

## JOURNAL OF THE HOUSE

## Fifty-first Legislative Assembly

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Bismarck, March 23, 1989

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

The prayer was offered by Rev. Mark E. Brickzin, Calvary United Methodist Church, Bismarck.

The roll was called and all Representatives were present, except Representatives Frey and Peterson.

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 Fifty-fourth Day and finds it to be correct.

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

## HOUSE ENROLLING REPORT

The following bills were enrolled: HB 1014, HB 1032, HB 1145, HB 1163, HB 1342, HB 1343, HB 1400, HB 1411, HB 1419, HB 1456, HB 1463, HB 1468, HB 1472, HB 1473, HB 1505, HB 1665.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1200.

## SENATE AMENDMENTS TO ENGROSSED HB 1200

Page 1, line 2, replace "transfer of" with "contracting of services by"

Page 1, line 3, replace "to the agricultural experiment" with "with the department of agriculture"

Page 1, line 4, remove "station"

Page 2, line 1, overstrike "by" and insert immediately thereafter "under the direction of", remove the underscored comma, and remove the overstrike over "hereby"

Page 2, line 2, remove the overstrike over "established" and remove "under the supervision of the director of the agricultural"

Page 2, remove lines 3 through 5

Page 2, line 6, remove "development project in which the commission participates"

Page 2, line 17, overstrike "Personnel" and insert immediately thereafter "Administrative support"

Page 2, line 19, remove "The director of the agricultural"

Page 2, remove line 20

Page 2, line 21, remove "of the commission.", overstrike "The", and remove "agricultural experiment station"

Page 2, line 22, remove "shall provide", overstrike "office space and", and remove "administrative services for the commission."

Page 2, line 23, remove "The commission may" and overstrike "employ needed personnel for the performance of its duties,"

Page 2, overstrike line 24

Page 2, line 25, overstrike "parties for services." and insert immediately thereafter "The commission shall contract with the department of agriculture for administrative and support services to carry out its program. The contract may not exceed fifteen percent of the appropriation established by the legislative assembly."

Renumber accordingly

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2072, SB 2213, SB 2278, SB 2514, SB 2192, and SB 2193 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2072: Sens. Mathern, Kelsh, Stenehjem  
 SB 2213: Sens. Hilken, O'Connell, Krebsbach  
 SB 2278: Sens. O'Connell, Kelsh, Peterson  
 SB 2514: Sens. J. Meyer, Maxson, Nalewaja  
 SB 2192: Sens. Maxson, Holmberg, Stenehjem  
 SB 2193: Sens. Maxson, Stenehjem, Holmberg

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4017, SCR 4026.

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

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2047, SB 2049, SB 2059, SB 2119, and SB 2146 and subsequently passed the same.

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

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2363, SB 2486, SB 2493, and SCR 4030 and subsequently passed the same.

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

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2175, SB 2203, SB 2219, SB 2246, and SB 2356 and subsequently passed the same.

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

MR. SPEAKER: The President has appointed as a conference committee to act with a like committee from the House on:

HB 1351: Sens. Hilken, Schoenwald, Nething

## FIRST READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4017: A concurrent resolution for the amendment of section 21 of article X of the Constitution of North Dakota, relating to use of coal severance taxes deposited in the permanent coal development trust fund; and to provide an effective date.

Was read the first time and referred to the Committee on Joint Constitutional Revision.

SCR 4026: A concurrent resolution directing the Legislative Council to study the feasibility of appointing county officials who are elected under existing law in counties of relatively small population.

Was read the first time and referred to the Committee on Joint Constitutional Revision.

## COMMUNICATION

State of North Dakota  
OFFICE OF THE GOVERNOR  
Bismarck

March 22, 1989

The Honorable William Kretschmar  
Speaker of the House  
House Chamber  
State Capitol  
Bismarck, North Dakota 58505

Dear Mr. Speaker:

This is to inform you that on March 21, 1989, I signed the following: HB 1198, HB 1233, HB 1273, HB 1332, HB 1336, HB 1349, 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.

On March 22, 1989, I signed the following: HB 1339, HB 1356, HB 1391, HB 1448, HB 1471, HB 1528, HB 1529, HB 1530, HB 1531, HB 1534, HB 1549, HB 1556, HB 1572, HB 1573, HB 1575, HB 1590, HB 1598, HB 1601, HB 1602, HB 1608, HB 1613, HB 1632, HB 1644, HB 1650.

