

## JOURNAL OF THE HOUSE

## Fifty-second Legislative Assembly

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Bismarck, March 15, 1991

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

The prayer was offered by Rev. Kerry Stastny, First United Methodist Church, Bismarck.

The roll was called and all members were present except Representatives Peterson and Thompson.

A quorum was declared by the Speaker.

## HOUSE ENROLLING REPORT

The following bills and resolutions were enrolled: HB 1091, HB 1123, HB 1415, HB 1551, HB 1553, HB 1588, HCR 3014, HCR 3045.

## HOUSE ENROSSING AND ENROLLING REPORT

The following bill was engrossed and enrolled: HB 1195.

## HOUSE ENROSSING REPORT

The following bill was engrossed: HB 1606.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2057, SB 2076.

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

MR. PRESIDENT: The House has amended and failed to pass: SB 2044, SB 2446.

## SIGNING of BILLS and RESOLUTIONS

The Speaker signed the following enrolled bills: HB 1035, HB 1049, HB 1070, HB 1086, HB 1092, HB 1094, HB 1100, HB 1101, HB 1102, HB 1114, HB 1130, HB 1150, HB 1155, HB 1192, HB 1213, HB 1224, HB 1226, HB 1229, HB 1249, HB 1276, HB 1290, HB 1294, HB 1304, HB 1411, HB 1412, HB 1426, HB 1458, HB 1479, HB 1480, HB 1491, HB 1539, HB 1565.

## 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 1035, HB 1049, HB 1070, HB 1086, HB 1092, HB 1094, HB 1100, HB 1101, HB 1102, HB 1114, HB 1130, HB 1150, HB 1155, HB 1192, HB 1213, HB 1224, HB 1226, HB 1229, HB 1249, HB 1276, HB 1290, HB 1294, HB 1304, HB 1411, HB 1412, HB 1426, HB 1458, HB 1479, HB 1480, HB 1491, HB 1539, HB 1565.

## SIGNING of BILLS and RESOLUTIONS

The Speaker signed the following enrolled bills and resolution: SB 2073, SB 2080, SB 2093, SB 2095, SB 2102, SB 2152, SB 2196, SB 2356, SCR 4002.

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

MR. PRESIDENT: The Speaker has signed: SB 2073, SB 2080, SB 2093, SB 2095, SB 2102, SB 2152, SB 2196, SB 2356, SCR 4002.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1045, HB 1120, HB 1131, HB 1146, HB 1160, HB 1268, HB 1351, HB 1377, HB 1448, HB 1455, HCR 3006, HCR 3017, HCR 3022, HCR 3046.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1044, HB 1135, HB 1137, HB 1141, HB 1248, HB 1260, HB 1270, HB 1322, HB 1326.

## SENATE AMENDMENTS TO HB 1044

Page 3, line 18, replace "vistor's" with "visitors"

ReNUMBER accordingly

## SENATE AMENDMENTS TO HB 1135

Page 1, line 8, replace "A" with "Upon request of the department, a" and remove "to the"

Page 1, line 9, remove "department" and remove "sold,"

Page 1, line 10, remove ", or otherwise distributed" and replace "at the" with "by March first"

Page 1, remove line 11

Page 1, line 12, remove "department"

Page 1, line 13, remove "sold," and remove ", or otherwise"

Page 1, line 14, remove "distributed"

ReNUMBER accordingly

## SENATE AMENDMENTS TO HB 1137

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 60-02 of the North Dakota Century Code, relating to warehouse charges for grain owned by the United States;"

Page 1, line 2, after "sections" insert "60-02-17,"

Page 1, line 7, after "warehousemen" insert "; and to repeal section 60-02-31.1 of the North Dakota Century Code, relating to delivery of dry edible beans"

Page 1, replace lines 17 and 18 with "must reference, in lieu of a grade designation, the number of the scale tickets containing a description of the beans including the percentage of foreign material, splits, check seed coats, total pick, and moisture"

Page 1, line 19, remove "association standards"

Page 1, after line 21, insert:

"SECTION 2. AMENDMENT. Section 60-02-17 of the North Dakota Century Code is amended and reenacted as follows:

60-02-17. Warehouse and storage contract - Storage rates - Terminal delivery. A warehouse receipt shall contain, either on its face or reverse side, the following warehouse and storage contract:

"This grain is received, insured, and stored subject to the following charges: one-tenth of one cent per net bushel [35.24 liters] per day, except for dry edible beans which shall be subject to a daily storage rate fixed at the time of delivery no greater than one-half of one cent per net hundredweight [45.36 kilograms] per day, provided, however, that no storage shall be charged for grain so stored for fifteen days from date of delivery if such grain is sold within such fifteen-day period; however, if such grain is not sold within the fifteen days, storage charges shall commence from the date a warehouse receipt was issued. All grain received for storage shall be subject to a charge of seven cents per net bushel [35.24 liters], except for flax which shall be subject to a charge of seven cents per gross bushel [35.24 liters] and dry edible beans which shall be subject to a charge of ten cents per net hundredweight [45.36 kilograms]. Grain purchased by the warehouseman shall be exempt from the

receiving and redelivery charges. ~~Upon~~ Except for dry edible beans, upon surrender of this receipt and payment or tender of a delivery charge per gross bushel [35.24 liters] of five cents on flax; ~~three dollars per net hundredweight (45-36 kilograms) on dry edible beans;~~ and five cents per net bushel [35.24 liters] on all other grains and all other stated lawful charges accrued up to the time of surrender of this receipt, the above amount, kind, and grade of grain will be delivered to the person named above or the person's order as rapidly as due diligence, care, and prudence will permit. At the option of the holder of this receipt, the amount, kind, and grade of grain for which this receipt is issued, upon demand, shall be delivered back to the holder at any terminal point customarily shipped to, or at the place where received, upon the payment of the above charges for receiving, handling, storage, and insurance and in case of terminal delivery, the payment in addition to the above of the regular freight charges on the gross amount called for by this ticket or in lieu thereof, a receipt issued by a bonded warehouse or elevator company doing business at the terminal point. Nothing in this receipt requires the delivery of the identical grain specified herein, but an equal amount of grain of the same kind and grade shall be delivered. Dry edible beans will be delivered to the holder in accordance with the warehouseman's delivery policy upon the surrender of this receipt and payment or tender of all lawful charges accrued up to the time of surrender including the charge for delivery contained in the delivery policy."

