

JOURNAL OF THE HOUSE

Fifty-second Legislative Assembly

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Bismarck, March 6, 1991

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

The prayer was offered by the Rev. Richard Fitch, United Church of Christ, Bismarck.

The roll was called and all members were present except Representatives Bateman, Brown, Byerly, Clayburgh, DeWitz, Erickson, Gorman, Grumbo, Jacobson, Kelsch, Kretschmar, Miller, Ring, and Rydell.

A quorum was declared by the Speaker.

REQUEST

REP. CLAYBURGH REQUESTED that the record show that some members of the Committee on Judiciary (Reps. Bateman, Brown, Byerly, Clayburgh, DeWitz, Kelsch, Miller, Bodine, Erickson, Grumbo, Jacobson, and Ring) were not present at Roll Call, but were now present, which request was granted.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for his filing at the hour of 8:30 a.m., March 6, 1991: HCR 3013, HCR 3016.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 8:35 a.m., March 6, 1991: HB 1025, HB 1099, HB 1128, HB 1133, HB 1136, HB 1202, HB 1222, HB 1235, HB 1312.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: HB 1057, HB 1066, HB 1076, HB 1088, HB 1089, HB 1090, HB 1097, HB 1121, HB 1129, HB 1134, HB 1142, HB 1144, HB 1147, HB 1149, HB 1171, HB 1183, HB 1184, HB 1197, HB 1220, HB 1238, HB 1241, HB 1254, HB 1315, HB 1335, HB 1359, HB 1397, HB 1429, HB 1442, HB 1557.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1057, HB 1066, HB 1076, HB 1088, HB 1089, HB 1090, HB 1097, HB 1121, HB 1129, HB 1134, HB 1142, HB 1144, HB 1147, HB 1149, HB 1171, HB 1183, HB 1184, HB 1197, HB 1220, HB 1238, HB 1241, HB 1254, HB 1315, HB 1335, HB 1359, HB 1397, HB 1429, HB 1442, HB 1557.

HOUSE ENROLLING REPORT

The following bills were enrolled: HB 1030, HB 1034, HB 1038, HB 1055, HB 1056, HB 1065, HB 1096, HB 1104, HB 1107, HB 1115, HB 1118, HB 1198, HB 1267.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3066.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2023, SB 2180.

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

MR. PRESIDENT: The House has failed to pass: SB 2314.

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

MR. PRESIDENT: The House has passed unchanged: SB 2046, SB 2047, SB 2048, SB 2050, SB 2051, SB 2071, SB 2072, SB 2074, SB 2101, SB 2105, SB 2107,

SB 2116, SB 2123, SB 2129, SB 2130, SB 2192, SB 2194, SB 2208, SB 2241, SB 2242, SB 2287, SB 2290, SB 2301, SB 2303, SB 2317, SB 2318, SB 2325, SB 2334, SB 2342, SB 2396, SB 2459, SB 2496, SB 2513, SB 2553, SCR 4014.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1074, HB 1080, HB 1109, HB 1239, HB 1447, HB 1459.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1411, HB 1412.

SENATE AMENDMENTS TO ENGROSSED HB 1411

Page 1, line 15, after "cashing" insert "or accepting"

Page 1, line 16, after "cash" insert "or accept" and remove "as a"

Page 1, line 17, replace "service to" with "from"

Page 1, line 18, after "cached" insert "or accepted" and remove "However, the person may not"

Page 1, remove line 19

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1412

Page 1, line 20, after "~~Amended~~" insert "A certification must be verified every three years."

Renumber accordingly

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

MR. SPEAKER: The Senate has failed to pass: HB 1071.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4042.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2068, SB 2081, SB 2098, SB 2110, SB 2124, SB 2128, SB 2137, SB 2140, SB 2150, SB 2185, SB 2186, SB 2190, SB 2220, SB 2269, SB 2291, SB 2322, SB 2367, SB 2368, SB 2369, SB 2380, SB 2412.

