

## JOURNAL OF THE HOUSE

## Fifty-second Legislative Assembly

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Bismarck, February 12, 1991  
The House convened at 1:00 p.m., with Speaker R. Anderson presiding.

The prayer was offered by the Rev. Kerwin Sletto, Calvary Free Lutheran Church, Bismarck.

The roll was called and all members were present except Representatives Hausauer and Martinson.

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 2357, SB 2496, SB 2498, SB 2511, SB 2521, SB 2524, SB 2555, SCR 4004.

## 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 1004, HB 1028, HB 1029, HB 1292, HB 1370, HB 1371, HB 1377, HB 1390, HB 1422, HB 1459, HB 1461, HB 1484, HB 1574, HB 1580, HCR 3006, HCR 3017, HCR 3031.

## HOUSE ENGROSSING REPORT

The following bills were engrossed: HB 1044, HB 1180, HB 1212, HB 1256, HB 1260, HB 1290, HB 1296, HB 1319, HB 1322, HB 1340, HB 1380, HB 1381, HB 1387, HB 1400, HB 1432, HB 1446, HB 1470, HB 1492, HB 1502, HB 1532, HB 1551.

## MOTIONS

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 all the amendments on the Sixth order of business to HB 1306, HB 1416, HB 1447, HB 1488, HB 1489, HB 1564, HB 1582, and HCR 3029 be adopted, which motion prevailed.

HB 1306, HB 1416, HB 1447, HB 1488, HB 1489, HB 1564, HB 1582, and HCR 3029, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

## SECOND READING OF HOUSE BILLS

HB 1044: A BILL for an Act to adopt a state tourism policy.

## 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 100 YEAS, 2 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; Flaagan; Gabrielson; Gates; Gertholz; 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; Meyer; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke;

Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Freier; Schimke

ABSENT AND NOT VOTING: Hausauer; Martinson; Miller; Urlacher

HB 1044 passed and the title was agreed to.

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HB 1180: A BILL for an Act to create and enact a new section to chapter 28-32 of the North Dakota Century Code, authorizing the attorney general to adopt uniform rules of administrative practice or procedure for all administrative agencies subject to chapter 28-32.

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 105 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Flaagan; 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; Olsen, D.; 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: Hausauer

HB 1180 passed and the title was agreed to.

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HB 1212: A BILL for an Act to amend and reenact sections 12-54.1-01, 12-54.1-03, and 12-54.1-04 of the North Dakota Century Code, relating to the sentence reduction provisions for inmates at the state penitentiary and its affiliated facilities; and to repeal section 12-54.1-02 of the North Dakota Century Code, relating to good conduct sentence reduction.

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 106 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Flaagan; 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; Olsen, D.; 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

HB 1212 passed and the title was agreed to.

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HB 1256: A BILL for an Act to amend and reenact sections 16.1-01-10 and 44-08-21 of the North Dakota Century Code, relating to petitions for the recall of political subdivision elected officials.

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, 2 NAYS, 0 EXCUSED, 1 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; Flaagan; 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; Oban; Olsen, D.; 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; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Williams; Speaker R. Anderson

NAYS: Grosz; Wilkie

ABSENT AND NOT VOTING: Thompson

HB 1256 passed and the title was agreed to.

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MOTIONS

REP. KLOUBEC MOVED that HB 1260 be laid over one legislative day, which motion prevailed.

REP. NICHOLAS MOVED that HB 1204 be returned to the House floor from the Committee on Agriculture for the purpose of withdrawal, which motion prevailed.

REQUEST

REP. NICHOLAS REQUESTED the unanimous consent of the House to withdraw HB 1204. There being no objection, it was so ordered by the Speaker.

MOTION

REP. KLOUBEC MOVED that the House waive the reading of the title to HB 1290, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1290: 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 the conduct and play of the game of paddlewheels; and to amend and reenact subsection 1 of section 53-06.1-07, section 53-06.1-07.1, and subsection 3 of section 53-06.1-14 of the North Dakota Century Code, relating to allowing eligible organizations to conduct the game of paddlewheels, player age restriction, hours of conduct, and state gaming stamp requirement.

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 76 YEAS, 29 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Berg, G.; Berg, R.; Bodine; Boehm; Boucher; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; Dorso; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorman; Grumbo; Hanson; Hausauer; Henegar; Hokana; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Mahoney; Martinson; Meyer; Miller; Muhs; Mutzenberger; Nelson; Nicholas; Nichols; Nowatzki; Oban; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schmidt; Schneider; Snyder; St. Aubyn; Stofferahn; Svedjan; Thorpe; Timm; Tollefson; Wald; Wardner; Wilkie; Williams; Speaker R. Anderson

NAYS: Belter; Bernstein; Brokaw; Brown; Byerly; Delzer; DeWitz; Enget; Gorder; Grosz; Howard; Kerzman; Kloubec; Linderman; Martin; Myrdal; Olsen, D.; Olson, A.; Payne; Schindler; Shide; Skar; Skjerven; Soukup; Starke; Trautman; Urlacher; Wentz; Whalen

ABSENT AND NOT VOTING: Thompson

HB 1290 passed and the title was agreed to.