Page 2, line 4, overstrike "and seeds" and insert immediately thereafter "except dry edible beans"

Page 2, line 9, replace "Bean" with "Warehousemen of dry edible beans shall purchase, store, and deliver beans in accordance with their policy which must be filed with the commission and posted in a conspicuous place in their warehouse."

Page 2, remove lines 10 and 11

Page 2, after line 28, insert:

"SECTION 5. A new section to chapter 60-02 of the North Dakota Century Code is created and enacted as follows:

Warehouse charges for grain owned by the United States. Notwithstanding any other provision of this chapter, the commission may establish charges by rule for the storage, receipt, and redelivery of grain owned by the United States or its agencies when necessary to allow public warehousemen to store that grain, recover their costs, and obtain a reasonable return. A warehouse receipt issued to the United States or its agencies must identify the charges established by the commission. Unless otherwise prohibited or limited by the commission, the charges may remain effective after assignment of the grain by the United States for such time as agreed to by the warehouseman after which time the grain is subject to the charges prescribed by this chapter.

SECTION 6. REPEAL. Section 60-02-31.1 of the North Dakota Century Code is repealed."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1141

Page 1, line 11, after "industries" insert "similar to those"

Page 1, line 17, remove the overstrike over "by", remove the overstrike over "the chairperson", and remove "by the chairman"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1248

Page 17, line 13, after "if" insert "false or misleading statements concerning the product are disseminated in any manner or by any means, if"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1260

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 1 of section 53-06.2-01, subsection 7 of section 53-06.2-04, sections 53-06.2-05, 53-06.2-06, 53-06.2-10.1, and 53-06.2-11 of the North Dakota Century Code, relating to the definitions of breeders' fund and purse fund for parimutuel horse racing, duties and powers of the North Dakota racing commission, organizations eligible to conduct racing and simulcast parimutuel wagering, and payoff formulas for parimutuel wagering; to provide a continuing appropriation; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 53-06.2-01 of the North Dakota Century Code is amended and reenacted as follows:

- 1. "Breeders' fund" means a fund, administered by the commission, established to financially reward breeders or owners of North Dakota bred horses that win races in the state as approved by the commission.

SECTION 2. AMENDMENT. Subsection 7 of section 53-06.2-04 of the North Dakota Century Code is amended and reenacted as follows:

- 7. Exclude from ~~racecourses racetracks or simulcast parimutuel~~ wagering facilities any person who violates any rule of the commission or any law.

SECTION 3. AMENDMENT. Section 53-06.2-05 of the North Dakota Century Code is amended and reenacted as follows:

53-06.2-05. Powers of commission. The commission may:

- 1. Compel the production of all documents showing the receipts and disbursements of any licensee and determine the manner in which such financial records are to be kept.
- 2. Investigate the operations of any licensee and enter any vehicle or place of business, residence, storage, or racing of any licensee on the grounds of a licensed association to determine whether there has been compliance with the provisions of this chapter and rules adopted under this chapter, and to discover and seize any evidence of noncompliance.
- 3. Request appropriate state officials to perform inspections necessary for the health and safety of spectators, employees, participants, and horses that are lawfully on a racetrack.
- 4. License all participants in the racing and simulcast parimutuel wagering industry and require and obtain information the commission deems necessary from license applicants. The commission may obtain from the bureau of criminal investigation, without charge, criminal history record information as required in the licensing process.

5. Adopt additional rules under which all horse races are conducted for the administration, implementation, and regulation of activities conducted pursuant to this chapter.

SECTION 4. AMENDMENT. Section 53-06.2-06 of the North Dakota Century Code is amended and reenacted as follows:

53-06.2-06. Organizations eligible to conduct racing and simulcast parimutuel wagering. Civic and service clubs, charitable, fraternal, religious, and veterans' organizations, and other public-spirited organizations may be licensed to conduct racing and simulcast parimutuel wagering as authorized by this chapter.

SECTION 5. AMENDMENT. Section 53-06.2-10.1 of the North Dakota Century Code is amended and reenacted as follows:

53-06.2-10.1. Offtrack Simulcast wagering. In addition to racing under the certificate system, as authorized by this chapter, and conducted upon the premises of a racetrack, offtrack simulcast parimutuel wagering may be conducted in accordance with this chapter and interim standards that need not comply with chapter 28-32, or rules adopted by the commission under this chapter. Any organization qualified under section 53-06.2-06 to conduct racing may make written application to the commission for the conduct of offtrack simulcast parimutuel wagering on races held at licensed race courses racetracks inside the state or race courses racetracks outside the state, or both. Notwithstanding any other provision of this chapter, the commission may authorize any licensee to participate in interstate or international combined wagering pools with one or more other racing jurisdictions. Any time that a licensee participates in an interstate or international combined pool, the licensee, as prescribed by the commission, may adopt the take-out of the host jurisdiction or facility. The commission may permit a licensee to use one or more of its races or simulcast programs for an interstate or international combined wagering pool at locations outside its jurisdiction, and may allow parimutuel pools in other states to be combined with parimutuel pools in its jurisdiction for the purpose of establishing an interstate or international combined wagering pool. The participation by a licensee in a combined interstate or international wagering pool does not cause that licensee to be considered to be doing business in any jurisdiction other than the jurisdiction in which the licensee is physically located. Parimutuel taxes or commissions may not be imposed on any amounts wagered in an interstate or international combined wagering pool other than amounts wagered within this jurisdiction. Breakage for interstate or international combined wagering pools must be calculated in accordance with the statutes or rules of the host jurisdiction, and must be distributed among the participating jurisdictions in a manner agreed to among the jurisdictions.