MOTIONS

REP. KLOUBEC MOVED that the rules be suspended and that the House consider the amendments to SB 2040, SB 2041, SB 2212, SB 2270, and SB 2327 in one motion, which motion prevailed.

REP. KLOUBEC MOVED that the rules be suspended and that the amendments to SB 2040, SB 2041, SB 2212, SB 2270, and SB 2327 be adopted, which motion prevailed.

SIXTH ORDER OF BUSINESS

SB 2262: REP. KRETSCHMAR (Committee on Judiciary) MOVED that the amendments on HJ page 946 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

SB 2040, SB 2041, SB 2212, SB 2262, SB 2270, and SB 2327, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTION

REP. NICHOLAS MOVED that SB 2433 be returned to the House floor from the Committee on Agriculture and be rereferred to the Committee on Natural

Resources, which motion prevailed. Pursuant to Rep. Nicholas' motion, SB 2433 was rereferred.

SECOND READING OF SENATE BILL

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.

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 74 YEAS, 30 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Belter; Berg, G.; Boucher; Brokaw; Byerly; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Erickson; Flaagan; Freier; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grumbo; Hanson; Hausauer; Hokana; Huether; Jacobson; Jensen; Kaldor; Kerzman; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Meyer; Miller; Mutzenberger; Nelson; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; St. Aubyn; Starke; Stofferahn; Svedjan; Thorpe; Trautman; Wentz; Wilkie; Williams; Speaker R. Anderson

NAYS: Bateman; Berg, R.; Bernstein; Bodine; Boehm; Brown; Carlisle; Dorso; Enget; Gabrielson; Grosz; Henegar; Howard; Kelsch; Kloubec; Mahoney; Martin; Martinson; Muhs; Myrdal; Nichols; Payne; Soukup; Thompson; Timm; Tollefson; Urlacher; Wald; Wardner; Whalen

ABSENT AND NOT VOTING: Gorman; Rydell

Engrossed SB 2425 passed and the title was agreed to.

MOTIONS

REP. NOWATZKI MOVED that the House reconsider its action whereby HCR 3004 passed.

REP. HOWARD MOVED the previous question, which motion prevailed. The question being on the motion that the House reconsider its action whereby HCR 3004 passed, which motion prevailed on a verification vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3004: A concurrent resolution for the amendment of subsection 1 of section 6 of article VIII and section 12 of article IX of the Constitution of North Dakota, relating to the names and locations of state institutions; and to repeal section 13 of article IX of the Constitution of North Dakota, relating to location of state institutions.

MOTION

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

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 43 YEAS, 59 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bateman; Belter; Berg, R.; Bernstein; Boehm; Brown; Byerly; Carlisle; Clayburgh; Cleary; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Freier; Gates; Gorder; Grosz; Hanson; Henegar; Hokana; Howard; Kerzman; Kloubec; Kretschmar; Larson; Martinson; Meyer; Payne; Rennerfeldt; Scherber; Schimke; Schindler; Schmidt; Skjerven; St. Aubyn; Stofferahn; Svedjan; Thompson; Timm; Whalen; Speaker R. Anderson

NAYS: Aarsvold; Anderson, B.; Berg, G.; Bodine; Boucher; Brokaw; Carlson; Coats; Enget; Erickson; Flaagan; Gabrielson; Gerntholz; Gilmore; Goffe; Grumbo; Hausauer; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kolbo; Kroeber; Kunkel; Laughlin; Linderman; Mahoney; Martin; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Peterson; Porter; Price; Pyle; Ring; Ritter; Schneider; Shide; Skar; Snyder; Starke; Thorpe; Tollefson; Trautman; Urlacher; Wardner; Wentz; Wilkie; Williams

ABSENT AND NOT VOTING: Gorman; Rydell; Soukup; Wald

Engrossed HCR 3004 was declared lost on a roll call vote.

