

## JOURNAL OF THE HOUSE

## Fifty-second Legislative Assembly

\* \* \* \* \*

Bismarck, February 6, 1991

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

The prayer was offered by the Rev. Andrea DeGroot-Nesdahl, Evangelical Lutheran Church in America, Bismarck.

The roll was called and all members were present except Representatives Flaagan and D. Olsen.

A quorum was declared by the Speaker.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2023, SB 2084, SB 2095, SB 2177, SB 2214, SB 2239, SB 2248, SB 2299, SB 2308, SB 2329, SB 2338, SB 2340, SB 2355, SB 2366.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate respectfully requests the return of: SB 2126.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2313.

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 1032, HB 1174.

## HOUSE ENGROSSING REPORT

The following bills were engrossed: HB 1141, HB 1152, HB 1157, HB 1201, HB 1203, HB 1248, HB 1331, HB 1390, HB 1451, HB 1497.

## MOTION

REP. KLOUBEC MOVED that the House accede to the Senate's request for the return of SB 2126, which motion prevailed.

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

MR. PRESIDENT: The House accedes to the Senate request for the return of: SB 2126.

## MOTION

REP. TIMM MOVED that HB 1583 be returned to the House floor from the Committee on Finance and Taxation for the purpose of withdrawal, which motion prevailed.

## REQUEST

REP. NELSON REQUESTED the unanimous consent of the House to withdraw HB 1583. There being no objection, it was so ordered by the Speaker.

## MOTIONS

REP. THOMPSON MOVED that HB 1390 be returned to the House floor from the Committee on Appropriations, which motion prevailed.

REP. THOMPSON MOVED that HB 1390 be placed on the Eleventh order with the Committee on Transportation's recommendation of DO PASS, which motion prevailed.

REP. KLOUBEC MOVED that House Rule 330, paragraph 2, which deals with House bills being rereferred to the Committee on Appropriations, be suspended until the 28th Legislative Day, which motion prevailed.

REP. KLOUBEC MOVED that the rules be suspended and that the House consider all amendments on the Sixth order in one motion, which motion prevailed.

REP. KLOUBEC MOVED that the rules be suspended and that the amendments on the Sixth order of business to HB 1081, HB 1207, HB 1215, HB 1258, HB 1357, HB 1398, HB 1410, HB 1482, and HB 1504 be adopted, which motion prevailed.

HB 1215 and HB 1357, as amended, were rereferred to the Committee on Appropriations.

HB 1081, HB 1207, HB 1258, HB 1398, HB 1410, HB 1482, and HB 1504, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SECOND READING OF HOUSE BILLS

HB 1141: A BILL for an Act to amend and reenact section 12-48-06.1 of the North Dakota Century Code, relating to the appointment of board members to the prison industry advisory committee.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 104 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Flaagan; Olsen, D.

HB 1141 passed and the title was agreed to.

\*\*\*\*\*

HB 1152: A BILL for an Act to amend and reenact section 39-24-11 of the North Dakota Century Code, relating to penalties for failure to register ownership of snowmobiles and for trespassing with a snowmobile on posted land.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 69 YEAS, 35 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Grumbo; Hanson; Henegar; Hokana; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martinson; Miller; Muhs; Mutzenberger; Nicholas; Nowatzki; Oban; Payne; Peterson; Porter; Price; Pyle; Ritter; Rydell; Scherber; Schimke; Skar; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Tollefson; Trautman; Wentz; Whalen; Wilkie; Williams

NAYS: Berg, G.; Brown; Byerly; Delzer; DeWitz; Dorso; Enget; Erickson; Gorder; Gorman; Grosz; Hausauer; Howard; Kerzman; Martin; Meyer;

Myrdal; Nelson; Nichols; Olson, A.; Rennerfeldt; Ring; Schindler; Schmidt; Schneider; Shide; Skjerven; Snyder; Stofferahn; Thorpe; Timm; Urlacher; Wald; Wardner; Speaker R. Anderson

ABSENT AND NOT VOTING: Flaagan; Olsen, D.

HB 1152 passed and the title was agreed to.