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HB 1296: A BILL for an Act to provide for informed consent to health care on behalf of an incapacitated person by certain classes of persons.

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, 3 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; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; 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; Olsen, D.; 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; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

NAYS: Delzer; Gorder; Whalen

ABSENT AND NOT VOTING: Dalrymple, Thompson

HB 1296 passed and the title was agreed to.

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HB 1319: A BILL for an Act to amend and reenact section 5-01-08 of the North Dakota Century Code, relating to prohibiting minors from consuming alcohol.

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; OeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; 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; Olsen, D.; Olson, A.; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Payne; Thompson

HB 1319 passed and the title was agreed to.

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HB 1322: A BILL for an Act to provide for administration of public employee personnel records.

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 95 YEAS, 10 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Bernstein; Brown; Freier; Grosz; Kloubec; Kunkel; Miller; Schmidt; Timm; Whalen

ABSENT AND NOT VOTING: Thompson

HB 1322 passed and the title was agreed to.

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HB 1340: A BILL for an Act to amend and reenact subsection 2 of section 12.1-22-03 of the North Dakota Century Code, relating to criminal trespass.

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 21 YEAS, 84 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bateman; Boehm; Brokaw; Brown; Byerly; DeWitz; Erickson; Jacobson; Kerzman; Martin; Meyer; Miller; Muhs; Nelson; Nichols; Schimke; Schindler; Skar; Stofferahn; Urlacher; Speaker R. Anderson

NAYS: Aarsvold; Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boucher; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; Dorso; Enget; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jensen; Kaldor; Kelsch; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martinson; Mutzenberger; Myrdal; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schmidt; Schneider; Shide; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thorpe; Timm; Tollefson; Trautman; Wald; Wardner; Wentz; Whalen; Wilkie; Williams

ABSENT AND NOT VOTING: Thompson

HB 1340 was declared lost.

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HB 1380: A BILL for an Act to authorize the director of institutions to sell and convey certain land belonging to the state of North Dakota to Burleigh County for use as fairgrounds.

## 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 88 YEAS, 18 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Belter; Berg, G.; Bernstein; Bodine; Boucher; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; DeWitz; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; 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; Nicholas; Nowatzki; Oban; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schindler; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Trautman; Urlacher; Wald; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

NAYS: Bateman; Berg, R.; Boehm; Brokaw; Brown; Byerly; Delzer; Dorso; Gorder; Grosz; Nelson; Nichols; Olsen, D.; Olson, A.; Schimke; Schmidt; Tollefson; Whalen

HB 1380 passed and the title was agreed to.

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HB 1381: A BILL for an Act to create and enact a new section to chapter 24-05 of the North Dakota Century Code, relating to liability for damages for encroachment upon county roads.

## 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 95 YEAS, 11 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Anderson, B.; Bateman; Belter; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; 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; Oban; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schneider; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

**NAYS:** Berg, G.; Brown; Byerly; Delzer; Grosz; Olsen, D.; Schimke; Schindler; Schmidt; Shide; Thorpe

HB 1381 passed and the title was agreed to.

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**HB 1387:** A BILL for an Act to amend and reenact sections 40-57.1-03 and 40-57.1-04.1 of the North Dakota Century Code, relating to the length of time for which property and income tax exemptions may be granted for agricultural processing or manufacturing facilities; and to provide for application of this Act.

#### 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 106 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Flaagan; 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; Olsen, D.; 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

HB 1387 passed and the title was agreed to.

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**HB 1400:** A BILL for an Act to create and enact a new section to chapter 1-03 of the North Dakota Century Code, relating to the annual observance of workers' memorial day.

#### 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, 36 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Anderson, B.; Berg, G.; Bodine; Boucher; Brokaw; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; Dorso; Enget; Erickson; Flaagan; Gabrielson; Gerntholz; Gilmore; Goffe; Gorman; Grumbo; Hanson; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kolbo; Kroeber; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Muhs; Mutzenberger; Nelson;

Nicholas; Nichols; Nowatzki; Oban; Peterson; Price; Pyle; Ring; Ritter; Rydell; Scherber; Schneider; Skar; Skjerven; Snyder; Starke; Stofferahn; Thorpe; Tollefson; Trautman; Urlacher; Wentz; Wilkie; Williams

NAYS: Bateman; Belter; Berg, R.; Bernstein; Boehm; Brown; Byerly; Delzer; DeWitz; Freier; Gates; Gorder; Grosz; Hausauer; Kloubec; Kretschmar; Kunkel; Miller; Myrdal; Olsen, D.; Olson, A.; Payne; Rennerfeldt; Schimke; Schindler; Schmidt; Shide; Soukup; St. Aubyn; Svedjan; Thompson; Timm; Wald; Wardner; Whalen; Speaker R. Anderson

ABSENT AND NOT VOTING: Porter

HB 1400 passed and the title was agreed to.