MOTION

REP. B. ANDERSON MOVED that the vote by which Engrossed HCR 3004 failed to be reconsidered and the motion to reconsider by laid on the table.

RULING BY THE SPEAKER

SPEAKER R. ANDERSON RULED that even though Engrossed HCR 3004 failed, the clincher motion was in order.

The question being on the motion that the vote by which Engrossed HCR 3004 failed be reconsidered and the motion to reconsider be laid on the table, which motion failed on a verification vote.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Richard Tokach

SECOND READING OF SENATE BILL

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.

MOTION

REP. GATES 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 PASS**, the roll was called and there were 58 YEAS, 46 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Belter; Berg, R.; Bernstein; Byerly; Carlisle; Carlson; Clayburgh; Coats; Dalrymple; DeMers; DeWitz; Dorso; Gates; Gerntholz; Gorder; Grumbo; Hanson; Hausauer; Henegar; Huether; Jensen; Kelsch; Kloubec; Kretschmar; Kunkel; Larson; Martinson; Miller; Mutzenberger; Myrdal; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ritter; Scherber; Schimke; Schmidt; Schneider; Shide; Skjerven; Soukup; St. Aubyn; Svedjan; Thorpe; Timm; Tollefson; Trautman; Wald; Wardner; Whalen; Williams; Speaker R. Anderson

NAYS: Aarsvold; Anderson, B.; Bateman; Berg, G.; Bodine; Boehm; Boucher; Brokaw; Brown; Cleary; Delzer; Enget; Erickson; Flaagan; Freier; Gabrielson; Gilmore; Goffe; Grosz; Hokana; Howard; Jacobson; Kaldor; Kerzman; Kolbo; Kroeber; Laughlin; Linderman; Mahoney; Martin; Meyer; Muhs; Nelson; Nicholas; Nichols; Nowatzki; Ring; Schindler; Skar; Snyder; Starke; Stofferahn; Thompson; Urlacher; Wentz; Wilkie

ABSENT AND NOT VOTING: Gorman; Rydell

Engrossed SB 2059 passed and the title was agreed to.

MOTION

REP. CLAYBURGH **MOVED** that the vote by which SB 2059 passed be reconsidered and the motion to reconsider be laid on the table.

CALL OF THE HOUSE

REP. MARTINSON REQUESTED a Call of the House, which request was granted.

Pursuant to House Rule 303, paragraph 4, the roll was called by the Chief Clerk and the Sergeant-at-Arms was furnished with the Roll Call which showed the following members to be absent without leave: Gorman, Rydell.

MOTION

REP. MARTINSON **MOVED** that the House dispense with the Call of the House, which motion prevailed.

REQUEST

REP. STOFFERAHN REQUESTED a Division Vote, which request was granted.

The question being on the motion that the vote by which SB 2059 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed on a division vote.

MOTION

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Schoenwald, Krebsbach, Maxson, Redlin and Reps. B. Anderson, Porter, Price, Snyder, Thorpe, Timm, Tollefson, Wentz introduced:

(Approved by the Committee on Delayed Bills)

SCR 4064: A concurrent resolution recognizing the Minot Gym Dandies Acro Team for their national prominence and designating the team as Official Goodwill Ambassadors of North Dakota.

Was read the first time.

MOTION

SEN. KLOUBEC **MOVED** that the rules be suspended, that SCR 4064 not be printed, not be referred to committee, but be read in its entirety, and not be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4064: A concurrent resolution recognizing the Minot Gym Dandies Acro Team for their national prominence and designating the team as Official Goodwill Ambassadors of North Dakota.

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

SCR 4064 was declared adopted on a voice vote.

MOTION

REP. KLOUBEC **MOVED** that the House waive the reading of the titles to SB 2060 and SB 2182, which motion prevailed.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4052, SCR 4053.