Sincerely,

GEORGE A. SINNER  
Governor

## POINT OF PERSONAL PRIVILEGE

REP. MARTIN: Mr. Speaker: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

Each year, the Fraternal Order of Knights of Columbus recognize a family, within the jurisdiction of North Dakota, for their contribution in making our communities and our state a better place to live and raise our families. To be a recipient of this recognition, the parents and family members are chosen for their involvement in community, church, and state programs that will benefit the quality of life for all families in the state of North Dakota. Mr. Speaker, the recipients of the "Family of the Year Award" are present in this chamber today. I would ask that Representative Richard Kouba and his wife Marlene, together with their son-in-law, Representative Allan Stenehjem, please stand and be recognized.

## MOTIONS

REP. GATES MOVED that SB 2260 and the committee report which placed it on the Sixth order, be rereferred to the Committee on Education, which motion prevailed. Pursuant to Rep. Gates' motion, SB 2260 was rereferred.

REP. KLOUBEC MOVED that the rules be suspended and that the committee reports on SB 2009, SB 2298, SB 2354, SB 2449, and SB 2454 recommending amendments on the Sixth order of business on the legislative calendar of the Fifty-fifth Day be adopted, which motion prevailed.

## SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to Engrossed SB 2009 as recommended by the Committee on Appropriations as printed on pages 1604-1606 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

Engrossed SB 2009, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. HAUGLAND MOVED that the amendments to Engrossed SB 2298 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 1584 of the House Journal be adopted, and when so adopted, recommends the same DO PASS and be rereferred to the Committee on Appropriations.

Engrossed SB 2298, as amended, was rereferred to the Committee on Appropriations.

REP. A. HAUSAUER MOVED that the amendments to Engrossed SB 2354 as recommended by the Committee on Finance and Taxation as printed on pages 1584-1585 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

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

REP. HAUGLAND MOVED that the amendments to SB 2449 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 1585 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

SB 2449, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. HAUGLAND MOVED that the amendments to Engrossed SB 2454 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 1585 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

Engrossed SB 2454, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. WHALEN MOVED that the amendments to Engrossed SB 2237 as recommended by the Committee on Industry, Business and Labor as printed on pages 1606-1607 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

Engrossed SB 2237, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. HAUGLAND MOVED that the amendments to Engrossed SB 2262 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 1577-1579 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

REP. KLOUBEC MOVED that the rules be suspended and that SB 2262 be placed on the Fourteenth order, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2262: A BILL for an Act to declare legislative intent; to create and enact chapter 23-09.2 of the North Dakota Century Code, relating to education of food preparers; to amend and reenact subsections 14 and 15 of section 43-15-10 of the North Dakota Century Code, relating to powers of the state board of pharmacy; and to repeal sections 19-02-13, 19-02-14, 19-02-15, 19-02-16, 19-02-17, 19-02-18, 19-02-19, 19-02-20, 19-02-21, 19-02-22, 19-02-23, and 19-02-24 of the North Dakota Century Code, relating to food and drug regulation.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 90 YEAS, 14 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; Flaagan; 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; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Myrdal; Nelson; Nicholas; Oban; Olsen, D.; Olson, A.; Olson, V.; Ring; Rydell; Schatz; Scherber; Schindler; Shaft; Shide; Shockman; Smette; Solberg; Sorensen; Soukup; Stenehjem; Stofferahn; Thompson, K.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Speaker Kretschmar

NAYS: Enget; Kingsbury; Mertens; Murphy; Ness; Nowatzki; O'Shea; Payne; Schmidt; Schneider; Skjerven; Starke; Thompson, V.; Williams, W.

ABSENT AND NOT VOTING: Frey; Peterson

SB 2262 passed and the title was agreed to.

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#### SIXTH ORDER OF BUSINESS

REP. HAUGLAND MOVED that the amendments to Engrossed SB 2291 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 1579-1584 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

#### MOTION

REP. R. ANDERSON MOVED that the rules be suspended and that SB 2291 be placed on the Fourteenth order, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2291: A BILL for an Act to create and enact a new section to chapter 50-06 of the North Dakota Century Code, relating to the creation of a human services advisory board; to amend and reenact sections 50-06-01, 50-06-01.3, 50-06-05.1, 50-06-16, and 50-06-17 of the North Dakota Century Code, relating to the authority of the human services advisory board and the structure of the department of human services; and to provide an effective date.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 77 YEAS, 25 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: Belter; Berg, R.; Bernstein; Gorman; Gunsch; Hanson, O.; Haugen; Hausauer, A.; Howard; Kingsbury; Knell; Lang; Larson, D.; Martinson; Melby; Murphy; Olson, A.; Payne; Schindler; Schmidt; Soukup; Thompson, K.; Vander Vorst; Wald; Whalen

ABSENT AND NOT VOTING: Frey; Gerhardt; Hausauer, R.; Peterson

SB 2291 passed and the title was agreed to.

