove the overstrike over lines 2 and 3

Page 4, line 4, remove the overstrike over "~~supervision of a~~", after "certified" insert "private", and remove the overstrike over "~~applicator if it is applied by a~~"

Page 4, remove the overstrike over line 5

Page 4, line 6, after "certified" insert "private" and remove the overstrike over "~~applicator who is available if and when needed, even~~"

Page 4, line 7, remove the overstrike over "~~though such~~", after "certified" insert "private", and remove the overstrike over "~~applicator is not physically present at the~~"

Page 4, remove the overstrike over line 8

Page 4, line 9, remove the overstrike over "3."

Renumber accordingly

SB 2508 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 Engrossed SCR 4047 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and BE PLACED ON THE CONSENT CALENDAR:

Page 1, line 2, replace "public assistance" with "various human services"

Page 1, line 4, after "to" insert "low income"

Page 1, line 5, after "individuals" insert ", and to study the financial and other impacts on the state of implementing recently enacted federal Medicare catastrophic coverage legislation"

Page 1, line 23, after the semicolon insert "and"

Page 1, after line 23, insert:

"WHEREAS, the recently enacted federal Medicare Catastrophic Coverage Act of 1988, which is designed to provide catastrophic medical coverage for the elderly, the poor, and disabled, also places additional requirements upon states, including that states, under their Medicaid plans, pay Medicare premiums for certain low income persons, provide Medicaid coverage for pregnant women and infants, and provide protection for some assets of persons whose spouses are in nursing homes and covered by Medicaid; and

WHEREAS, the Medicare Catastrophic Coverage Act of 1988 significantly changes the benefit structure of the Medicare program and alters the program's financing in a manner that may place substantial cost burdens on states;"

Page 2, line 8, after "individuals" insert ", and study the financial and other impacts on the state of implementing the federal Medicare Catastrophic Coverage Act of 1988"

Renumber accordingly

Engrossed SCR 4047 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was referred HB 1668 has had the same under consideration and recommends by a vote of 17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1668 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was referred Engrossed SB 2354 has had the same under consideration and recommends by a vote of 13 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

Engrossed SB 2354 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was referred Engrossed SB 2509 has had the same under consideration and recommends by a vote of 13 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

Engrossed SB 2509 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

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

ROY GILBREATH, Chief Clerk