SECOND READING OF SENATE BILLS

SB 2060: A BILL for an Act to amend and reenact sections 6-03-13.1, 6-03-13.3, and 6-03-13.4 of the North Dakota Century Code, relating to separate bank facilities; and to repeal section 6-03-13.2 of the North Dakota Century Code, relating to limitations on drive-in bank facilities.

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; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; 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; 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: Gorman; Hausauer; Rydell

SB 2060 passed and the title was agreed to.

SB 2067: A BILL for an Act to amend and reenact subsection 6 of section 15-27.2-04 and section 15-27.4-03 of the North Dakota Century Code, relating to tax credits for those who own property within dissolved and annexed school districts.

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, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; 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; 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; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; 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: Bernstein; Gorman; Hausauer; Nicholas; Rydell

SB 2067 passed and the title was agreed to.

SB 2089: A BILL for an Act to amend and reenact subsection 3 of section 26.1-41-13 and section 26.1-41-17 of the North Dakota Century Code, relating to the coordination of benefits under the Auto Accident Reparations Act and the equitable allocation of losses between insurance companies under the Auto Accident Reparations Act.

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 100 YEAS, 0 NAYS, 0 EXCUSED, 6 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; 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; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Price; Pyle; Rennerfeldt; Ring; Ritter; 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; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Hausauer; Nicholas; Porter; Rydell; Wilkie

SB 2089 passed and the title was agreed to.

SB 2143: A BILL for an Act to provide for the education of homeless children and the adoption of administrative rules by the superintendent of public instruction.

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, 7 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boucher; Brokaw; Brown; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Mutzenberger; Myrdal; Nelson; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Price; Pyle; Rennerfeldt; Ring; Ritter; 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: Boehm; Byerly; Delzer; Kroeber; Kunkel; Miller; Muhs

ABSENT AND NOT VOTING: Gorman; Hausauer; Nicholas; Porter; Rydell; Thompson; Whalen

SB 2143 passed and the title was agreed to.

SB 2182: A BILL for an Act to create and enact three new sections to chapter 51-10 of the North Dakota Century Code, relating to replacing the functions of the North Dakota trade commission with authority of the attorney general regarding below cost selling; to amend and reenact section 51-10-06 and subsection 1 of section 54-07-01.2 of the North Dakota Century Code, relating to elimination of the North Dakota trade commission; and to repeal sections 51-10-09, 51-10-10, 51-10-11, 51-10-12, 51-10-13, 51-10-14, and 51-10-15 of the North Dakota Century Code, relating to the North Dakota trade commission and regulation of below cost selling.

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 98 YEAS, 0 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; 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; Grosz; Grumbo; 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; Price; Pyle; Rennerfeldt; Ring; Ritter; Scherber; Schimke; Schindler; Schmidt; Schneider; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Bateman; Gorman; Hanson; Hausauer; Porter; Rydell; Thompson; Whalen

SB 2182 passed and the title was agreed to.

SB 2189: A BILL for an Act to amend and reenact subsections 10 and 11 of section 6-06-06 of the North Dakota Century Code, relating to the powers of a credit union.

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 74 YEAS, 28 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bateman; Belter; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; Dorso; Enget; Erickson; Freier; Gabrielson; Gates; Gerntholz; Goffe; Grumbo; Hanson; Henegar; Howard; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Martin; Martinson; Meyer; Muhs; Mutzenberger; Myrdal; Nicholas; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ritter; Scherber; Shide; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams

NAYS: Anderson, B.; Berg, G.; Brokaw; Brown; Delzer; DeWitz; Flaagan; Gilmore; Gorder; Grosz; Hokana; Huether; Laughlin; Linderman; Mahoney; Nelson; Nichols; Nowatzki; Oban; Ring; Schimke; Schindler; Schmidt; Schneider; Skar; Stofferahn; Thorpe; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Hausauer; Miller; Rydell

Engrossed SB 2189 passed and the title was agreed to.