\*\*\*\*\*

HB 1157: A BILL for an Act to amend and reenact section 39-29-12 of the North Dakota Century Code, relating to penalties for failure to register ownership of all-terrain vehicles and for trespassing with an all-terrain vehicle on posted land.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 73 YEAS, 31 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Grumbo; Hanson; Hausauer; Henegar; Hokana; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martinson; Miller; Muhs; Mutzenberger; Nicholas; Nowatzki; Oban; Payne; Peterson; Porter; Price; Pyle; Ring; Ritter; Rydell; Scherber; Schimke; Schneider; Skar; Skjerven; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Tollefson; Trautman; Wardner; Wentz; Whalen; Wilkie; Williams

NAYS: Belter; Brown; Byerly; Delzer; DeWitz; Dorso; Enget; Erickson; Freier; Gorder; Gorman; Grosz; Howard; Kerzman; Martin; Meyer; Myrdal; Nelson; Nichols; Olson, A.; Rennerfeldt; Schindler; Schmidt; Shide; Snyder; Stofferahn; Thorpe; Timm; Urlacher; Wald; Speaker R. Anderson

ABSENT AND NOT VOTING: Flaagan; Olsen, D.

HB 1157 passed and the title was agreed to.

\*\*\*\*\*

#### MOTION

REP. TOLLEFSON MOVED that the House waive the reading of the titles to HB 1201, HB 1248, and HB 1451, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

HB 1201: A BILL for an Act to amend and reenact sections 12-48-03 1, 12-48.1-01, 12-48.1-02, 12-51-01, 12-51-02, 12-51-04, 12-51-05, 12-51-06, 12-51-07, 12-51-09, 12-51-10, 12-51-11, 12-59-05, 12-59-07, subsection 6 of section 12-59-15, 12-59-16, paragraph 1 of subdivision c of subsection 1 of section 12.1-32-02, subsection 9 of section 12.1-32-02, subsection 4 of section 12.1-34-01, section 18-08-12, subsection 1 of section 54-14-03.2, and section 54-23.3-01 of the North Dakota Century Code, relating to changing the name of the North Dakota state farm to the Missouri River correctional center and providing that the department of corrections and rehabilitation is part of the office of the governor; and to repeal section 12-51-03 of the North Dakota Century Code, relating to the location and use of buildings of the North Dakota state farm.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 83 YEAS, 20 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING

YEAS: Aarsvold; Anderson, B.; Belter; Berg, G.; Berg, R.; Bodine; Boucher; Brokaw; Carlson; Clayburgh; Cleary; Coats; DeMers; DeWitz; Dorso; Enget; Erickson; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorman; Grumbo; Hanson; Hausauer; Henegar; Hokana; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Peterson; Porter; Price; Pyle; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schneider; Shide; Skjerven; Snyder; St. Aubyn; Starke; Stofferahn; Svedjan; Thorpe; Timm; Tollefson; Trautman; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

NAYS: Bernstein; Boehm; Brown; Byerly; Carlisle; Dalrymple; Delzer; Gorder; Grosz; Howard; Olson, A.; Payne; Rennerfeldt; Schmidt; Skar; Soukup; Thompson; Urlacher; Wald; Whalen

ABSENT AND NOT VOTING: Bateman; Flaagan; Olsen, D.

HB 1201 passed and the title was agreed to.

\*\*\*\*\*

HB 1203: A BILL for an Act to create and enact a new subsection to section 24-01-01.1 of the North Dakota Century Code, relating to definition of the term director; and to amend and reenact section 24-02-19 of the North Dakota Century Code, relating to department of transportation bidding procedures for construction, and equipment, materials, and supplies.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 103 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Laughlin

ABSENT AND NOT VOTING: Flaagan; Olsen, D.

HB 1203 passed and the title was agreed to.

\*\*\*\*\*

#### MOTION

REP. SCHMIDT MOVED that the House reconsider its action whereby HB 1496 passed, which motion prevailed on a verification vote.

#### SECOND READING OF HOUSE BILL

HB 1496: A BILL for an Act to amend and reenact section 15-28-11 of the North Dakota Century Code, relating to the publication of school board proceedings.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 44 YEAS, 60 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Boucher; Cleary; Coats; Dalrymple; DeMers; Gabrielson; Gates; Goffe; Grumbo; Hanson; Huether; Jacobson; Kaldor; Kerzman; Kolbo; Kroeber; Kunkel; Larson; Laughlin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Oban; Peterson; Porter; Pyle; Ring; Ritter; Rydell; Scherber; Schimke; Schneider; Snyder; St. Aubyn; Starke; Stofferahn; Thorpe; Wilkie; Williams

NAYS: Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Delzer; DeWitz; Dorso; Enget; Erickson; Freier; Gerntholz; Gilmore; Gorder; Gorman; Grosz; Hausauer; Henegar; Hokana; Howard; Jensen; Kelsch; Kloubec; Kretschmar; Linderman; Mahoney; Martin; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Olson, A.; Payne; Price; Rennerfeldt; Schindler; Schmidt; Shide; Skar; Skjerven; Soukup; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Speaker R. Anderson

ABSENT AND NOT VOTING: Flaagan; Olsen, D.