SECTION 6. AMENDMENT. Section 53-06.2-11 of the North Dakota Century Code is amended and reenacted as follows:

53-06.2-11. Bet payoff formulas - Uses by licensee of funds in excess of expenses - Payment to general fund.

1. For each day of a live race meet at which the aggregate amount of the or a simulcast day in this state on win, place, and show parimutuel pool for the day exceeds twenty five thousand dollars pools, the licensee shall deduct up to twenty percent of the total win, place, and show pool. The licensee may retain fifteen seventeen percent of the amount exceeding twenty five thousand dollars and sixteen percent of the amount less than twenty five thousand dollars for expenses. One-half of one percent must be paid to the North Dakota racing commission to be used for the North Dakota purse fund. One-half of one percent must be paid to the North Dakota racing commission to be used for the North

Dakota breeders' fund for the respective breed of horses racing at that meet. The remaining ~~four~~ two percent of the amount exceeding ~~twenty-five thousand dollars~~, and ~~three percent of the amount less than twenty-five thousand dollars~~, must be paid to the state treasurer to be deposited in the general fund.

2. For each day of a live race meet or a simulcast day in this state for each daily double, quinella, exacta, trifecta, or other wager combining two or more horses for winning payoffs, the licensee shall deduct up to twenty-five percent of each wagering pool. Of this amount, the licensee may retain twenty-two percent for expenses. One-half of one percent must be paid to the North Dakota racing commission to be used for the North Dakota purse fund. One-half of one percent must be paid to the North Dakota racing commission to be used for the North Dakota breeders' fund for the respective breed of horses racing at that meet. The remaining ~~four~~ three percent must be paid to the state treasurer to be deposited in the general fund.
3. Unclaimed tickets and breakage from each live race meet as defined by the commission must be paid to the state treasurer as prescribed by the commission must be retained by the commission in a special fund to assist in improving and upgrading racetracks in the state, for the promotion of horse racing within the state, and in developing new racetracks in the state as necessary and approved by the commission. Unclaimed tickets and breakage from the simulcast program, as defined by the commission, must be retained by the commission in a special fund to assist in improving and upgrading racetracks in the state, for the promotion of horse racing within the state, and in developing new racetracks in the state as necessary and approved by the commission.
4. The licensee conducting a live race meet or simulcast program shall retain all other money in the parimutuel pool and pay it to bettors holding winning tickets as provided by rules adopted by the commission
5. A licensee may not use any of the portion deducted for expenses under subsections 1 and 2 for expenses not directly incurred by the licensee in conducting parimutuel racing under the certificate system. After paying qualifying expenses, the licensee shall use the remainder of the amount so withheld only for eligible uses allowed to charitable gambling organizations under subsection 7 of section 53-06.1-01.
6. The racing commission shall deposit the moneys received pursuant to subsections 1, 2, and 3 in three special funds in the state treasury. These funds must be known as the breeders' fund, the purse fund, and the racing promotion fund. Moneys, and any earnings on the moneys, in the breeders' fund, purse fund, and racing promotion fund are appropriated to the commission on a continuing basis to carry out the purposes of those funds under this chapter and must be administered and disbursed in accordance with rules adopted by the commission.

SECTION 7. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1270

Page 3, line 9, remove "a."

Page 3, line 11, replace "b" with "2"

Page 3, line 13, replace "(1)" with "a."

Page 3, line 14, replace "(a)" with "(1)"

Page 3, line 16, replace "(b)" with "(2)"

Page 3, line 23, replace "(2)" with "b."

Page 4, line 3, replace "(3)" with "c."

Page 4, line 7, replace "(4)" with "d."

Page 4, line 9, replace "(5)" with "e."

Page 4, line 11, replace "(6)" with "f."

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1322

Page 1, line 8, replace "new material" with "documents that address an employee's character or performance"

Page 3, line 1, remove "This section applies if access has been"

Page 3, remove lines 2 through 8

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1328

Page 1, line 2, after "to" insert "presumed"

Page 1, line 3, remove "and presumed lease renewals"

Page 1, line 8, after "lease" insert "of a specified term of two months or more"

Page 1, line 13, remove "or if in the absence of"

Page 1, line 14, replace "an automatic renewal clause a" with ", the" and remove "possession by the lessee"

Page 1, line 15, remove "continues." and remove "a lease renewal has not been agreed upon,"

Page 1, line 16, replace "are in effect on" with "convert to" and replace "basis" with "tenancy"

Re-number accordingly

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1032, HB 1033.

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

MR. SPEAKER: The President has signed: HB 1010, HB 1012, HB 1042, HB 1052, HB 1077, HB 1084, HB 1106, HB 1163, HB 1206, HB 1253, HB 1258, HB 1264, HB 1308, HB 1593.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2582, SB 2588, SB 2590, SCR 4059, SCR 4061.

MOTIONS

REP. KLOUBEC MOVED that the House consider the amendments to SB 2372 and SB 2498 on the Sixth order in one motion, which motion prevailed.

REP. KLOUBEC MOVED that the rules be suspended and that the amendments to SB 2372 and SB 2498 be adopted, which motion prevailed.

SB 2372 and SB 2498, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### SIXTH ORDER OF BUSINESS

SB 2489: REP. DORSO (Committee on Industry, Business and Labor) MOVED that the amendments on HJ pages 1079-1080 be adopted and then be placed on the Fourteenth order on the CALENDAR WITHOUT RECOMMENDATION.