SB 2355: A BILL for an Act to amend and reenact subsection 3 of section 14-05-22 and subdivision j of subsection 1 of section 14-09-06.2 of the North Dakota Century Code, relating to the consideration of evidence of domestic violence by courts in determining rights to custody and visitation of children.

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; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; 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; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; 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: Gorman; Hausauer; Nicholas; Rydell

SB 2355 passed and the title was agreed to.

SB 2381: A BILL for an Act to amend and reenact section 53-04-02 of the North Dakota Century Code, relating to license fees for amusement game operators.

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 98 YEAS, 0 NAYS, 0 EXCUSED, 8 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; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; 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; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Trautman; Urlacher; Wald; Wardner; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Dorso; Gorman; Hausauer; Kloubec; Rydell; Tollefson; Wentz; Whalen

Engrossed SB 2381 passed and the title was agreed to.

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.

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 98 YEAS, 4 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grumbo; Hanson; Henegar; Hokana; Howard; 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; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

NAYS: Brown; Grosz; Huether; Timm

ABSENT AND NOT VOTING: Gorman; Hausauer; Rydell; Whalen

SB 2393 passed and the title was agreed to.

SB 2406: A BILL for an Act to amend and reenact subsections 1 and 3 of section 13-03.1-17 of the North Dakota Century Code, relating to insurance, insurance policies, and existing insurance.

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; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; 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; 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: Gorman; Hausauer; Rydell

SB 2406 passed and the title was agreed to.

SB 2437: A BILL for an Act to amend and reenact section 50-24.4-16 of the North Dakota Century Code, relating to special cost payment rates for nursing homes with a capacity increase and for newly constructed nursing homes.

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; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; 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; 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: Gorman; Hausauer; Rydell; Thompson

Engrossed SB 2437 passed and the title was agreed to.

MOTION

REP. KLOUBEC MOVED that SB 2555 be placed at the head of the calendar, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2555: A BILL for an Act to amend and reenact subsection 2 of section 26.1-41-01 of the North Dakota Century Code, relating to basic no-fault insurance funeral benefits.

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; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; 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; 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: Gorman; Hausauer; Rydell; Thompson

SB 2555 passed and the title was agreed to.

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.

MOTION

REP. COATS 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 18 YEAS, 83 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bodine; Byerly; Carlson; Dalrymple; Goffe; Hanson; Kolbo; Kroeber; Mahoney; Myrdal; Oban; Olson, A.; Ring; Schimke; Skar; Snyder; Speaker R. Anderson

NAYS: Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Boehm; Boucher; Brokaw; Brown; Carlisle; Clayburgh; Cleary; Coats; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Gorder; Grosz; Grumbo; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kretschmar; Kunkel; Laughlin; Linderman; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Nelson; Nichols; Nowatzki; Olsen, D.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ritter; Scherber; Schindler; Schmidt; Schneider; Shide; Skjerven; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams

ABSENT AND NOT VOTING: Gorman; Hausauer; Larson; Nicholas; Rydell

Engrossed SB 2475 was declared lost.

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 Seventh order of business, and at the conclusion of the Seventh 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 be on the Sixteenth order of business, and at the conclusion of the Sixteenth order, the House stand adjourned until 1:00 p.m., Thursday, March 7, 1991, which motion prevailed.

REPORTS OF STANDING COMMITTEES

SB 2094, as engrossed: Committee on Education (Rep. Gates, Chairman) recommends **DO PASS** (16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2094 was placed on the Fourteenth order on the calendar.

SB 2097: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2097 was placed on the Fourteenth order on the calendar.