HB 1496 was declared lost.

\*\*\*\*\*

## REQUEST

REP. PORTER REQUESTED that the record show that he intended to vote "Nay" on HB 1496, which request was granted.

## SECOND READING OF HOUSE BILLS

HB 1248: A BILL for an Act to create and enact sections 19-20.1-03.3, 19-20.1-03.4, and 19-20.1-05.1 of the North Dakota Century Code, relating to the registration, labeling, and storage of fertilizers; and to amend and reenact subsection 3 of section 4-35.1-01, sections 19-20.1-01, 19-20.1-02, 19-20.1-03, 19-20.1-03.1, 19-20.1-03.2, 19-20.1-04, 19-20.1-06, 19-20.1-07, 19-20.1-08, 19-20.1-10, 19-20.1-11, 19-20.1-12, 19-20.1-13, 19-20.1-14, 19-20.1-15, 19-20.1-16, 19-20.1-17, and 19-20.1-18 of the North Dakota Century Code, relating to the registration, labeling, licensing, inspection, sampling, and analysis of fertilizers, tonnage fees, and penalties for fertilizers and soil amendments; and to provide a penalty.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 102 YEAS, 1 NAY, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Schmidt

ABSENT AND NOT VOTING: Flaagan; Olsen, D.; Starke

HB 1248 passed and the title was agreed to.

\*\*\*\*\*

HB 1331: A BILL for an Act to amend and reenact sections 32-19-07 and 32-19.1-07 of the North Dakota Century Code, relating to mortgage foreclosure actions and other actions in which real property secures the debt.

MOTION

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 22 YEAS, 80 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Byerly; Clayburgh; Freier; Gates; Grosz; Hausauer; Howard; Jacobson; Kretschmar; Kunkel; Larson; Miller; Muhs; Olson, A.; Rennerfeldt; Shide; St. Aubyn; Svedjan; Tollefson; Wald; Wardner; Wentz

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Carlisle; Carlson; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Gabrielson; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grumbo; Hanson; Henegar; Hokana; Huether; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kroeber; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Mutzenberger; Myrdal; Nelson; Nowatzki; Oban; Payne; Peterson; Porter; Price; Pyle; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Skar; Skjerven; Snyder; Soukup; Starke; Stofferahn; Thompson; Thorpe; Timm; Trautman; Urlacher; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Flaagan; Nicholas; Nichols; Olsen, D.

HB 1331 was declared lost.

\*\*\*\*\*

HB 1451: A BILL for an Act to amend and reenact sections 10-15-07, 10-15-38, 10-15-52.3, 10-15-52.5, 10-15-53, subsection 11 of section 10-19.1-01, subsection 2 of section 10-19.1-03, sections 10-19.1-11, 10-19.1-14, subsection 2 of section 10-19.1-15, subsection 1 of section 10-19.1-16, section 10-19.1-23, subsection 2 of section 10-19.1-25, subsection 2 of section 10-19.1-99, subsection 4 of section 10-19.1-100, subsection 2 of section 10-19.1-101, subsection 2 of section 10-19.1-106, subsection 1 of section 10-19.1-108, subsection 3 of section 10-19.1-112, subsection 1 of section 10-19.1-113, sections 10-22-05, 10-22-06, 10-22-13, 10-22-14, 10-22-15, subsection 2 of section 10-23-01, sections 10-24-07.1, 10-24-08, 10-24-09, 10-24-28, 10-24-30, 10-24-35, 10-24-36, 10-24-38, 10-25-04, 10-26-05, 10-26-06, 10-27-05, 10-27-06, 10-27-08, 10-27-09, 10-27-13, 10-27-14, 10-27-15, and 54-56-04 of the North Dakota Century Code, relating to requirements for filing documents with the secretary of state and to the effective dates of certain documents filed with the secretary of state.

ROLL CALL

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

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kelsch; Kerzman; Kloubec;

Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nowatzki; Oban; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Flaagan; Kaldor; Nicholas; Nichols; Olsen, D.

HB 1451 passed and the title was agreed to.

\*\*\*\*\*

HB 1497: A BILL for an Act to amend and reenact subdivision c of subsection 1 of section 54-40.1-03 and subsections 1 and 9 of section 54-40.1-04 of the North Dakota Century Code, relating to membership, powers, and duties of regional planning councils.