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## REQUEST

REP. SHOCKMAN REQUESTED that the record show that he intended to vote "nay" on SB 2262, which request was granted.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested: SB 2071, SB 2117, SB 2118, SB 2122, SB 2123, SB 2191, SB 2323, SB 2337, SB 2367, SB 2405, SB 2434, SB 2450, SB 2476, SB 2479, SB 2492, SB 2507, SCR 4005, SCR 4038.

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

MR. SPEAKER: The President has signed: HB 1304, HB 1364, HB 1586, HB 1642.

## SIXTH ORDER OF BUSINESS

REP. WENTZ MOVED that the amendments to SB 2313 as recommended by the Committee on Judiciary as printed on page 1607 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

## MOTIONS

REP. R. ANDERSON MOVED that the rules be suspended and that SB 2313 be placed on the Fourteenth order, as amended, for second reading and final passage, which motion prevailed.

REP. KLOUBEC MOVED that the House waive the reading of the title to SB 2313, which motion prevailed.

## SECOND READING OF SENATE BILL

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

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 17 YEAS, 84 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Goetz; Kouba; Lang; Laughlin; Marks; Martin; Murphy; Ness; Olson, V.; O'Shea; Schindler; Schneider; Shockman; Stofferahn; Urlacher; Wald; Watne

NAYS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Knell; Kolbo; Larson, D.; Larson, R.; Lindgren; Martinson; Melby; Mertens; Myrdal; Nelson; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Ring; Rydell; Schatz; Scherber; Schmidt; Shaft; Shide; Skjervens; Smette; Solberg; Sorensen; Soukup; Starke; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: Frey; Kloubec; Peterson; Stenehjem; Whalen

SB 2313 lost.

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## SIXTH ORDER OF BUSINESS

REP. MARTINSON MOVED that the amendments to Engrossed SB 2372 as recommended by a minority of the Committee on State and Federal Government as printed on page 1607 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion failed on a verification vote.

## MOTION

REP. MARTINSON MOVED that the vote by which the majority report on SB 2372 was adopted be reconsidered and the motion to reconsider be laid on the table.

## RULING BY THE SPEAKER

SPEAKER KRETSCHMAR RULED that the motion of Rep. Martinson was not in order. With the failure to adopt the minority report, the bill is clean, without any

amendments, and SB 2372 with the majority report recommendation of DO PASS, will be placed on the Fourteenth order for second reading and final passage.

#### MOTION

REP. R. ANDERSON MOVED that the rules be suspended and that SB 2372 be placed on the Fourteenth order for second reading and final passage, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2372: A BILL for an Act to amend and reenact subsection 3 of section 55-01-02 of the North Dakota Century Code, relating to the jurisdiction of the state historical board to dispose of items within its custody; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 66 YEAS, 38 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, R.; Belter; Berg, R.; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Enget; Gerhardt; Gerl; Gilmore; Goetz; Halmrast; Hanson, L.; Haugen; Haugland; Hoffner; Hokana; Huether; Jensen; Kelly; Kolbo; Kouba; Lang; Martin; Melby; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; O'Shea; Payne; Peterson; Schatz; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Smette; Solberg; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tollefson; Urlacher; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aarsvold; Anderson, B.; Berg, G.; Bernstein; Brokaw; Dorso; Flaagan; Gates; Gerntholz; Gorman; Graba; Gunsch; Hanson, O.; Hausauer, A.; Hausauer, R.; Howard; Kaldor; Kingsbury; Knell; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martinson; Mertens; Olson, V.; Ring; Rydell; Scherber; Skjerven; Sorensen; Soukup; Tokach; Tomac; Trautman; Ulmer; Whalen

ABSENT AND NOT VOTING: Frey; Kloubec

SB 2372 passed, the title was agreed to, and the emergency clause lost.