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HB 1432: A BILL for an Act to create and enact a new section to chapter 16.1-10 of the North Dakota Century Code, relating to public employees campaigning on initiative and referral measures.

#### 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 19 YEAS, 86 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Brown; Byerly; Carlisle; Delzer; DeWitz; Grosz; Myrdal; Olsen, D.; Olson, A.; Porter; Rennerfeldt; Schimke; Schindler; Schmidt; Shide; Soukup; Thompson; Timm; Whalen

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; Dorso; Enget; Erickson; Flaagan; 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; Nelson; Nicholas; Nichols; Nowatzki; Oban; Payne; Peterson; Price; Pyle; Ring; Ritter; Rydell; Scherber; Schneider; Skar; Skjerven; Snyder; St. Aubyn; Starke; Stofferahn; Svedjan; Thorpe; Tollefson; Trautman; Urlacher; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Wald

HB 1432 was declared lost.

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HB 1446: A BILL for an Act to amend and reenact section 39-06-32 of the North Dakota Century Code, relating to expungement from drivers' records of certain drivers' license suspensions.

#### 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; Flaagan; 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; Oban; Olsen, D.;

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

ABSENT AND NOT VOTING: Nowatzki; Wald

HB 1446 passed and the title was agreed to.

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HB 1470: A BILL for an Act to create and enact a new subsection to section 54-01-26 of the North Dakota Century Code, relating to rules for determining residence.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 54 YEAS, 51 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Bodine; Boucher; Brokaw; Byerly; Cleary; Coats; DeMers; Enget; Erickson; Flaagan; Gabrielson; Gilmore; Goffe; Grumbo; Hanson; Henegar; Hokana; Huether; Jacobson; Kaldor; Kerzman; Kolbo; Kroeber; Laughlin; Linderman; Mahoney; Martin; Mutzenberger; Nelson; Nichols; Nowatzki; Oban; Peterson; Porter; Price; Pyle; Ring; Ritter; Scherber; Schneider; Skar; Skjerven; Snyder; Starke; Stofferahn; Thorpe; Urlacher; Wardner; Whalen; Wilkie; Williams

NAYS: Bateman; Belter; Berg, R.; Bernstein; Boehm; Brown; Carlisle; Carlson; Clayburgh; Dalrymple; Delzer; DeWitz; Dorso; Freier; Gates; Gerntholz; Gorder; Gorman; Grosz; Hausauer; Howard; Jensen; Kelsch; Kloubec; Kretschmar; Kunkel; Larson; Martinson; Miller; Muhs; Myrdal; Nicholas; Olsen, D.; Olson, A.; Payne; Rennerfeldt; Rydell; Schimke; Schindler; Schmidt; Shide; Soukup; St. Aubyn; Svedjan; Thompson; Timm; Tollefson; Trautman; Wald; Wentz; Speaker R. Anderson

ABSENT AND NOT VOTING: Meyer

HB 1470 passed and the title was agreed to.

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HB 1492: A BILL for an Act to repeal section 39-06.2-13 of the North Dakota Century Code, relating to availability of commercial driver record information; and to declare an emergency.

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, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; 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; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; 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: Brokaw

ABSENT AND NOT VOTING: Meyer

HB 1492 passed, the title was agreed to, and the emergency clause carried.

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HB 1502: A BILL for an Act to amend and reenact section 28-26-04 of the North Dakota Century Code, relating to restrictions on attorney's fees for collection costs in credit or installment payment agreements.

MOTION

REP. HANSON 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 NOT PASS, the roll was called and there were 27 YEAS, 78 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Belter; Berg, R.; Bernstein; Carlisle; DeWitz; Dorso; Gates; Gorman; Henegar; Jacobson; Jensen; Kloubec; Larson; Myrdal; Nicholas; Peterson; Pyle; Ritter; Rydell; Scherber; Schimke; Shide; Soukup; St. Aubyn; Svedjan; Timm; Speaker R. Anderson

NAYS: Aarsvold; Anderson, B.; Bateman; Berg, G.; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; Enget; Erickson; Flaagan; Freier; Gabrielson; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Hokana; Howard; Huether; Kaldor; Kelsch; Kerzman; Kolbo; Kretschmar; Kroeber; Kunkel; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Nelson; Nichols; Nowatzki; Oban; Olsen, D.; Payne; Porter; Price; Rennerfeldt; Ring; Schindler; Schmidt; Schneider; Skar; Skjerven; Snyder; Starke; Stofferahn; Thompson; Thorpe; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams

ABSENT AND NOT VOTING: Olson, A.