#### ROLL CALL

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

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Brokaw; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nowatzki; Oban; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Flaagan; Nicholas; Nichols; Olsen, D.; Stofferahn

HB 1497 passed and the title was agreed to.

\*\*\*\*\*

HB 1434: A BILL for an Act to create and enact a new section to chapter 20.1-04 of the North Dakota Century Code, relating to gun dog permits and permit fees.

#### ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 8 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING

YEAS: Aarsvold; Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; DeWitz; Dorso; Enget; Erickson; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nowatzki; Oban; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schindler; Schmidt; Schneide●; Shide; Skar; Skjerven; Snyder; St. Aubyn; Starke; Svedjan; Thompson; Thorpe; Timm; Tollefson;

Trautman; Urlacher; Wardner; Wentz; Whalen; Wilkie; Williams;  
Speaker R. Anderson

**NAYS:** Bateman; Boehm; Delzer; Grosz; Jensen; Meyer; Schimke; Soukup

**ABSENT AND NOT VOTING:** Flaagan; Nicholas; Nichols; Olsen, D.; Stofferahn;  
Wald

HB 1434 passed and the title was agreed to.

\*\*\*\*\*

HB 1437: A BILL for an Act to create and enact a new section to chapter 53-06.1 of the North Dakota Century Code, relating to disbursements of charitable gaming net proceeds to male and female athletic activities.

**MOTION**

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

**ROLL CALL**

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 32 YEAS, 71 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Anderson, B.; Bodine; Brokaw; Carlson; Cleary; Dalrymple; DeMers; Enget; Gabrielson; Gilmore; Grumbo; Hokana; Jacobson; Jensen; Kaldor; Kolbo; Laughlin; Linderman; Mutzenberger; Myrdal; Oban; Olson, A.; Peterson; Price; Pyle; Ring; Scherber; Schneider; Snyder; Thorpe; Wentz

**NAYS:** Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Clayburgh; Coats; Delzer; DeWitz; Dorso; Erickson; Freier; Gates; Gernthoiz; Goffe; Gorder; Gorman; Grosz; Hanson; Hausauer; Henegar; Howard; Huether; Keisch; Kerzman; Kloubec; Kretschmar; Kroeber; Kunkel; Larson; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Nelson; Nicholas; Nichols; Nowatzki; Payne; Porter; Rennerfeldt; Ritter; Rydell; Schimke; Schindler; Schmidt; Shide; Skar; Skjerven; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Whalen; Wilkie; Williams; Speaker R. Anderson

**ABSENT AND NOT VOTING:** Flaagan; Olsen, D.; Stofferahn

HB 1437 was declared lost.

\*\*\*\*\*

**SPECIAL ORDER OF BUSINESS**

The following Boy Scouts were introduced to the Assembly:

- Eagle Scout Michael Dunkle, Fargo
- Eagle Scout Pat Egge, Fargo
- Eagle Scout Wade Venstad, Velva
- Eagle Scout David Fosland, Crosby
- Life Scout Mark Malmberg, Oakes
- Life Scout Sean Gibson, Fargo
- Webelos Scout Nathan Holm, Hazen
- Webelos Scout Erik Kantrud, Dickinson
- Bear Cub Scout Michael Kantrud, Dickinson

These boys have been participating in the annual Boy Scout "Report to the Governor".

**SECOND READING OF HOUSE BILLS**

HB 1449: A BILL for an Act to amend and reenact sections 59-04-15 and 59-04-17 of the North Dakota Century Code, relating to powers and

reports of trustees; and to repeal section 59-04-20 of the North Dakota Century Code, relating to evidence accompanying accounts of trustees.

ROLL CALL

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

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nicholas; Nichols; Nowatzki; Oban; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Flaagan; Nelson; Olsen, D.; Stofferahn

HB 1449 passed and the title was agreed to.

\*\*\*\*\*

HB 1007: A BILL for an Act making an appropriation for defraying the expenses of the Indian affairs commission of the state of North Dakota.

ROLL CALL

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

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nicholas; Nichols; Nowatzki; Oban; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Flaagan; Nelson; Olsen, D.; Timm

HB 1007 passed and the title was agreed to.