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#### SIXTH ORDER OF BUSINESS

REP. A. HAUSAUER MOVED that the amendments to SB 2475 as recommended by the Committee on Finance and Taxation as printed on page 1586 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

#### MOTION

REP. R. ANDERSON MOVED that the rules be suspended and that SB 2475 be placed on the Fourteenth order, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2475: A BILL for an Act to amend and reenact sections 57-36-25 and 57-36-32 of the North Dakota Century Code, relating to the rate of excise tax on the wholesale purchase price of tobacco products and on the sale of cigarettes; 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 74 YEAS, 28 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Dalrymple; DeMers, J.; DeMers, P.; Enget; Flaagan; Gates; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Howard; Jensen; Kaldor; Kelly; Kloubec; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Mertens; Ness; Nicholas; Nowatzki; Oban; Payne; Peterson; Ring; Rydell; Scherber; Schindler; Schneider; Shockman; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Tokach; Tollefson; Trautman; Urlacher; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Clayburgh; Dorso; Gerhardt; Gerl; Gunsch; Hanson, O.; Haugen; Hokana; Huether; Kingsbury; Knell; Melby; Murphy; Myrdal; Nelson; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Schmidt; Shaft; Shide; Skjerven; Smette; Timm; Tomac; Vander Vorst; Whalen

ABSENT AND NOT VOTING: Frey; Schatz; Ulmer; Wald

SB 2475 passed and the title was agreed to.

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## SIXTH ORDER OF BUSINESS

REP. MARTINSON MOVED that the amendments to Engrossed SB 2520 as recommended by the Committee on State and Federal Government as printed on page 1586 of the House Journal be adopted, and when so adopted, recommends the same DO PASS and be rereferred to the Committee on Appropriations, which motion prevailed. Engrossed SB 2520, as amended, was rereferred to the Committee on Appropriations.

## MOTION

REP. R. ANDERSON MOVED that SB 2270 and SB 2501, which are on the Fourteenth order, be rereferred to the Committee on Appropriations, which motion prevailed. Pursuant to Rep. Anderson's motion, SB 2270 and SB 2501 were rereferred.

## SECOND READING OF HOUSE BILL

HB 1664: A BILL for an Act to create and enact a new subsection to section 32-12.1-02 of the North Dakota Century Code, relating to a definition of state agency; and to amend and reenact sections 32-12.1-05, 32-12.1-07, and 32-12.1-15 of the North Dakota Century Code, relating to liabilities of political subdivisions and participation by state agencies in government subdivisions self-insurance pools.

## ROLL CALL

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

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; 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; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; 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, R.; Frey; Mertens; Stenehjelm

HB 1664 passed and the title was agreed to.

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#### ACTING SPEAKER

Rep. A. Hausauer was appointed Acting Speaker in order that Speaker Kretschmar could speak on HCR 3046.

#### SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3046: A concurrent resolution to create a new section to article V of the Constitution of North Dakota, relating to the reorganization of executive and administrative offices, boards, bureaus, agencies, commissions, and instrumentalities of state government.

#### ROLL CALL

The question being on the adoption of the resolution, which has been read, the roll was called and there were 92 YEAS, 10 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: Gunsch; Hanson, O.; Hausauer, A.; Knell; Melby; Olson, A.; Schneider; Shide; Stofferahn; Thompson, K.

ABSENT AND NOT VOTING: Frey; Peterson; Stenehjelm; Wald

HCR 3046 was declared adopted on a roll call vote.

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## MOTIONS

REP. KLOUBEC MOVED that the rules be suspended and that HB 1664 and HCR 3046 be messaged to the Senate immediately, which motion prevailed.

REP. KLOUBEC MOVED that SB 2320 be placed at the head of the calendar, which motion prevailed.

REP. KLOUBEC MOVED that the House waive the reading of the title to SB 2320, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2320: A BILL for an Act to create and enact subsection 6 of section 49-21-01.1 and four new sections to chapter 49-21, relating to the establishment of a regulatory reform review commission and exemption from certain regulations for telecommunication companies; and to amend and reenact subsection 2 of section 49-02-01, sections 49-21-01, 49-21-02.1, 49-21-02.2, 49-21-04, 49-21-04.1, 49-21-05, 49-21-06, 49-21-07, and 49-21-09, relating to regulation of telecommunication companies.