#### REQUEST

REP. SCHERBER REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2489, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the amendments to SB 2489, the roll was called and there were 22 YEAS, 83 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bateman; Berg, R.; Boehm; Brown; Delzer; Dorso; Gorman; Grosz; Howard; Kunkel; Miller; Myrdal; Olsen, D.; Olson, A.; Schimke; Shide; Soukup; Thompson; Timm; Tollefson; Wald; Whalen

NAYS: Aarsvold; Anderson, B.; Belter; Berg, G.; Bernstein; Bodine; Boucher; Brokaw; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; DeWitz; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grumbo; Hanson; Hausauer; Henegar; Hokana; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Muhs; Mutzenberger; Nelson; Nicholas; Nichols; Nowatzki; Oban; Payne; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schindler; Schmidt; Schneider; Skar; Skjerven; Snyder; St. Aubyn; Starke; Stofferahn; Svedjan; Thorpe; Trautman; Urlacher; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Peterson

The motion to adopt the amendments to SB 2489 lost.

#### MOTION

REP. KLOUBEC MOVED that the rules be suspended and that SB 2489 be placed on the calendar for second reading and final passage, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2489: A BILL for an Act to amend and reenact section 1-03-01 of the North Dakota Century Code, relating to holidays; and to repeal section 1-03-09 of the North Dakota Century Code, relating to Martin Luther King Day.

#### ROLL CALL

The question being on the final passage of the bill, which has been read and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 61 YEAS, 43 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Bodine; Boucher; Brokaw; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; Erickson; Flaagan; Gabrielson; Gilmore; Goffe; Grumbo; Hanson; Henegar; Hokana; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kolbo; Kretschmar; Kroeber; Larson; Laughlin; Linderman; Mahoney; Martinson; Mutzenberger; Nelson; Nicholas; Nowatzki; Oban; Porter; Price; Pyle; Ring; Ritter; Rydell; Scherber; Schneider; Skar; Snyder; St. Aubyn; Starke; Stofferahn; Svedjan; Thorpe; Trautman; Wentz; Wilkie; Williams

NAYS: Bateman; Belter; Berg, R.; Bernstein; Boehm; Brown; Delzer; DeWitz; Dorso; Enget; Freier; Gates; Gerntholz; Gorder; Gorman; Grosz;

Hausauer; Howard; Kloubec; Kunkel; Martin; Meyer; Miller; Muhs; Myrdal; Nichols; Olsen, D.; Olson, A.; Payne; Rennerfeldt; Schimke; Schindler; Schmidt; Shide; Skjervem; Soukup; Thompson; Timm; Tollefson; Uriacher; Wardner; Whalen; Speaker R. Anderson

ABSENT AND NOT VOTING: Peterson; Wald

SB 2489 passed and the title was agreed to.

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THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representatives Quentin Christman and Roy Holland

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4071.

MOTION

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Nalewaja, Kelly, Lindgren, Mathern, Peterson, Teneffos and Reps. R. Berg, Bernstein, Dorso, Gabrielson, Gorman, Kloubec, Larson, Payne, Pyle, Scherber, Schneider, Soukup introduced: (Approved by the Committee on Delayed Bills)

SCR 4070: A concurrent resolution congratulating the North Dakota State University Bison club hockey team for winning the 1991 national collegiate club hockey tournament held at Tucson, Arizona.

Was read the first time.

MOTION

REP. KLOUBEC MOVED that the rules be suspended, that SCR 4070 not be referred to committee, but be read in its entirety, 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 4070: A concurrent resolution congratulating the North Dakota State University Bison club hockey team for winning the 1991 national collegiate club hockey tournament held at Tucson, Arizona.

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

SCR 4070 was declared adopted on a voice vote.

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FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Dotzenrod, Thane and Reps. Grumbo, A. Peterson, Hausauer introduced: (Approved by the Committee on Delayed Bills)

SCR 4071: A concurrent resolution congratulating Richland County Commissioner Kaye Braaten on her rise to the presidency of the National Association of Counties.

Was read the first time.

MOTION

REP. KLOUBEC MOVED that the rules be suspended, that SCR 4071 not be referred to committee, but be read in its entirety, 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 4071: A concurrent resolution congratulating Richland County Commissioner Kaye Braaten on her rise to the presidency of the National Association of Counties.

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

SCR 4071 was declared adopted on a voice vote.

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SECOND READING OF HOUSE BILL

HB 1606: A BILL for an Act to amend and reenact subsections 2 and 3 of section 57-60-02 of the North Dakota Century Code, relating to exemption from the privilege tax on coal facilities during the first five years of production from a new electrical generating plant; and to provide an effective date.

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, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; 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; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Berg, G.; Peterson; Stofferahn

Engrossed HB 1606 passed and the title was agreed to.

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MOTION

REP. KLOUBEC MOVED that the rules be suspended and that HB 1606 be messaged to the Senate immediately, which motion prevailed.

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 1606.

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

MR. PRESIDENT: The House has passed unchanged: SCR 4070, SCR 4071.

SECOND READING OF SENATE BILL

SB 2028: A BILL for an Act to amend and reenact section 27-05-05 of the North Dakota Century Code, relating to the election of presiding district judges; and to provide an effective date.

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 87 YEAS, 13 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

NAYS: Brokaw; Carlson; Cleary; DeMers; Kerzman; Nelson; Oban; Pyle; Ring; Thorpe; Wald; Wardner; Whalen

ABSENT AND NOT VOTING: Clayburgh; Grosz; Kloubec; Peterson; Schneider; Stofferahn

Engrossed SB 2028 passed and the title was agreed to.