HB 1502 was declared lost.

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MOTION

REP. KLOUBEC MOVED that HB 1551 be placed at the head of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1551: 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 director of department of transportation; and to amend and reenact section 24-07-36 of the North Dakota Century Code, relating to required signs on minimum maintenance roads.

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 106 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Flaagan; 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; Olsen, D.; 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

HB 1551 passed and the title was agreed to.

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#### MOTIONS

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

REP. KLOUBEC MOVED that SB 2164 be placed at the head of the calendar, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2164: A BILL for an Act to amend and reenact subdivision c of subsection 3 of section 52-04-05 of the North Dakota Century Code, relating to determination of rates of contributions for unemployment compensation purposes; to provide an effective date; 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 PASS, the roll was called and there were 106 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Flaagan; 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; Olsen, D.; 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

SB 2164 passed, the title was agreed to, and the emergency clause carried.

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#### MOTIONS

REP. KLOUBEC MOVEO 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., Wednesday, February 13, 1991, which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

HB 1048: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends DO PASS (10 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1048 was placed on the Eleventh order on the calendar.

HB 1087: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends DO NOT PASS (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1087 was placed on the Eleventh order on the calendar.

HB 1125: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, remove "create a new section to chapter 23-27 of the North"

Page 1, remove line 2

Page 1, line 3, remove "services; and to"

Page 2, remove lines 28 and 29

Page 3, remove lines 1 through 4

Renumber accordingly

HB 1153: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT 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 14, after the period insert "In foreclosure actions where the plaintiff seeks a deficiency judgment, the period of redemption is twelve months and commences with the filing of the summons and complaint."

Page 2, line 21, replace "sheriff's sale" with "expiration of the redemption period"

Renumber accordingly

HB 1166: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar

Page 1, line 5, remove "No person may sponsor, initiate, or present any false statement as"

Page 1, line 6, replace "part of a political advertisement or news release." with "Any person or entity willfully or negligently sponsoring or initiating any false statement as a part of a political advertisement or news release, whether the act is done directly or indirectly, is subject to the civil penalties prescribed by this Act."

Page 1, line 7, remove "opinion, or"

Page 1, line 8, remove "belief", replace the first comma with "or", and remove ", or which refers to a person's"

Page 1, remove line 9

Page 1, line 10, remove "originally was delivered"

Page 1, line 12, replace "in support" with "which is intended"

Page 1, line 13, remove the first "of" and replace "in opposition to" with "tends to affect"

Page 1, line 16, replace "aggrieved" with "or entity damaged"

Page 1, line 17, after "action" insert "against the sponsor or initiator of the false statement"

Page 1, line 18, replace "is alleged to have been" with "was"

Page 1, line 20, after "court" insert ", after a hearing," and replace "a person has sponsored, initiated, or" with "this section has been violated"

Page 1, line 21, remove "presented a false statement in violation of this section"

Page 2, line 1, replace "incident" with "violation"

Page 2, line 2, after the period insert "If the court determines that this section has not been violated, the court may order the complainant to pay a civil fine, not to exceed five thousand dollars per complaint."

Renumber accordingly

HB 1173: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends DO NOT PASS (10 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1173 was placed on the Eleventh order on the calendar.

HB 1196: Committee on Natural Resources (Rep. A. Olson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 9, remove the third "and" and after "penalty" insert "; and to provide an expiration date"

Page 2, line 27, remove "exhibition,"

Page 2, line 28, remove "killing," and after the first "of" insert "free roaming or escaped captive wildlife"

Page 2, line 29, replace "fees," with "and"

Page 3, line 1, replace "and operation and structure of" with "and operation and structure of". All rules adopted under this section must be adopted with the direct advice and assistance of a propagators advisory committee consisting of representatives appointed by the commissioner from the following groups: commercial game bird breeders, the fur farming industry, breeders or exhibitors of ornamental or exotic birds, the commercial game farming industry, a statewide sportsman's organization, a statewide association of nonconsumptive wildlife users, and the commissioner of agriculture or the commissioner's designee."

Page 3, line 2, remove "facilities."

Page 4, line 27, remove the overstrike over "~~14. For a permit to propagate, domesticate, or possess~~" and after "protected" insert "captive"

Page 4, line 28, remove the overstrike over "~~wildlife, five dollars.~~"

Page 5, line 1, remove the overstrike over "~~15.~~" and remove "14."

Page 5, line 3, remove the overstrike over "~~16.~~" and remove "15."