## MOTION

REP. FLAAGAN MOVED the previous question, which motion prevailed.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 86 YEAS, 19 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; Dorso; Enget; Flaagan; Gates; Gerhardt; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Howard; Huether; Jensen; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martinson; Melby; Mertens; Myrdal; Nelson; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Shaft; Shide; Skjerven; Smette; Solberg; Sorensen; Soukup; Stenehjem; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aarsvold; Anderson, B.; Brokaw; DeMers, J.; DeMers, P.; Gerl; Gilmore; Hokana; Kaldor; Martin; Murphy; Ness; O'Shea; Schneider; Shockman; Starke; Stofferahn; Urlacher; Wilkie

ABSENT AND NOT VOTING: Frey

SB 2320 passed and the title was agreed to.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2528, SB 2532, SCR 4021, SCR 4040.

## FIRST READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4021: A concurrent resolution for the amendment of subdivision a of subsection 2 of section 6 of article VIII of the Constitution of North

Dakota, relating to the qualifications of the members of the state board of higher education.

Was read the first time and referred to the Committee on Joint Constitutional Revision.

SCR 4040: A concurrent resolution for the amendment of section 12 of article V of the Constitution of North Dakota, relating to the office of the state treasurer.

Was read the first time and referred to the Committee on Joint Constitutional Revision.

#### MOTIONS

REP. KLOUBEC MOVED that the House stand in recess until 3:00 p.m., which motion prevailed.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker Kretschmar presiding.

REP. R. ANDERSON MOVED that SB 2398, SB 2223, SB 2336, and SB 2473 be placed at the head of the calendar, which motion prevailed.

REP. GERL MOVED that the House reconsider its action whereby SB 2240 failed to pass for want of a Constitutional majority.

#### REQUEST

REP. W. WILLIAMS REQUESTED a recorded roll call vote on the motion to reconsider the action whereby SB 2240 failed to pass for want of a Constitutional majority.

#### ROLL CALL

The question being on the motion to reconsider the action whereby SB 2240 failed to pass for want of a Constitutional majority, the roll was called and there were 75 YEAS, 27 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Berg, G.; Carlson; Christman; DeMers, J.; DeMers, P.; Enget; Flaagan; Gates; Gerhardt; Gerl; Gilmore; Graba; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloube; Kolbo; Kouba; Lang; Larson, D.; Laughlin; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schneider; Shockman; Skjerven; Solberg; Sorensen; Soukup; Starke; Thompson, V.; Timm; Tollefson; Trautman; Ulmer; Urlacher; Vander Vorst; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Belter; Berg, R.; Bernstein; Brokaw; Clayburgh; Dalrymple; Dorso; Gerntholz; Goetz; Gorman; Gunsch; Hanson, O.; Haugen; Howard; Knell; Larson, R.; Lindgren; Murphy; Schmidt; Shaft; Shide; Smette; Stofferahn; Thompson, K.; Tokach; Tomac; Wald

ABSENT AND NOT VOTING: Frey; Olson, A.; Stenehjelm; Whalen

So the motion to reconsider the action whereby SB 2240 failed to pass for want of a Constitutional majority prevailed.

SECOND READING OF SENATE BILL

SB 2240: A BILL for an Act to repeal subsection 25 of section 20.1-02-05 of the North Dakota Century Code, relating to complimentary fishing licenses.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 55 YEAS, 48 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, B.; Brokaw; Carlson; Christman; DeMers, J.; DeMers, P.; Enget; Flaagan; Gerl; Gerntholz; Graba; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Howard; Kolbo; Larson, D.; Laughlin; Marks; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; O'Shea; Peterson; Ring; Rydell; Schatz; Schneider; Shockman; Skjervan; Solberg; Soukup; Starke; Stofferahn; Thompson, V.; Tollefson; Trautman; Ulmer; Watne; Wentz; Wilkie; Williams, A.; Williams, W.

NAYS: Aarsvold; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Clayburgh; Dalrymple; Dorso; Gates; Gerhardt; Gilmore; Goetz; Gorman; Gunsch; Hanson, D.; Hokana; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, R.; Lindgren; Martin; Murphy; Olson, V.; Payne; Scherber; Schindler; Schmidt; Shaft; Shide; Smette; Sorensen; Thompson, K.; Timm; Tokach; Tomac; Urlacher; Vander Vorst; Wald; Whalen; Speaker Kretschmar

ABSENT AND NOT VOTING: Frey; Olson, A.; Stenehjem

SB 2240 passed and the title was agreed to.

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MOTION

REP. W. WILLIAMS MOVED that the vote by which SB 2240 passed be reconsidered and the motion to reconsider be laid on the table, which motion failed on a verification vote.