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MOTION

REP. SCHERBER MOVED that the vote by which SB 2489 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed on a verification vote.

SECOND READING OF SENATE BILL

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 amended 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; Gorman; Grosz; Grumbo; Hanson; Hausauer; 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; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Kloubec; Peterson; Stofferahn

SB 2067 passed and the title was agreed to.

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MOTION

REP. TOLLEFSON MOVED that the House waive the reading of the titles to SB 2100, SB 2385, SB 2062, SB 2223, SB 2305 and SB 2430, which motion prevailed.

## SECOND READING OF SENATE BILLS

SB 2100: A BILL for an Act to create and enact a new section to chapter 39-05 and new chapters 41-02.1, 41-03, 41-04, and 41-04.1 of the North Dakota Century Code, relating to the Uniform Commercial Code, article 2A - leases, article 3 - negotiable instruments, article 4 - bank deposits and collections, and article 4A - funds transfers; to amend and reenact subsection 3 of section 6-07-52, subsection 2 of section 41-01-05, subsections 20, 24, 37, 43, and 44 of section 41-01-11, section 41-01-17, subsection 3 of section 41-02-03, subsection 4 of section 41-02-48, subsection 3 of section 41-02-59, subsection 3 of section 41-05-03, subdivision a of subsection 2 of section 41-05-14, subsection 3 of section 41-09-05, section 41-09-13, subsection 1 of section 41-09-16, subdivision f of subsection 1 of section 41-09-23, and section 41-09-30, subsection 1 of section 41-09-33, and section 47-15-01 of the North Dakota Century Code, relating to the Uniform Commercial Code; to repeal the present chapters 41-03 and 41-04 and section 41-09-11 of the North Dakota Century Code, relating to negotiable instruments and bank deposits and collections; to provide for transition; and to provide an effective date.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 102 YEAS, 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; Gorman; Grosz; Grumbo; Hanson; Hausauer; 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; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Thorpe; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Kloubec, Peterson; Stofferahn; Timm

SB 2100 passed and the title was agreed to.

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SB 2335: A BILL for an Act to amend and reenact subsection 1 of section 27-08.1-01 and section 27-08.1-03 of the North Dakota Century Code, relating to the jurisdictional limit and amount of counterclaims in small claims courts.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 102 YEAS, 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; Gorman; Grosz; Grumbo; Hanson; Hausauer; 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; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider;

Shide; Skar; Skjervén; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Thorpe; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Kloubec; Peterson; Stofferahn; Timm

SB 2335 passed and the title was agreed to.

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SB 2339: A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to payment for chiropractic services under health benefit policies, certificates, or contracts.

#### MOTION

REP. BERNSTEIN 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 62 YEAS, 39 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Berg, G.; Bernstein; Bodine; Boehm; Boucher; Byerly; Carlson; Coats; Dorso; Enget; Erickson; Flaagan; Gabrielson; Gertholz; Goffe; Gorman; Grosz; Grumbo; Hanson; Hausauer; Hokana; Howard; Huether; Jacobson; Kelsch; Kerzman; Kolbo; Kroeber; Kunkel; Laughlin; Linderman; Mahoney; Martin; Martinson; Miller; Muhs; Mutzenberger; Nelson; Nicholas; Nichols; Nowatzki; Oban; Porter; Price; Rennerfeldt; Ring; Ritter; Schmidt; Schneider; Skar; Skjervén; Snyder; Starke; Thorpe; Tollefson; Trautman; Urlacher; Williams; Speaker R. Anderson

NAYS: Belter; Berg, R.; Brokaw; Brown; Carlisle; Cleary; Dalrymple; Delzer; DeMers; DeWitz; Freier; Gates; Gorder; Henegar; Jensen; Kaldor; Kloubec; Kretschmar; Larson; Myrdal; Olsen, D.; Olson, A.; Payne; Pyle; Rydell; Scherber; Schimke; Schindler; Shide; Soukup; St. Aubyn; Svedjan; Thompson; Timm; Wald; Wardner; Wentz; Whalen; Wilkie

ABSENT AND NOT VOTING: Clayburgh; Gilmore; Meyer; Peterson; Stofferahn

Engrossed SB 2339 passed and the title was agreed to.

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#### MOTION

REP. KOLBO MOVED that the vote by which Engrossed SB 2339 passed be reconsidered and the motion to reconsider be laid on the table, which motion failed on a verification vote.

#### SECOND READING OF SENATE BILLS

SB 2340: A BILL for an Act to amend and reenact section 14-03-17 of the North Dakota Century Code, relating to the requirements for a marriage license application.

#### 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, 2 NAYS, 0 EXCUSED, 9 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; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gertholz; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin;

Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Payne; Porter; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Soukup; St. Aubyn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Whalen; Wilkie; Williams; Speaker R. Anderson

**NAYS:** Price; Wentz

**ABSENT AND NOT VOTING:** Brown; Delzer; Gilmore; Kaldor; Olson, A.; Peterson; Snyder; Starke; Stofferahn

Engrossed SB 2340 passed and the title was agreed to.

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

#### 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 64 YEAS, 36 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Anderson, B.; Berg, G.; Bernstein; Bodine; Boucher; Brokaw; Carlisle; Carlson; Clayburgh; Cleary; Coats; DeMers; Enget; Flaagan; Gabrielson; Gates; Grumbo; Hanson; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kolbo; Kretschmar; Kroeber; Larson; Laughlin; Mahoney; Martinson; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Porter; Price; Ring; Ritter; Rydell; Scherber; Schneider; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thorpe; Tollefson; Trautman; Wardner; Wentz; Wilkie; Williams

**NAYS:** Bateman; Belter; Berg, R.; Boehm; Brown; Byerly; Dalrymple; Delzer; DeWitz; Dorso; Erickson; Freier; Gerntholz; Goffe; Gorder; Grosz; Hausauer; Kelsch; Kerzman; Kloubec; Kunkel; Linderman; Martin; Meyer; Olson, A.; Payne; Pyle; Rennerfeldt; Schimke; Schindler; Schmidt; Shide; Timm; Urlacher; Wald; Speaker R. Anderson

**ABSENT AND NOT VOTING:** Gilmore; Gorman; Peterson; Stofferahn; Thompson; Whalen

SB 2378 passed and the title was agreed to.