\*\*\*\*\*

MOTION

REP. KLOUBEC MOVED that HB 1185, HB 1186, HB 1187, HB 1188, HB 1189, and HB 1190 be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1257: A BILL for an Act to create and enact a new section to chapter 50-10.2 of the North Dakota Century Code, relating to the rights of residents of certain health care facilities.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 25 YEAS, 77 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bateman; Belter; Bernstein; Bodine; Brokaw; Brown; Dorso; Grosz; Howard; Jensen; Kretschmar; Martin; Myrdal; Olson, A.; Porter; Schimke; Schindler; Shide; Skjerven; Thompson; Timm; Urlacher; Wald; Wentz; Whalen

NAYS: Aarsvold; Anderson, B.; Berg, G.; Berg, R.; Boehm; Boucher; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Enget; Erickson; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grumbo; Hanson; Hausauer; Henegar; Hokana; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martinson; Meyer; Miller; Muhs; Mutzenberger; Nicholas; Nichols; Nowatzki; Oban; Payne; Peterson; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schneider; Skar; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thorpe; Tollefson; Trautman; Wardner; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Flaagan; Nelson; Olsen, D.; Schmidt

HB 1257 was declared lost.

\*\*\*\*\*

HB 1259: A BILL for an Act to amend and reenact section 15-65-02 and subsection 8 of section 15-65-03 of the North Dakota Century Code, relating to the membership and powers and duties of the educational telecommunications council.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 12 YEAS, 92 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Carlson; Kaldor; Larson; Myrdal; Olson, A.; Pyle; Scherber; Wald; Whalen; Wilkie

NAYS: Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Nelson; Nicholas; Nichols; Nowatzki; Oban; Payne; Peterson; Porter; Price; Rennerfeldt; Ring; Ritter; Rydell; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wardner; Wentz; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Flaagan; Olsen, D.

HB 1259 was declared lost.

\*\*\*\*\*

HB 1298: A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to refusal of health care providers to provide medical care and services to medical assistance recipients.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 28 YEAS, 75 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bodine; Brokaw; Carlson; DeMers; Gabrielson; Gilmore; Hokana; Huether; Jensen; Kaldor; Kroeber; Mahoney; Mutzenberger; Myrdal; Nelson; Oban; Peterson; Ring; Schneider; Skar; Snyder; Stofferahn; Thorpe; Wald; Wilkie; Williams

NAYS: Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeWitz; Dorso; Enget; Erickson; Freier; Gates; Gerntholz; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Howard; Jacobson; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kunkel; Larson; Linderman; Martin; Martinson; Meyer; Miller; Muhs; Nicholas; Nichols; Nowatzki; Olson, A.; Payne; Porter; Price; Pyle; Rennerfeldt; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Shide; Skjerven; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wardner; Wentz; Whalen; Speaker R. Anderson

ABSENT AND NOT VOTING: Flaagan; Laughlin; Olsen, D.

HB 1298 was declared lost.

\*\*\*\*\*

HB 1352: A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to tuition credits; to provide an appropriation; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 9 YEAS, 94 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Berg, R.; Bernstein; Carlson; Clayburgh; Gorman; Hokana; Ring; Thorpe; Urlacher

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Wald; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Flaagan; Olsen, D.; Whalen

HB 1352 was declared lost.

\*\*\*\*\*

HB 1378: A BILL for an Act to amend and reenact subsection 17 of section 52-01-01 of the North Dakota Century Code, relating to the definition of an independent contractor for unemployment compensation purposes.

ROLL CALL

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

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Flaagan; Hausauer; Olsen, D.

HB 1378 passed and the title was agreed to.

\*\*\*\*\*

HB 1431: A BILL for an Act to amend and reenact section 15-10-02 of the North Dakota Century Code, relating to the state board of higher education.

MOTION

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

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 54 YEAS, 50 NAYS, 0 EXCUSED. 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Bodine; Boucher; Brokaw; Carlson; Clayburgh; Cleary; Coats; DeMers; Enget; Erickson; Gabrielson; Gilmore; Goffe; Hanson; Hokana; Jacobson; Jensen; Kaldor; Kerzman; Kolbo; Kroeber; Larson; Laughlin; Linderman; Mahoney; Martinson; Meyer; Mutzenberger; Myrdal; Nicholas; Nowatzki; Oban; Peterson; Porter; Price; Pyle; Ring; Ritter; Rydell; Scherber; Schneider; Skar; Skjerven; Snyder; Starke; Stofferahn; Thorpe; Wald; Wardner; Wentz; Williams

NAYS: Bateman; Belter; Berg, R.; Bernstein; Boehm; Brown; Byerly; Carlisle; Dalrymple; Delzer; DeWitz; Dorso; Freier; Gates; Gerntholz; Gorder; Gorman; Grosz; Grumbo; Hausauer; Henegar; Howard; Huether; Kelsch; Kloubec; Kretschmar; Kunkel; Martin; Miller; Muhs; Nelson; Nichols; Olson, A.; Payne; Rennerfeldt; Schimke; Schindler; Schmidt; Shide; Soukup; St. Aubyn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Whalen; Wilkie; Speaker R. Anderson

ABSENT AND NOT VOTING: Flaagan; Olsen, D.