SECOND READING OF SENATE BILLS

SB 2398: A BILL for an Act to amend and reenact sections 14-05-22 and 14-09-06.2 of the North Dakota Century Code, relating to the consideration of evidence of domestic violence by courts in determining rights to custody and visitation of children; 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 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; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, D.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness;

Nicholas; Nowatzki; Oban; Olsen, D.; Olson, 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; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Frey; Olson, A.; Stenehjem

SB 2398 passed, the title was agreed to, and the emergency clause carried.

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SB 2223: A BILL for an Act to amend and reenact subsections 1 and 2 of section 10-04-16 and subsections 1 of section 10-04-16.1 of the North Dakota Century Code, relating to injunctions for violations and to investigations under the securities laws.

#### ROLL CALL

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

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, 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; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Frey; Olson, A.; Stenehjem

SB 2223 passed and the title was agreed to.

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SB 2336: A BILL for an Act to amend and reenact section 27-20-49, subsection 1 of section 28-33-02, sections 28-33-05, 31-01-16, and 31-01-18 of the North Dakota Century Code, relating to payment of district court case witness fees and expenses and compensation and appointment of interpreters for deaf persons in judicial and administrative proceedings.

#### ROLL CALL

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

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; 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; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Frey; Gerl; Olson, A.; Stenehjøm

SB 2336 passed and the title was agreed to.

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SB 2473: A BILL for an Act to require the use of a pupil's legal surname in schools; and to amend and reenact section 32-28-02 of the North Dakota Century Code, relating to petitions for change of name in district court.

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; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; 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: Frey; Gerl; Olson, A.; Stenehjøm; Wald

SB 2473 passed and the title was agreed to.

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MOTION

REP. R. ANDERSON MOVED that SB 2355 be placed at the head of the calendar, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2355: A BILL for an Act to amend and reenact section 23-06-27 of the North Dakota Century Code, relating to exceptions to the imposition of penalties for the opening of burial places.

## ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 47 YEAS, 55 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, R.; Berg, G.; Berg, R.; Christman; Clayburgh; DeMers, P.; Enget; Gorman; Graba; Halmrast; Haugen; Haugland; Hausauer, R.; Hoffner; Huether; Jensen; Kloubec; Kolbo; Kouba; Lang; Marks; Martin; Melby; Murphy; Nicholas; Oban; Olson, V.; Schatz; Scherber; Schindler; Shaft; Shide; Skjerven; Solberg; Starke; Thompson, K.; Thompson, V.; Timm; Tokach; Urlacher; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aarsvold; Anderson, B.; Belter; Bernstein; Brokaw; Carlson; Dalrymple; DeMers, J.; Dorso; Flaagan; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gunsch; Hanson, L.; Hanson, O.; Hausauer, A.; Hokana; Howard; Kaldor; Kelly; Kingsbury; Knell; Larson, D.; Larson, R.; Laughlin; Lindgren; Martinson; Mertens; Myrdal; Nelson; Ness; Nowatzki; Olsen, D.; O'Shea; Payne; Ring; Rydell; Schmidt; Schneider; Shockman; Smette; Sorensen; Soukup; Stofferahn; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Whalen

ABSENT AND NOT VOTING: Frey; Olson, A.; Peterson; Stenehjem

SB 2355 lost.

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## MOTION

REP. ULMER MOVED that the vote by which SB 2355 lost be reconsidered and the motion to reconsider be laid on the table, which motion prevailed on a verification vote.

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

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following enrolled bills and resolutions: SB 2071, SB 2117, SB 2118, SB 2122, SB 2123, SB 2191, SB 2323, SB 2337, SB 2367, SB 2405, SB 2434, SB 2450, SB 2476, SB 2479, SB 2492, SB 2507, SCR 4005, SCR 4038.

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

MR. PRESIDENT: The Speaker has signed: SB 2071, SB 2117, SB 2118, SB 2122, SB 2123, SB 2191, SB 2323, SB 2337, SB 2367, SB 2405, SB 2434, SB 2450, SB 2476, SB 2479, SB 2492, SB 2507, SCR 4005, SCR 4038.