SB 2106: Committee on Education (Rep. Gates, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, replace "subsection" with "subsections 1 and"

Page 1, line 3, after "teach" insert "kindergarten, elementary school, or"

Page 1, line 5, replace "Subsection" with "Subsections 1 and"

Page 1, line 6, replace "is" with "are"

Page 1, after line 7, insert:

"1. Except as provided in subsections 2 through 4, all teachers teaching kindergarten through grade eight must hold a teaching certificate and:

- a. A minimum of a kindergarten endorsement to teach kindergarten; or
- b. A major, minor, or endorsement in elementary education to teach elementary education in grades one through eight; or

- c. An endorsement in kindergarten or elementary education from the superintendent of public instruction attained prior to or within two years of the assignment to teach kindergarten or elementary education. An endorsement may be obtained by completing teaching requirements and a minimum number of credit hours in courses prescribed by the superintendent of public instruction."

Page 1, line 9, after "attained" insert "prior to or"

ReNUMBER accordingly

SB 2108: Committee on Education (Rep. Gates, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections 15-27.1-11 and"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 15-27.1-11 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-27.1-11. Reorganization, annexation, or dissolution of school district not operating a school - Transportation. Any school district in this state which is not operating either an approved elementary or high school within its boundaries on July 1, 1987, unless it begins operating an approved elementary or high school prior to July 1, 1989, and any school district that may cease to operate either an approved elementary or high school within its boundaries after July 1, 1987, unless it begins operating an approved elementary or high school prior to July 1, 1989, shall become, through the process of reorganization, annexation, or dissolution as provided by law, a part of a school district operating an approved elementary or high school. Any school district not operating either an approved elementary or high school within its boundaries on July 1, 1987, unless it begins operating an approved elementary or high school prior to July 1, 1989, shall complete reorganization with or annexation to an operating school district by July 1, 1989. Any school district that ceases to operate either an approved elementary or high school within its boundaries after July 1, 1987, unless it begins operating an approved elementary or high school prior to July 1, 1989, shall complete reorganization or annexation within two years from the date the school district ceased to operate either an approved elementary or high school. Any student who resides within a school district which is annexed to or reorganized with another district or districts pursuant to sections 15-27.1-11 and 15-27.4-01, and which has been sending students to a school district in a bordering state, county, or district, because of proximity or terrain, shall be permitted to attend or continue to attend school in the district in the bordering state, county, or district, subject to the provisions of section 15-40.2-09. The students in any district that is attached by annexation, reorganization, or dissolution pursuant to sections 15-27.1-11 and 15-27.4-01 must be provided transportation in the same manner transportation is provided to students in the school district the nonoperating district is attached to.

The county committee of the county encompassing the major portion of any school district affected by sections 15-27.1-11 and 15-27.4-01 which does not reorganize or annex itself to an operating school district within the time limit prescribed in sections 15-27.1-11 and 15-27.4-01 shall dissolve and attach the nonoperating school district to an operating school district in accordance with chapter 15-27.4. This section does not apply to school districts established pursuant to chapter 15-27.5."

Page 1, line 18, overstrike "which has"

Page 1, overstrike line 19

Page 1, line 20, overstrike "because of proximity or terrain" and insert immediately thereafter "who attended a school district in a bordering state during the immediately preceding school year"

Page 2, line 1, overstrike "a request for attendance is denied under subsection 1 or"

Page 2, line 2, overstrike "subsection 2 by"

Page 2, line 3, after "resides" insert "denies a request for attendance in another state"

Page 2, line 13, after "Payments" insert "must be made to the school district or institution in the bordering state"

Page 2, line 14, remove "will be made"

Page 2, line 16, after "15-40.1-08" insert "based on the weighting factor of the student's district of residence"

Page 2, line 22, after the overstruck period insert "Transportation payments for students attending school in a bordering state must be determined as provided in section 15-40.1-16."

Renumber accordingly

SB 2138: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2138 was placed on the Fourteenth order on the calendar.

SB 2155: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends DO PASS (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2155 was placed on the Fourteenth order on the calendar.

SB 2158, as reengrossed: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 9, remove the overstrike over "institution" and remove "nursing facility"

Renumber accordingly

SB 2162: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends DO PASS (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2162 was placed on the Fourteenth order on the calendar.