Page 5, line 6, remove the overstrike over "~~17.~~" and remove "16."

Page 5, line 8, remove the overstrike over "~~18.~~" and remove "17."

Page 5, line 9, remove the overstrike over "~~19.~~" and remove "18."

Page 5, line 14, remove the overstrike over "~~20.~~" and remove "19."

Page 5, line 19, replace "20." with "21."

Page 6, line 3, replace "21." with "22."

Page 6, line 23, replace "22." with "23."

Page 6, line 27, replace "23." with "24."

Page 7, line 3, replace "24." with "25."

Page 7, line 5, replace "25." with "26."

Page 7, line 7, replace "26." with "27."

Page 7, line 9, replace "27." with "28."

Page 7, line 11, replace "28." with "29."

Page 7, line 12, replace "29." with "30."

Page 7, line 13, replace "30." with "31."

Page 7, line 14, replace "31." with "32."

Page 7, line 15, replace "32." with "33."

Page 7, line 22, replace "33." with "34."

Page 7, line 23, replace "34." with "35."

Page 7, line 24, replace "35." with "36."

Page 7, line 26, replace "36." with "37."

Page 7, line 27, replace "37." with "38."

Page 8, line 1, replace "38." with "39."

Page 8, line 4, replace "39." with "40."

Page 8, after line 9, insert.

"SECTION 7. EXPIRATION DATE. This Act is effective through June 30, 1993, and after that date is ineffective."

Renumber accordingly

HB 1234: Committee on Education (Rep. Gates, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 4, after the underscored period insert "Notwithstanding section 44-04-19, the meeting must be an executive session of the board unless both the school board and the teacher agree that it is to be open to other persons or the public."

Page 2, line 6, after the period insert "At the meeting, if the teacher so requests, the teacher must be granted a continuance not to exceed seven days."

Renumber accordingly

HB 1236: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends DO PASS (9 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1236 was placed on the Eleventh order on the calendar.

HB 1252: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1252 was placed on the Eleventh order on the calendar.

HB 1262: Committee on Judiciary (Rep. Kretschmar, 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 2, replace "a physician" with "retired physicians and physicians serving under a medical residency"

Page 1, line 3, replace "renders" with "render"

Page 1, line 7, after "a" insert "retired" and after "physician" insert "or a physician serving under a medical residency"

Page 1, line 8, after "A" insert "retired" and after "physician" insert "or a physician serving under a medical residency"

ReNUMBER accordingly

HB 1323: Committee on Natural Resources (Rep. A. Olson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (10 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, remove "preferential"

Page 1, line 8, overstrike "The" and insert immediately thereafter "Not including preferential nonresident landowner licenses to hunt deer issued as provided in this section, the"

Page 1, line 12, after "nonresident" insert "residing within fifty miles [80.47 kilometers] of the border of this state"

Page 1, line 18, replace "within the unit or subunit in which" with "on"

Page 1, line 19, remove "is located" and remove "If the number of applications for"

Page 1, remove lines 20 through 22

Page 2, remove lines 1 and 2

ReNUMBER accordingly

HB 1324: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends DO PASS (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1324 was placed on the Eleventh order on the calendar.

HB 1329: Committee on Natural Resources (Rep. A. Olson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 20.1-08-05 of the North Dakota Century Code, relating to publication of gubernatorial game and fish proclamations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 20.1-08-05 of the North Dakota Century Code is amended and reenacted as follows:

20.1-08-05. Proclamation to be published - Exceptions - Period proclamation is in effect. Except as provided in subsection 4 of section 20.1-08-02, a summary of each order or proclamation issued by the governor pursuant to this chapter ~~shall~~ must be published once in the official newspaper of each county affected thereby. No ~~such~~ order or proclamation ~~shall take effect~~ becomes effective until after ~~such publication~~ the department prints each complete proclamation or order and distributes a copy to each county auditor affected thereby."

Renumber accordingly

HB 1337: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (8 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 25, replace "may" with "must", remove "or private", and remove "and may also be"

Page 3, line 14, replace "ten" with "thirty"

Page 4, after line 2, insert:

"Storage of vehicle - Default - Notice - Sale. If the property of an occupant who is in default is a vehicle, the owner may give notice to the director of the department of transportation, and furnish the director with the occupant's last known address. The director shall issue notice to the occupant at the occupant's last known address and to the person having legal title to the vehicle. The notice must state that charges are due for storage of the vehicle at the self-service storage facility, the amount of charges due, and that the vehicle will be sold or otherwise disposed of to satisfy all or a portion of the charges. The notice must inform the occupant and the person having legal title of their right to an administrative hearing prior to a sale or disposal taking place and it must state that the occupant or person having legal title must request a hearing within twenty days of the mailing of the notice or be deemed to have waived all rights. If rights are waived or if the director finds in favor of the owner at an administrative hearing, the director shall transfer title to the vehicle, pursuant to a sale. Any proceeds remaining after satisfaction of all rental charges must be delivered to the occupant or person holding legal title upon demand within six months from the date of sale. The owner may retain any balance unclaimed after the six-month period. For purposes of this section, "vehicle" includes any vehicle required to be titled in accordance with the provisions of title 39.