HB 1431 passed and the title was agreed to.

\*\*\*\*\*

HB 1465: A BILL for an Act to amend and reenact section 25-03.1-08 of the North Dakota Century Code, relating to state's attorney's duties in involuntary treatment petitions.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 1 YEAS, 102 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Mahoney

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Flaagan; Oban; Olsen, D.

HB 1465 was declared lost.

\*\*\*\*\*

HB 1529: A BILL for an Act to amend and reenact subsection 3 of section 15-47-38 of the North Dakota Century Code, relating to causes for immediate dismissal of a teacher.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 101 YEAS, 2 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; Dorso; Enget; Erickson; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: DeWitz; Grosz

ABSENT AND NOT VOTING: Flaagan; Oban; Olsen, D.

HB 1529 passed and the title was agreed to.

\*\*\*\*\*

COMMUNICATION FROM GOVERNOR GEORGE A. SINNER

February 6, 1991

This is to inform you that on February 6, 1991, I signed HB 1046.

MOTIONS

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

REP. KLOUBEC MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House be on the Ninth order of business, and at the conclusion of the Ninth order, the House be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the House stand adjourned until 1:00 p.m., Thursday, February 7, 1991, which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

HB 1004: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 16, replace "3,086,622" with "3,098,622"

Page 1, line 17, replace "409,727" with "397,727"

Reumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### DEPARTMENT 627 - UPPER GREAT PLAINS TRANSPORTATION INSTITUTE

This amendment increases other funds from gifts, grants, and contracts for the Transportation Institute's core program by \$12,000, from \$236,762 to \$248,762 and reduces general fund support for the program by \$12,000, from \$409,727 to \$397,727.

HB 1075: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends DO PASS (11 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1075 was placed on the Eleventh order on the calendar.

HB 1350: Committee on Education (Rep. Gates, Chairman) recommends DO NOT PASS (17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1350 was placed on the Eleventh order on the calendar.

HB 1356: Committee on Education (Rep. Gates, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REFERRED to the Committee on Appropriations (10 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING) The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "aid" insert ", vocational education,"

Page 1, line 7, replace "15,444,995" with "15,883,414"

Page 1, line 8, after "instruction" insert "and the state board of vocational education" and after "aid" insert ", vocational education,"

Reumber accordingly

HB 1370: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 3, remove "and"

Page 1, line 4, after "acts" insert "; and to declare an emergency"

Page 5, after line 7, insert:

"SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Reumber accordingly

HB 1371: Committee on Education (Rep. Gates, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 13, remove "The board shall use funds"

Page 1, remove line 14

Page 1, line 15, remove "purpose only."

Page 1, line 18, after the period insert "If funding for the state board of higher education becomes limited or reduced, the board may not reduce funding to the several disciplines currently provided for under agreements with institutions of higher education in other states and under regional compacts, by a greater percentage than that percentage by which the total budget of the board was reduced."

Renumber accordingly

HB 1379: Committee on Education (Rep. Gates, Chairman) recommends DO PASS and BE REFERRED to the Committee on Appropriations (13 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING).

HB 1393: Committee on Education (Rep. Gates, Chairman) recommends DO NOT PASS (16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1393 was placed on the Eleventh order on the calendar.

HB 1439: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REFERRED to the Committee on Appropriations (13 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 4, line 2, after "locomotives" insert "or surface coal mining equipment"

Page 7, line 23, after "including" insert "loss"

Page 7, line 28, replace "but not" with a period

Page 7, line 29, replace "fuel" with "Fuel" and after "locomotives" insert "or surface coal mining equipment is exempt"

Page 13, line 23, replace "biennium beginning July 1, 1991," with "period beginning with the effective date of this Act"

Renumber accordingly

HB 1458: Committee on Education (Rep. Gates, Chairman) recommends DO PASS and BE REFERRED to the Committee on Appropriations (11 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING).

HB 1527: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends DO NOT PASS (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1527 was placed on the Eleventh order on the calendar.

HB 1580: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, replace lines 15 and 16 with "exclude that officer's service from employment as of the first day of January of any calendar year if, during January of that year, the corporation files a written application to exclude the officer's service from employment."

Renumber accordingly

HB 1596: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends DO NOT PASS (12 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1596 was placed on the Eleventh order on the calendar.

#### FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Wilkie, Kaldor, Boucher and Sens. Satrom, Krebsbach, Jerome introduced: HCR 3040: A concurrent resolution directing the Legislative Council to study the feasibility of having governmental entities conduct meetings through the use of telecommunications systems.

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

#### FIRST READING OF SENATE BILLS

SB 2105: A BILL for an Act to amend and reenact subsection 1 of section 53-06.2-02 of the North Dakota Century Code, relating to removal of the requirement of senate confirmation of the appointment of members to the racing commission.

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

SB 2113: A BILL for an Act to amend and reenact subdivision a of subsection 2 of section 15-40.1-06 of the North Dakota Century Code, relating to the per-pupil payment for the 1991-93 biennium; and to provide for contingent additional per-pupil foundation aid payments.

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

SB 2118: A BILL for an Act to create and enact a new section to chapter 25-02 and a new section to chapter 25-03.1 of the North Dakota Century Code, relating to maintenance of state hospital accreditation and court-authorized involuntary treatment with prescribed medication.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

SB 2121: A BILL for an Act to amend and reenact sections 25-04-05, 25-04-14, and 25-04-16 of the North Dakota Century Code, relating to the provision of free educational services to developmental center patients who are twenty-one years of age or younger and to provide for the waiver of fees and expenses upon application by a parent of a patient or former patient under age eighteen.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

SB 2123: A BILL for an Act to amend and reenact section 54-44-04.6 of the North Dakota Century Code, relating to transfers of state surplus property.

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

SB 2136: A BILL for an Act to amend and reenact sections 4-09-03.1, 4-09-08, 4-09-14.4, and 4-09-20.2 of the North Dakota Century Code, relating to the state seed arbitration board, free laboratory tests, periodic statements, and state seed arbitration board procedures.

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

SB 2166: A BILL for an Act to amend and reenact sections 65-12-01, 65-12-02, 65-12-06, and 65-12-11 of the North Dakota Century Code, relating to the appointment of the chief and deputy boiler inspectors, inspection of steam traction engines, and boiler inspection fees; and to repeal section 65-12-13 of the North Dakota Century Code, relating to bonding of the boiler inspector.

Was read the first time and referred to the Committee on Industry, Business and Labor.

SB 2210: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 27-20-51, a new subsection to section 27-20-52, a new subdivision to subsection 6 of section 65-13-06, and two new sections to chapter 65-13 of the North Dakota Century Code, relating to

the inspection of juvenile records by professional staff of the crime victims reparation program and the ability to accept gifts and confidentiality of records of reparation applicants; to amend and reenact subdivision a of subsection 5 of section 65-13-03, subdivision f of subsection 7 of section 65-13-03, subsection 2 of section 65-13-05, and sections 65-13-13 and 65-13-20 of the North Dakota Century Code, relating to crime victims reparations; and to provide a continuing appropriation for the Crime Victims Reparations Act.

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

SB 2227: A BILL for an Act to amend and reenact section 4-35-05, subsection 13 of section 4-35-15, sections 4-35-16, 4-35-20, and subsections 4 and 6 of section 4-35-24 of the North Dakota Century Code, relating to the regulation of pesticides.

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

SB 2262: A BILL for an Act to create and enact a new chapter to title 51 of the North Dakota Century Code, relating to regulation of unsolicited telefacsimile advertising; and to provide a penalty.

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

SB 2281: A BILL for an Act to amend and reenact subsections 3, 5, and 7 of section 19-03.1-05 of the North Dakota Century Code, relating to controlled substances.

Was read the first time and referred to the Committee on Human Services Veterans Affairs.

SB 2287: A BILL for an Act to amend and reenact section 39-06-43 of the North Dakota Century Code, relating to extension of license suspension or revocation.

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

SB 2288: A BILL for an Act to require buying clubs to be bonded; and to provide a penalty.

Was read the first time and referred to the Committee on Industry, Business and Labor.

SB 2302: A BILL for an Act to create and enact a new subdivision to subsection 4 of section 26.1-41-01 of the North Dakota Century Code, relating to the definition of bus with respect to automobile accident reparations.

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

SB 2303: A BILL for an Act to create and enact two new sections to chapter 38-01 of the North Dakota Century Code, relating to the closing of roads for surface coal mining operations; and to repeal sections 38-01-06 and 38-01-07 of the North Dakota Century Code, relating to condemnation of roads for mining operations and to damages for condemnation of roads for mining operations.