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

#### ROLL CALL

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

**YEAS:** Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; 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; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Berg, R.; Gilmore; Peterson; Stofferahn; Whalen

SB 2385 passed and the title was agreed to.

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

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, 7 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; Clayburgh; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Howard; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Porter; Price; Pyle; Rennerfeldt; Ritter; Rydell; Scherber; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

NAYS: Carlson; Cleary; Hokana; Huether; Muhs; Ring; Schimke

ABSENT AND NOT VOTING: Gilmore; Peterson; Stofferahn; Whalen

SB 2389 passed and the title was agreed to.

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SB 2447: A BILL for an Act to amend and reenact subsection 2 of section 14-07.1-01, section 14-07.1-02, subsection 2 of section 14-07.1-03, and subsection 2 of section 14-07.1-10 of the North Dakota Century Code, relating to definitions, issuance of domestic violence protection orders, and arrest procedures in situations involving domestic violence.

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, 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; 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; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjervén; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gilmore; Peterson; Stofferahn

SB 2447 passed and the title was agreed to.

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SB 2472: A BILL for an Act to create and enact a new section to chapter 15-36 of the North Dakota Century Code, relating to certificated teachers.

#### 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, 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; 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; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjervén; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gilmore; Peterson; Stofferahn

Engrossed SB 2472 passed and the title was agreed to.

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THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Harry Semerad

#### SECOND READING OF SENATE BILLS

SB 2492: A BILL for an Act to amend and reenact subsection 19 of section 43-12.1-08 of the North Dakota Century Code, relating to the powers and duties of the board of nursing to issue temporary licenses; 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 99 YEAS, 3 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; DeMers; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; 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; Olson, A.; Payne; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler;

Schmidt; Schneider; Shide; Skar; Skjervén; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

NAYS: Delzer; Olsen, D.; Whalen

ABSENT AND NOT VOTING: DeWitz; Gilmore; Gorder; Peterson

Engrossed SB 2492 passed, the title was agreed to, and the emergency clause carried.

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SB 2542: A BILL for an Act to amend and reenact section 5 of chapter 198 of the 1989 Session Laws of North Dakota, relating to home-based instruction.

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 99 YEAS, 2 NAYS, 0 EXCUSED, 5 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; 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.; Payne; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjervén; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

NAYS: Boucher; Whalen

ABSENT AND NOT VOTING: Gilmore; Gorder; Olson, A.; Peterson; Wald

Engrossed SB 2542 passed and the title was agreed to.

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SB 2557: A BILL for an Act to amend and reenact section 39-21-41.2 of the North Dakota Century Code, relating to the required use of child restraint devices in motor vehicles.

ROLL CALL

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

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; 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.; Payne; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjervén; 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: Gilmore; Gorder; Olson, A.; Peterson; Wald

Engrossed SB 2557 passed and the title was agreed to.

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MOTIONS

REP. KLOUBEC MOVED that the rules be suspended and that SB 2372 and SB 2498, be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

REP. KLOUBEC MOVED that the House waive the reading of the titles to SB 2372 and SB 2498, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2372: A BILL for an Act to create and enact two new subsections to section 25-03.1-02 of the North Dakota Century Code, relating to definitions of commitment procedures; and to amend and reenact subsection 14 of section 25-03.1-02 and section 25-03.1-43 of the North Dakota Century Code, relating to definitions used in commitment procedures and the confidentiality of records of patients in a treatment facility.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 102 YEAS, 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; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Payne; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Soukup; 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: Gilmore; Nelson; Olson, A.; Peterson

SB 2372 passed and the title was agreed to.

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SB 2498: A BILL for an Act to amend and reenact section 14-02.4-01, subsection 3 of section 14-02.4-02, sections 14-02.4-03, 14-02.4-06, 14-02.4-08, 14-02.4-09, 14-02.4-18, and 34-14-02 of the North Dakota Century Code, relating to discriminatory employment practices and direct deposit of wages.

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, 1 NAY, 0 EXCUSED, 5 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; 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.; Payne; 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; Urlacher; Wald; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

NAYS: Schimke

ABSENT AND NOT VOTING: Bateman; Gilmore; Olson, A.; Peterson; Whalen

SB 2498 passed and the title was agreed to.

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#### MOTIONS

REP. KLOUBEC MOVED that the rules be suspended and all bills that passed the House today with votes of 70 or more "Yeas" be messaged to the Senate immediately, which motion prevailed.

REP. KLOUBEC MOVED that House Rule 402, paragraph 4, which pertains to the time that Constitutional amendments must be out of committee, be suspended until the 49th legislative day, March 18, 1991, which motion prevailed.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2092, SB 2132, SB 2136, SB 2145, SB 2147, SB 2159, SB 2191, SB 2209, SB 2232, SB 2244, SB 2298, SB 2349, SB 2350.

#### DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 3:13 p.m., March 15, 1991: HB 1010, HB 1012, HB 1042, HB 1052, HB 1077, HB 1084, HB 1106, HB 1163, HB 1206, HB 1253, HB 1258, HB 1264, HB 1308, HB 1593.

#### REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your procedural Committee on Delayed Bills (Rep. Kloubec, Chairman) has examined a concurrent resolution directing the Legislative Council to study the feasibility and desirability of allowing state agencies to retain and expend a portion of unexpended general fund appropriations beyond the end of the biennium for which the funds were appropriated.