Storage of motorboat - Default - Notice - Sale. If the property of an occupant who is in default is a motorboat, the owner may give notice to the state game and fish commissioner and furnish the commissioner with the occupant's last known address. The commissioner shall issue notice to the occupant at the occupant's last known address and to the person having legal title to the motorboat. The notice must state that charges are due for storage of the motorboat at the self-service storage facility, the amount of charges due, and that the motorboat will be sold or otherwise disposed of to satisfy all or a portion of the charges. The notice must inform the occupant and the person having legal title of their right to an administrative hearing prior to a sale or disposal taking place and it must state that the occupant or person having legal title must request a hearing within twenty days of the mailing of the notice or be deemed to have waived all rights. If rights are waived or if the commissioner finds in favor of the owner at an administrative hearing, the commissioner shall transfer title to the motorboat, pursuant to a sale. Any proceeds remaining after satisfaction of all rental charges must be delivered to the occupant or person holding legal title upon demand within six months from the date of sale. The owner may retain any balance unclaimed after the six-month period."

Renumber accordingly

HB 1373: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 13, remove "Cash" and overstrike "shorts incurred in"

Page 1, line 14, overstrike "games of chance" and remove "and the amount of any player check returned by a"

Page 1, remove line 15

Page 1, line 16, remove "which is uncollectible," overstrike "are", replace "not" with "The amount of any player check returned by a bank as unpaid for any reason, including nonsufficient funds, and which is uncollectible, is", and overstrike "expenses" and insert immediately thereafter "an expense"

Page 1, line 17, after the period insert "Cash shorts incurred in games of chance are classified as an expense toward the expense limitation."

Page 1, line 19, remove "on adjusted gross proceeds pursuant to section"

Page 1, line 20, remove "53-06.1-12 or excise taxes pursuant to section 53-06.1-12.2"

Renumber accordingly

HB 1376: Committee on Natural Resources (Rep. A. Olson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 6, replace "safe" with "adequate quantities of high quality" and remove ", and that the"

Page 1, remove line 7

Page 1, line 8, remove "salt, nitrates, and other hazardous and discoloring substances"

Page 1, line 13, replace "of" with "and"

Page 3, line 14, replace "district" with "authority"

Page 3, line 19, remove "Such county is hereby authorized to levy such taxes as may be"

Page 3, remove lines 20 through 22

Renumber accordingly

HB 1450: Committee on Education (Rep. Gates, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 7, remove "The school district in"

Page 1, remove lines 8 through 11

Page 1, line 12, remove "graduation."

Renumber accordingly

HB 1457: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends DO NOT PASS (15 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1457 was placed on the Eleventh order on the calendar.

HB 1463: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends DO PASS (9 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). HB 1463 was placed on the Eleventh order on the calendar.

HB 1476: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends DO PASS (9 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). HB 1476 was placed on the Eleventh order on the calendar.

HB 1479: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 15, line 1, remove "or" and replace "of" with ", or"

Page 23, line 10, replace "violations" with "any violation" and after "chapter" insert "without the need to prove actual damages to any person"

Re-number accordingly

HB 1493: Committee on Education (Rep. Gates, Chairman) recommends DO NOT PASS (13 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1493 was placed on the Eleventh order on the calendar.

HB 1495: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 4, remove the comma

Page 1, line 20, replace "medical treatment" with "program for medical care"

Page 2, line 3, replace "administer" with "assist the bureau in"

Page 2, line 4, remove "and rules existing on the"

Page 2, line 5, remove "effective date of this Act"

Page 2, line 9, replace "ninety days" with "six months"

Page 2, line 11, replace "January" with "May"

Page 2, line 14, replace "January" with "July"

Page 2, line 24, replace "managed care administrator" with "bureau"

Page 2, line 28, replace "managed care" with "bureau"

Page 3, line 1, remove "administrator"

Re-number accordingly

HB 1506: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends DO PASS (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1506 was placed on the Eleventh order on the calendar.

HB 1517: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends DO PASS (15 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1517 was placed on the Eleventh order on the calendar.

HB 1521: Committee on Education (Rep. Gates, Chairman) recommends DO NOT PASS (14 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1521 was placed on the Eleventh order on the calendar.