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

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following enrolled bills: HB 1014, HB 1032, HB 1145, HB 1163, HB 1342, HB 1343, HB 1400, HB 1411, HB 1419, HB 1456, HB 1463, HB 1468, HB 1472, HB 1473, HB 1505, HB 1665.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested: HB 1014, HB 1032, HB 1145, HB 1163, HB 1342, HB 1343, HB 1400,

HB 1411, HB 1419, HB 1456, HB 1463, HB 1468, HB 1472, HB 1473, HB 1505, HB 1665.

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 1667, HCR 3019.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The House has passed unchanged: SB 2307.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2248, SB 2254.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The House has amended and subsequently passed: SB 2048, SB 2153, SB 2173, SB 2176, SB 2256, SB 2306, SB 2309, SB 2410, SB 2417.

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 1664, HCR 3046.

#### DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

THE SPEAKER ANNOUNCED that the following resolutions were delivered to the Secretary of State for his filing at the hour of 3:30 p.m., March 23, 1989: HCR 3001, HCR 3002, HCR 3006, HCR 3010, HCR 3024, HCR 3027, HCR 3031, HCR 3033, HCR 3041, HCR 3042, HCR 3043, HCR 3044, HCR 3050, HCR 3052, HCR 3053, HCR 3057, HCR 3062, HCR 3063, HCR 3068, HCR 3070.

#### SECOND READING OF SENATE BILLS

SB 2296: A BILL for an Act to create and enact a new section to chapter 32-19 of the North Dakota Century Code, relating to the disposition of personal property following completion of mortgage foreclosure actions.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 84 YEAS, 16 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Clayburgh; Dalrymple; DeMers, J.; Dorso; Enget; Flaagan; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Huether; Jensen; 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, V.; O'Shea; Payne; Rydell; Schatz; Scherber; Schindler; Schmidt; Shaft; Shide; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Urlacher; Wald; Wentz; Whalen; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aarsvold; Anderson, B.; Brokaw; Carlson; DeMers, P.; Graba; Kaldor; Murphy; Nelson; Ring; Schneider; Shockman; Ulmer; Vander Vorst; Watne; Wilkie

ABSENT AND NOT VOTING: Christman; Frey; Hausauer, R.; Olson, A.; Peterson; Stenehjem

SB 2296 passed and the title was agreed to.

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SB 2314: A BILL for an Act to create and enact a new section to chapter 20.1-13 of the North Dakota Century Code, relating to personal flotation devices for children on boats.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 75 YEAS, 24 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Belter; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Gates; Gerl; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martinson; Melby; Myrdal; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, V.; O'Shea; Payne; Ring; Rydell; Scherber; Schindler; Schneider; Shaft; Shide; Shockman; Solberg; Sorensen; Soukup; Stofferahn; Thompson, K.; Tokach; Tomac; Vander Vorst; Wald; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aas; Anderson, R.; Berg, G.; Brokaw; Gerhardt; Gerntholz; Haugen; Kouba; Lang; Martin; Mertens; Murphy; Nelson; Schatz; Skjerven; Smette; Starke; Thompson, V.; Timm; Tollefson; Trautman; Ulmer; Urlacher; Watne

ABSENT AND NOT VOTING: Flaagan; Frey; Hausauer, R.; Olson, A.; Peterson; Schmidt; Stenehjem

SB 2314 passed and the title was agreed to.

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#### HOUSE ENROLLING REPORT

The following bills and resolutions were enrolled: HB 1018, HB 1083, HB 1110, HB 1169, HB 1238, HB 1272, HB 1324, HB 1330, HB 1357, HB 1362, HB 1427, HB 1493, HB 1515, HB 1522, HB 1544, HB 1545, HB 1562, HB 1565, HB 1576, HB 1577, HB 1595, HB 1596, HB 1622, HB 1652, HB 1654, HCR 3020, HCR 3025, HCR 3028, HCR 3029, HCR 3036, HCR 3048, HCR 3055, HCR 3064, HCR 3065, HCR 3066, HCR 3073, HCR 3074, HCR 3078, HCR 3079.

#### REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1144 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on page 1258 of the House Journal and that Engrossed HB 1144 be amended as follows:

Page 1, line 11, after "of" insert "administering snowmobile safety programs and"

Renumber accordingly

For the Senate: Sens. Krauter, Maixner, Moore  
For the House: Reps. Tollefson, Schatz, Tomac

Engrossed HB 1144 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

#### MOTIONS

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

REP. KLOUBEC MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the House stand adjourned until 1:00 p.m., Monday, March 27, 1989, which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Transportation (Rep. Timm, Chairman) to which was referred HCR 3071 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

HCR 3071 was placed on the Tenth 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 2222 has had the same under consideration and recommends by a vote of 10 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 5, after "Nondisclosure" insert "- Record of information maintained"

Page 1, line 8, after the period insert "A criminal justice agency shall maintain a list of all files containing active criminal intelligence and investigative information. With respect to each file, the list must contain the file's number or other identifying characteristic, the date the file was established, and the number of documents contained in the file. The list required under this subsection is subject to section 44-04-18."