It shall be numbered HCR 3070.

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

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

#### MOTIONS

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

REP. KLOUBEC MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House be on the Ninth order of business, and at the conclusion of the Ninth order, the House be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the House stand adjourned until 1:00 p.m., Monday, March 18, 1991, which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

HB 1603: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends DO PASS (9 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1603 was placed on the Eleventh order on the calendar.

HB 1610: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 5, remove the first "and"

Page 1, line 7, after "rest" insert "; and to declare an emergency"

Page 2, after line 6, insert:

"SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

Re-number accordingly

HB 1612: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (16 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and to provide for appropriation authority reductions"

Page 1, remove lines 11 through 22

Page 2, remove lines 1 through 13

Re-number accordingly

SB 2031, as engrossed: 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 3, line 5, after "governor" insert ". One of the members of the special committee considering organ or tissue transplantation issues must have experience with a professional organ procurement or transplant organization"

Re-number accordingly

SB 2058, as reengrossed: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REFERRED to the Committee on Appropriations (15 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 8, remove "6-09-02,"

Page 2, line 7, replace "an allocation" with "a transfer"

Page 2, line 8, remove "to provide for appropriation reductions;"

Page 5, remove lines 9 through 29

Page 6, remove lines 1 through 3

Page 10, line 21, remove "the"

Page 10, line 22, remove "establishment of"

Page 12, line 25, remove "The"

Page 12, remove lines 26 and 27

Page 15, line 24, replace the second "7" with "8"

Page 16, line 22, after "shall" insert "only"

Page 16, line 23, after "representatives" insert "who serve in executive capacities" and after the colon insert "private sector"

Page 16, line 24, overstrike "higher education", after the third comma insert "and", and overstrike the last comma

Page 16, line 25, overstrike "and private sector business"

Page 17, line 27, replace "the" with "moneys"

Page 17, line 28, remove "future" and replace "earnings of the Bank of North Dakota" with "from the general fund"

Page 18, remove line 26

Page 18, line 27, remove "be transferred during the biennium to any other category."

Page 19, line 15, remove "equally"

Page 20, line 28, after "science" insert ", or the president's designee"

Page 20, line 29, after "Dakota" insert ", or the president's designee"

Page 21, line 1, replace "of the board of higher education, as appointed" with "from the board of directors of the North Dakota economic development finance corporation appointed under section 10-30.3-03."

Page 21, remove line 2

Page 21, line 7, after "services" insert "or international trade"

Page 21, remove line 8

Page 21, line 9, replace "f" with "e"

Page 22, line 19, after the underscored comma insert "byproduct utilization."

Page 23, line 18, after the first comma insert "working papers."

Page 33, line 23, overstrike "The state or any political subdivision of the state which contracts"

Page 33, overstrike lines 24 and 25

Page 33, line 26, overstrike "director of the", remove "department of", overstrike "economic development", and remove "and"

Page 33, line 27, remove "finance" and overstrike "," at the time the architect or engineer is retained, of the"

Page 33, overstrike lines 28 and 29

Page 34, line 1, overstrike "identifying the architect or engineer. The" and insert immediately thereafter "Each year the" and remove the overstrike over "of the"

Page 34, line 2, after "commission" insert "department of economic development and finance"

Page 34, line 3, overstrike "architect" and insert immediately thereafter "registered architects"

Page 34, line 4, overstrike "engineer" and insert immediately thereafter "engineers"

Page 36, after line 16, insert:

"6. Identify those statutes, administrative rules, and policies that impede the attraction, creation, and expansion of businesses and job creation in this state."

Page 36, line 26, after "director" insert "upon the approval of the budget section of the legislative council"

Page 37, remove lines 1 through 20

Page 37, line 21, replace "54-34.3-05" with "54-34.3-04"

Page 37, line 26, remove "The appointment of the director must be confirmed by the senate."

Page 37, remove lines 27 and 28

Page 37, line 29, remove "confirms or rejects the appointment."

Page 39, line 5, remove "and"

Page 39, line 6, after the underscored period insert "Report at least annually to an interim committee designated by the legislative council, on loan performance and performance of the department of economic development and finance, including evaluations of the division of finance, the division of marketing and technical assistance, and the division of science and technology. A report must include a comparison of dollars spent to the jobs created of all programs administered or supervised by the director; and

9 "

Page 39, line 8, replace "54-34.3-06" with "54-34.3-05"

Page 39, line 26, replace "54-34.3-07" with "54-34.3-06"

Page 40, line 18, remove "all"

Page 41, line 13, replace "54-34.3-08" with "54-34.3-07"

Page 41, line 26, replace "54-34.3-09" with "54-34.3-08"

Page 45, line 14, remove "quarterly"

Page 48, line 28, replace "22" with "21"

Page 49, line 8, after the second period insert:

"1."

Page 49, line 12, replace "section" with "subsection"

Page 49, line 14, replace "section" with "subsection"

Page 49, after line 14, insert:

"2. By July 1, 1992, the Bank of North Dakota and the department of economic development and finance must be collocated.

SECTION 50. TRANSFER. There is hereby authorized the transfer to the general fund in the state treasury, the sum of \$22,800,000 from the accumulated and undivided profits of the Bank of North Dakota. The moneys must be transferred during the biennium beginning July 1, 1991, and ending June 30, 1993, upon the order of the industrial commission, with one-half of the transfer to be made no later than June 30, 1992."