HB 1523: Committee on Education (Rep. Gates, Chairman) recommends DO PASS (9 YEAS, 5 NAYS, 3 ABSENT AND NOT VOTING). HB 1523 was placed on the Eleventh order on the calendar.

HB 1531: Committee on Education (Rep. Gates, Chairman) recommends DO NOT PASS (11 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1531 was placed on the Eleventh order on the calendar.

HB 1539: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends DO PASS (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1539 was placed on the Eleventh order on the calendar.

HB 1556: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (9 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 10, after "company" insert "or rural telephone cooperative", after "caller" insert ", at least on a per call basis,", and after "withhold" insert ", at no cost to caller,"

Page 1, line 14, after "company" insert "or rural telephone cooperative"

Page 1, line 17, after "company" insert "or rural telephone cooperative"

Page 1, line 20, after "company" insert "or rural telephone cooperative"

Page 2, line 3, after "Centrex" insert ", Centron,"

Page 2, line 12, after "company" insert "or rural telephone cooperative"

Re-number accordingly

HB 1565: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends DO PASS (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1565 was placed on the Eleventh order on the calendar.

HB 1585: Committee on Education (Rep. Gates, Chairman) recommends DO NOT PASS (12 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1585 was placed on the Eleventh order on the calendar.

HB 1601: Committee on Education (Rep. Gates, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (9 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, remove "section 15-34.1-04 of the North Dakota"

Page 1, remove line 2

Page 1, line 3, replace "of North Dakota" with "section 10 of chapter 2"

Page 1, line 4, remove "; and to repeal"

Page 1, remove line 5

Page 1, line 6, remove "to state aid for students receiving home-based instruction"

Page 1, replace lines 8 through 22 with:

"SECTION 1. AMENDMENT. Section 10 of chapter 2 of the 1989 Session Laws of North Dakota is amended and reenacted as follows:

SECTION 10. AMENDMENT. The new section to chapter 15-34.1 of the North Dakota Century Code as created by section 6 of House Bill No. 1421, as approved by the fifty-first legislative assembly, is hereby amended and reenacted to read as follows:

State aid. For purposes of allocating foundation aid and other state assistance to local school districts, a student receiving home-based instruction is deemed enrolled in the school district in which the student resides if the student is supervised by a certificated teacher employed by the public school district in which the parent resides. A school district The county superintendent of schools of the child's county of residence is entitled to one-half of the per-pupil payment provided in that the child's district of residence would receive pursuant to section 15-40.1-06 times the appropriate factor in section and sections 15-40.1-07 or 15-40.1-08 for each such student, if the child attended public school in the district."

Page 2, remove lines 1 through 11

Page 7, remove lines 3 and 4

Re-number accordingly

HCR 3038: Committee on Natural Resources (Rep. A. Olson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 12, replace "and" with a comma and after "Commission" insert ", and each member of the North Dakota Congressional Delegation"

Re-number accordingly

SB 2137: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends DO PASS (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2137 was placed on the Fourteenth order on the calendar.

SB 2150: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2150 was placed on the Fourteenth order on the calendar.

SB 2186: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends DO PASS (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2186 was placed on the Fourteenth order on the calendar.

#### FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Clayburgh, Kelsch, St. Aubyn and Sens. Stenehjem, Marks, Robinson introduced:

HCR 3041: A concurrent resolution directing the Legislative Council to study recycling and the use of recycled materials by state agencies and institutions.

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

#### FIRST READING OF SENATE BILLS

SB 2059: A BILL for an Act to authorize reciprocal interstate banking; and to create and enact a new section to chapter 57-35 and a new section to chapter 57-35.2 of the North Dakota Century Code, relating to taxation of banks engaged in interstate banking.

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

SB 2062: A BILL for an Act to create and enact a new subsection to section 6-03-47.2 of the North Dakota Century Code and a new section to chapter 10-30.1 of the North Dakota Century Code, relating to allowable investments of state banks and tax credits for investments by banks,

savings and loan associations, trust companies, and insurance companies in venture capital corporations; to amend and reenact sections 6-03-38 and 10-30.2-13 of the North Dakota Century Code, relating to authorized investments of banks and to remove certain limitations on investments; and to provide an effective date.

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

SB 2129: A BILL for an Act to create and enact a new section to chapter 54-46.1 of the North Dakota Century Code, relating to optical data storage processes; and to amend and reenact section 31-08-01.1, subsections 3 and 4 of section 41-09-42, subsection 2 of section 41-09-43, sections 54-24-09, 54-46.1-03, 54-46.1-06, and subsection 5 of section 55-02-01.2 of the North Dakota Century Code, relating to optical data storage of records.

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

SB 2152: A BILL for an Act to create and enact four new sections to chapter 37-17.1 of the North Dakota Century Code, relating to mutual aid agreements between political subdivisions and between North Dakota and other states or provinces in times of an actual or potential disaster or emergency situation or incident.