Renumber accordingly

SB 2222 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 2231 has had the same under consideration and recommends by a vote of 12 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 2, line 21, after "proceeding" insert "before another agency"

Page 2, line 22, after "its" insert "own"

Renumber accordingly

Engrossed SB 2231 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 2373 has had the same under consideration and

recommends by a vote of 10 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 1, line 10, remove the overstrike over "~~The nonresident waterfowl hunting license shall~~"

Page 1, line 11, remove the overstrike over "~~entitle the nonresident to hunt waterfowl~~"

Page 1, line 12, remove the overstrike over "~~in~~"

Page 1, line 13, remove the overstrike over "~~specified waterfowl hunting zones.~~"

Re-number accordingly

SB 2373 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 2412 has had the same under consideration and recommends by a vote of 17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations:

Page 1, line 20, after "employees" insert "not eligible for Medicare. In determining premiums for coverage under this subsection for active eligible employees, the total projected premium requirements of the entire subgroup must be reduced by the projected aggregate monthly credit toward hospital and medical benefits coverage allowed retired employees not eligible for Medicare under section 5 of Senate Bill No. 2068 as approved by the fifty-first legislative assembly. The reduced premium requirements must then be divided by the number of subgroup members to determine the premiums for active eligible employees. Premiums for coverage under this subsection for retired employees not eligible for Medicare must be calculated based on the projected premium requirements of the entire subgroup less the total projected premium income as determined under this subsection for active eligible employees"

Page 1, line 21, remove the overstrike over "~~Retired~~", after "eligible" insert "Medicare-eligible", and remove the overstrike over "~~employee group medical and hospital benefits~~"

Page 1, line 22, remove the overstrike over "~~coverage.~~"

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

Page 2, line 2, remove the overstrike over "~~4.~~" and remove "3."

Page 2, line 3, remove the overstrike over "~~5.~~" and remove "4."

Page 2, line 5, remove the overstrike over "~~6.~~" and remove "5."

Re-number accordingly

Engrossed SB 2412 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 2468 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 3, line 11, remove the overstrike over "~~The reporter shall hold office~~  
~~and~~"

Page 3, line 12, remove the overstrike over "~~discharge the duties thereof in~~  
~~person~~"

Page 3, line 13, remove the overstrike over the overstruck period

Page 4, line 3, after "appointment" insert "by administrative and personnel  
rules"

Re-number accordingly

SB 2468 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 2497 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 12, replace "is" with "the sponsor knows to be"

Re-number accordingly

SB 2497 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 2510 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SB 2510 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Joint Constitutional Revision (Rep. Martin, Chairman) to which was referred SCR 4017 has had the same under consideration and recommends by a vote of 10 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SCR 4017 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Joint Constitutional Revision (Rep. Martin, Chairman) to which was referred SCR 4021 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SCR 4021 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Joint Constitutional Revision (Rep. Martin, Chairman) to which was referred SCR 4026 has had the same under consideration and recommends by a vote of 10 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SCR 4026 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Joint Constitutional Revision (Rep. Martin, Chairman) to which was referred SCR 4040 has had the same under consideration and recommends by a vote of 6 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

SCR 4040 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 SCR 4059 has had the same under consideration and recommends by a vote of 16 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

SCR 4059 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

#### FIRST READING OF SENATE BILLS

SB 2528: A BILL for an Act to create and enact four new sections to chapter 4-30 of the North Dakota Century Code, relating to a release of dairy processors' records, plants, reports, and notice to dairy producers; to amend and reenact sections 4-18.1-14, 4-30-03.3, and 40-30-03.8 of the North Dakota Century Code, relating to the release of information to the commissioner of agriculture or the dairy commissioner, the filing of a surety, bond or other security by dairy processors, and surety bond protection for in-state dairy producers; and to declare an emergency.  
Was read the first time and referred to the Committee on Agriculture.

SB 2532: A BILL for an Act to authorize the state board of higher education to convey certain state-owned land.  
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