SB 2173: Committee on Industry, Business and Labor (Rep. Dorso, 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 2, replace "and" with a comma and after "6-05-03" insert ", 6-06-06.1, and 7-02-08.1"

Page 6, line 3, after the underscored period insert "The state banking board shall take into consideration peer group ratios, or federal standards and guidelines, when determining whether any additional capital is required."

Page 6, after line 3, insert:

"SECTION 5. AMENDMENT. Section 6-06-06.1 of the North Dakota Century Code is amended and reenacted as follows:

6-06-06.1. Issuance of certificates of deposit - Penalty. Certificates of deposit, as defined in section 41-03-04, may only be issued in this state by credit unions authorized to issue certificates of deposit, and which are organized to do business in this state under this chapter or under the Federal Credit Union Act, and whose accounts are insured by the national credit union administration, except that the requirement for insurance of accounts for the North Dakota central credit union may be waived under section 6-06-40, or as authorized under sections 6-03-02.2, ~~6-05-00-1~~ and 7-02-08.1. Any person violating this section is subject to a civil penalty not to exceed five thousand dollars.

SECTION 6. AMENDMENT. Section 7-02-08.1 of the North Dakota Century Code is amended and reenacted as follows:

7-02-08.1. Issuance of certificates of deposit - Penalty. Certificates of deposit, as defined in section 41-03-04, may only be issued in this state by savings and loan associations authorized to issue certificates of deposit and organized to do business in this state under this chapter or having federal savings and loan insurance of accounts, or as authorized by sections 6-03-02.2, ~~6-05-00-1~~ and 6-06-06.1. Any person violating this section is subject to a civil penalty not to exceed five thousand dollars."

Renumber accordingly

SB 2174, as engrossed: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends DO PASS (13 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2174 was placed on the Fourteenth order on the calendar.

SB 2179: Committee on Education (Rep. Gates, Chairman) recommends DO PASS (12 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). SB 2179 was placed on the Fourteenth order on the calendar.

SB 2266: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 8, after the fifth comma insert "subdivision b of subsection 4 of section 26.1-31.2-01 of the North Dakota Century Code as created by section 12 of House Bill No. 1242, as approved by the fifty-second legislative assembly, section"

Page 1, line 21, after the first comma insert "credit allowed a domestic ceding insurer,"

Page 8, after line 7, insert:

"SECTION 14. AMENDMENT. Subdivision b of subsection 4 of section 26.1-31.2-01 of the North Dakota Century Code as created by section 12 of House Bill No. 1242, as approved by the fifty-second legislative assembly, is amended and reenacted as follows:

- b. In the case of a group of incorporated insurers under common administration which complies with the filing requirements contained in subdivision a, and which is under the supervision of the department of trade and industry of the United Kingdom and submits to this state's authority to examine its books and records and bears the expense of the examination, and which has aggregate policyholders' surplus of ten ~~million~~ billion dollars; the trust shall be in an amount equal to the group's several liabilities attributable to business written in the United States plus the group shall maintain a joint trustee surplus of which one hundred

million dollars shall be held jointly for the benefit of United States ceding insurers of any member of the group, and each member of the group shall make available to the commissioner an annual certification of the member's solvency by the member's domiciliary regulator and its independent public accountant."

Renumber accordingly

SB 2341, as engrossed: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends DO NOT PASS (10 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). SB 2341 was placed on the Fourteenth order on the calendar.

SB 2375, as engrossed: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends DO PASS (11 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). SB 2375 was placed on the Fourteenth order on the calendar.

SB 2377, as engrossed: Committee on Education (Rep. Gates, Chairman) recommends DO PASS (10 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). SB 2377 was placed on the Fourteenth order on the calendar.

SB 2383: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2383 was placed on the Fourteenth order on the calendar.