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

SB 2208: A BILL for an Act to amend and reenact sections 43-29-01, 43-29-04, 43-29-06, 43-29-07, 43-29-08, 43-29-09, 43-29-11, 43-29-12, subsections 1 and 8 of section 43-29-13, subsection 8 of section 43-29-14, section 43-29-15, and subsections 1 and 3 of section 43-29-16.1 of the North Dakota Century Code, relating to licensing of veterinarians, the issuance of a limited specialty license and graduate veterinary technicians, fees, the definition of veterinary medicine, the excepted practices, the refusal, suspension, and revocation of license, hearing and appeal, and the abandonment of animals.

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

SB 2215: A BILL for an Act to amend and reenact sections 6-09.10-01, 6-09.10-03, 6-09.10-04, 6-09.10-04.1, and 6-09.10-10 of the North Dakota Century Code, relating to agricultural mediation.

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

SB 2235: A BILL for an Act to amend and reenact subsection 2 of section 63-01.1-06, subsection 1 of section 63-01.1-06.2, subsection 1 of section 63-01.1-06.5, and subsection 4 of section 63-01.1-08 of the North Dakota Century Code, relating to noxious weed control program funding and disposition of penalties; and to provide a penalty.

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

SB 2244: A BILL for an Act to provide for the sharing of information among state agencies and with private entities; to create and enact a new section to chapter 54-34 of the North Dakota Century Code, relating to the provision and distribution of information by the economic development commission; and to amend and reenact sections 34-05-03, 52-01-03, 57-39.2-23, and 65-04-15 of the North Dakota Century Code, relating to the provision and distribution of information by the commissioner of labor, unemployment compensation bureau of job service North Dakota, the tax commissioner, and the workers compensation bureau.

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

SB 2245: A BILL for an Act to amend and reenact sections 4-11-21, 4-22-05, 15-59-05.2, 23-01-02, 23-12-10.2, 25-01-01, 25-01-01.1, subsection 6 of section 25-03.1-43, subdivision m of subsection 1 of section 28-32-01, sections 37-10-03.5, 37-18.1-01, 39-01-02, subsection 5 of section 39-10-50, sections 44-08-18, 48-02-09, 48-06-01, 48-06-03, 48-06-04,

48-06-06, 48-06-07, 48-08-03, 48-08-05, 48-08-08, 48-11-02, 50-06-01.4, 50-06-06.3, subsection 8 of section 50-25.1-02, sections 54-01-11, subdivision j of subsection l of section 54-06-04, sections 54-06-18, 54-21-17.1, 54-21-18, 54-21-19, 54-21-24, 54-21-24.1, 54-21-27, 54-21-28, 54-23.2-01, 54-23.2-08, 54-23.3-01, 54-23.3-03, 54-23.3-05, 54-40-12, 54-56-01, 55-01-02.1, and 55-02-08 of the North Dakota Century Code, relating to the transfer of the director of institutions' functions to the office of management and budget or appropriate agency; and to repeal sections 54-21-06, 54-21-06.1, 54-21-09, 54-21-10, 54-21-11, 54-21-12, 54-21-20, 54-23-01, 54-23-02, 54-23-03, 54-23-04, 54-23-05, 54-23-06, 54-23-07, 54-23-08, 54-23-09, 54-23-11, 54-23-12, 54-23-13, 54-23-14, 54-23-15, 54-23-17, 54-23-18, 54-23-24, 54-23-25, 54-23-26, 54-23-30, 54-23-33, 54-23-36, 54-23-38, 54-23-39, 54-23-40, 54-23-41, 54-23-42, 54-23-43, 54-23-49, 54-23-50, 54-23-51, and 54-23-58 of the North Dakota Century Code, relating to the director of institutions' supervisory control, powers and duties, submission of records and reports, and authorization to acquire property.

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

SB 2342: A BILL for an Act to amend and reenact sections 4-14.2-02 and 4-14.2-03 of the North Dakota Century Code, relating to the northern crops institute.

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

SB 2400: A BILL for an Act to create and enact a new section to chapter 57-05 of the North Dakota Century Code, relating to confidentiality of certain information provided for the purpose of assessment of railroad property.

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

SB 2410: A BILL for an Act to provide for a model act relating to motor vehicle chop shops and stolen and altered motor vehicles; and to provide a penalty

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

SB 2412: A BILL for an Act to amend and reenact sections 15-60-01 and 15-60-03 of the North Dakota Century Code, relating to the school construction fund.

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

SB 2471: A BILL for an Act to amend and reenact section 34-14-02 of the North Dakota Century Code, relating to the direct deposit of an employee's paycheck in the financial institution of that employee's choice

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

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

ROY GILBREATH, Chief Clerk