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

SB 2314: A BILL for an Act to amend and reenact subsection 13 of section 20.1-02-05 of the North Dakota Century Code, relating to the powers of the game and fish commissioner.

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

SB 2327: A BILL for an Act to provide authority for a borrower to direct the time of payment of property taxes by an escrow agent under a residential real estate loan.

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

SB 2330: A BILL for an Act to amend and reenact section 7 of chapter 644 of the 1989 Session Laws of North Dakota, relating to the effective date for the allocation of sales, use, and motor vehicle excise tax revenues to the capital construction fund.

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

SB 2351: A BILL for an Act to create and enact a new section to chapter 27-07.1 of the North Dakota Century Code, relating to the creation of a county court judge compensation commission.

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

SB 2352: A BILL for an Act to amend and reenact section 27-07.1-04 of the North Dakota Century Code, relating to the salary of county court judges.

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

SB 2367: A BILL for an Act to amend and reenact section 28-20.1-02 of the North Dakota Century Code, relating to the filing and status of foreign judgments.

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

SB 2368: A BILL for an Act to amend and reenact section 28-14-18 of the North Dakota Century Code, relating to the temporary dismissal of jurors in deliberations.

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

SB 2369: A BILL for an Act to amend and reenact section 28-20-22 of the North Dakota Century Code, relating to filing an affidavit of renewal of a judgment.

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

SB 2377: A BILL for an Act to create and enact a new section to chapter 57-15 of the North Dakota Century Code, relating to a levy for long-distance learning technology.

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

SB 2378: A BILL for an Act to create and enact a new section to chapter 36-21.1 of the North Dakota Century Code, relating to unattended animals in motor vehicles; and to amend and reenact subsection 1 of section 36-21.1-06 of the North Dakota Century Code, relating to removing an unattended animal from a motor vehicle.

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

SB 2380: A BILL for an Act to amend and reenact sections 27-20-51 and 27-20-54 of the North Dakota Century Code, relating to juvenile court records.

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

SB 2385: A BILL for an Act to amend and reenact sections 27-09.1-03, 27-09.1-05, 27-09.1-07, subsection 1 of section 27-09.1-08, sections 27-09.1-09, 27-09.1-12, 27-09.1-13, and subsection 1 of section 27-09.1-17 of the North Dakota Century Code, relating to juries; and to repeal sections 27-09.1-04 and 27-09.1-06 of the North Dakota Century Code, relating to uniform jury selection and service.

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

SB 2389: A BILL for an Act to amend and reenact section 29-29-08 of the North Dakota Century Code, relating to execution of a search warrant.

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

SB 2393: A BILL for an Act to amend and reenact subsection 22 of section 57-39.2-04 of the North Dakota Century Code, relating to the sales tax exemption for hotel and motel rooms leased or rented for thirty or more consecutive days.

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

SB 2396: A BILL for an Act to create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to permits for the transportation of big game.

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

SB 2399: A BILL for an Act to amend and reenact section 30.1-28-14 of the North Dakota Century Code, relating to guardianships established before July 1, 1990.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

SB 2408: A BILL for an Act to amend and reenact subsection 6 of section 44-04-19.1 of the North Dakota Century Code, relating to the definition of "adversarial administrative proceedings" for the purpose of the exemptions to the open records and open meetings law for attorney work product and attorney consultations.

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

SB 2416: A BILL for an Act to amend and reenact section 39-21-18.1 of the North Dakota Century Code, relating to flashing signals on rural mail vehicles.

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

SB 2425: A BILL for an Act to amend and reenact subsections 4 and 18 of section 43-15-01 of the North Dakota Century Code, relating to definitions for the purposes of dispensing prescription drugs.

Was read the first time and referred to the Committee on Industry, Business and Labor.

SB 2431: A BILL for an Act relating to popcorn toppings; and to provide a penalty.

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

SB 2449: A BILL for an Act to amend and reenact section 21-09-05 of the North Dakota Century Code, relating to validation of bonds issued by public bodies of the state prior to July 1, 1991.

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

SB 2475: A BILL for an Act to amend and reenact section 57-15-14.2 of the North Dakota Century Code, relating to mill levies by school boards.

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

#### FIRST READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4001: A concurrent resolution directing the Legislative Council to study North Dakota election laws.

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

SCR 4002: A concurrent resolution directing the Legislative Council to study the feasibility and ramifications of adopting and implementing a state-subsidized health insurance program for uninsured and underinsured residents.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

SCR 4014: A concurrent resolution urging the President and Congress to take immediate steps to restore financial viability to agriculture.

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

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

ROY GILBREATH, Chief Clerk