SB 2399: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2399 was placed on the Fourteenth order on the calendar.

SB 2449: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends DO PASS (12 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). SB 2449 was placed on the Fourteenth order on the calendar.

SB 2455, as engrossed: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends DD PASS (14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2455 was placed on the Fourteenth order on the calendar.

SB 2462, as engrossed: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends DO PASS (12 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). SB 2462 was placed on the Fourteenth order on the calendar.

SB 2471: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends DO NOT PASS (11 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). SB 2471 was placed on the Fourteenth order on the calendar.

SB 2551: Committee on Education (Rep. Gates, Chairman) recommends DO NOT PASS (12 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). SB 2551 was placed on the Fourteenth order on the calendar.

SCR 4002: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4002 was placed on the Tenth order.

REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your procedural Committee on Delayed Bills (Rep. Kloubec, Chairman) has examined a bill to limit spending authority for equipment purchases and capital improvements and to provide for appropriation authority reductions.

It shall be numbered HB 1612.

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

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

FIRST READING OF HOUSE BILL

Reps. Nowatzki, Kaldor, Dalrymple and Sens. Tallackson, Goetz introduced:
(Approved by the Committee on Delayed Bills)
HB 1612: A BILL for an Act to limit spending authority for equipment purchases and capital improvements and to provide for appropriation authority reductions.
Was read the first time and referred to the Committee on Appropriations.

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4042: A concurrent resolution directing the Legislative Council to study law enforcement and regulatory activities in the state of North Dakota.
Was read the first time and referred to the Committee on Judiciary.

SCR 4052: A concurrent resolution directing the Legislative Council to study North Dakota family foster home fire and safety codes.
Was read the first time and referred to the Committee on Industry, Business and Labor.

SCR 4053: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of the Department of Human Services contracting with the private sector for the treatment of alcohol and drug dependent persons.
Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

SIGNING of BILLS and RESOLUTIONS

The Speaker signed the following enrolled bills and resolution: SB 2114, SB 2156, SB 2157, SB 2216, SB 2222, SB 2268, SB 2286, SB 2292, SB 2392, SB 2535, SCR 4024.

SIGNING of BILLS and RESOLUTIONS

The Speaker signed the following enrolled bills: SB 2068, SB 2081, SB 2098, SB 2110, SB 2124, SB 2128, SB 2137, SB 2140, SB 2150, SB 2185, SB 2186, SB 2190, SB 2220, SB 2269, SB 2291, SB 2322, SB 2367, SB 2368, SB 2369, SB 2380, SB 2412.

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

MR. PRESIDENT: The Speaker has signed: SB 2114, SB 2156, SB 2157, SB 2216, SB 2222, SB 2268, SB 2286, SB 2292, SB 2392, SB 2535, SCR 4024.

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

MR. PRESIDENT: The Speaker has signed: SB 2068, SB 2081, SB 2098, SB 2110, SB 2124, SB 2128, SB 2137, SB 2140, SB 2150, SB 2185, SB 2186, SB 2190, SB 2220, SB 2269, SB 2291, SB 2322, SB 2367, SB 2368, SB 2369, SB 2380, SB 2412.

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

MR. SPEAKER: The President has signed: HB 1057, HB 1066, HB 1076, HB 1088, HB 1089, HB 1090, HB 1097, HB 1121, HB 1129, HB 1134, HB 1142, HB 1144, HB 1147, HB 1149, HB 1171, HB 1183, HB 1184, HB 1197, HB 1220, HB 1238, HB 1241, HB 1254, HB 1315, HB 1335, HB 1359, HB 1397, HB 1429, HB 1442, HB 1557.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2037, SB 2042, SB 2043, SB 2086, SB 2122, SB 2127, SB 2131, SB 2141, SB 2195, SB 2251, SB 2295, SB 2299, SB 2302, SB 2482.

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

ROY GILBREATH, Chief Clerk