Page 49, line 15, replace "ALLOCATION OF BANK OF NORTH DAKOTA EARNINGS. For" with "LEGISLATIVE INTENT. It is the intent of the legislative assembly that the following appropriations and transfers will be made by the legislative assembly for"

Page 49, line 16, replace ", the industrial" with a colon

Page 49, remove lines 17 and 18

Page 49, line 27, underscore "1,000,000"

Page 49, after line 27, insert:

"S.B. 2058 appropriations and transfers total \$20,800,000"

Page 50, after line 6, insert:

"Agricultural appropriations total in other bills \$ 2,000,000"

Page 50, line 7, replace "transfer, retention, or allocation" with "all transfers and appropriations"

Page 50, line 11, remove "and earnings of the Bank of North"

Page 50, line 12, remove "Dakota"

Page 50, remove line 22

Page 50, line 24, replace "\$350,000" with "\$6,150,000"

Page 50, after line 29, insert:

"SECTION 53. APPROPRIATION - TRANSFER. The amount of \$7,000,000 is hereby appropriated from the general fund in the state treasury, not otherwise appropriated, and shall be transferred to the primary sector development fund for the purposes of North Dakota Century Code chapter 10-30.3 for the biennium beginning July 1, 1991, and ending June 30, 1993."

Page 51, line 2, replace "earnings of the Bank of North Dakota" with "general fund in the state treasury, not otherwise appropriated,"

Page 51, line 4, replace "10-30.4-01" with "10-30.4"

Page 51, replace lines 9 through 13 with:

"SECTION 55. APPROPRIATION - TRANSFER. The amount of \$3,000,000 is hereby appropriated from the general fund in the state treasury, not otherwise appropriated, and shall be transferred to the partnership in assisting community expansion fund for the purposes of North Dakota Century Code chapter 6-09.14 for the biennium beginning July 1, 1991, and ending June 30, 1993."

SECTION 56. APPROPRIATION - TRANSFER. The amount of \$500,000 is hereby appropriated from the general fund in the state treasury, not otherwise appropriated, and shall be transferred to the agriculture partnership in assisting community expansion fund for the purposes of North Dakota Century Code chapter 6-09.13 for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 57. APPROPRIATION - TRANSFER. The amount of \$1,000,000 is hereby appropriated from the general fund in the state treasury, not otherwise appropriated, and shall be transferred to the beginning farmer revolving loan fund for the purposes of North Dakota Century Code section 6-09-15.5 for the biennium beginning July 1, 1991, and ending June 30, 1993."

Renumber accordingly

SB 2117: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends DO PASS (16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2117 was placed on the Fourteenth order on the calendar.

SB 2118, as engrossed: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "25-02" insert ", a new subdivision to subsection 8 of section 25-03.1-02."

Page 1, line 3, after "accreditation" insert ", definition of a mental health professional."

Page 1, after line 14, insert:

"SECTION 2. A new subdivision to subsection 8 of section 25-03.1-02 of the North Dakota Century Code is created and enacted as follows:

A licensed professional counselor with a master's degree in counseling from an accredited program who has either successfully completed the advanced training beyond the master's degree as required by the national academy of mental health counselors or a minimum of two years of clinical experience in a mental health agency or setting under the supervision of a psychiatrist or psychologist."

Page 3, line 19, replace "and" with a comma and after "progress" insert ", and the patient's concerns"

Renumber accordingly

SB 2126, as engrossed: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Committee on Appropriations (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, replace "subsection 15 to section 57-01-02" with "a new section to chapter 57-01"

Page 1, line 2, replace "the tax commissioner" with "payment of taxes in immediately available funds"

Page 1, remove lines 3 through 9

Page 1, line 10, remove "penalty"

Page 1, replace lines 12 through 22 with:

"SECTION 1. A new section to chapter 57-01 of the North Dakota Century Code is created and enacted as follows:

Payment of tax liability in immediately available funds - Rules. If consistent with the cash management policies of the office of management and budget, any taxpayer filing any return, report, or other document with the commissioner may pay the tax liability to the state in funds that are immediately available to the state on the date of payment. The tax commissioner may prescribe rules necessary for the administration of this section."

Page 2, remove lines 1 through 22

Renumber accordingly

SB 2197: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2197 was placed on the Fourteenth order on the calendar.

SB 2200, as engrossed: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends DO PASS (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). SB 2200 was placed on the Fourteenth order on the calendar.

SB 2211, as engrossed: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 7, remove "; and to provide an appropriation"

Page 7, line 7, overstrike "before August"

Page 7, line 8, overstrike "first" and insert immediately thereafter "by December tenth"

Page 7, line 9, after "payment" insert "in full" and remove ", in full or in part,"

Page 7, line 14, overstrike "March" and insert immediately thereafter "November" and overstrike "beginning in 1988"

Page 8, remove lines 8 through 11

Page 9, remove lines 12 through 17

Renumber accordingly

SB 2214, as engrossed: Committee on Judiciary (Rep. Kretschmar, Chairman) A MAJORITY of your committee (Reps. Kretschmar, Clayburgh, Bateman, Brown, Byerly, Jacobson, Kerzman, Skar, DeWitz, Kelsch, Miller, Erickson, Grumbo) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS.

Page 2, line 5, after the underscored period insert "For purposes of this subdivision, property does not include a residence or other real estate where a coowner, whether by joint tenancy, tenancy in common, or tenancy by the entireties, of the residence or other real estate, has not been convicted of the criminal offense that was facilitated by the use or intended use of the property."

Renumber accordingly

SB 2214, as engrossed: Committee on Judiciary (Rep. Kretschmar, Chairman) A MINORITY of your committee (Reps. Bodine, Ring, Snyder) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS.

Page 2, line 5, after the underscored period insert "For purposes of this subdivision, property does not include a residence or other real estate where a coowner, whether by joint tenancy, tenancy in common, or tenancy by the entireties, of the residence or other real estate, has not been convicted of the criminal offense that was facilitated by the use or intended use of the property."

Page 4, line 2, replace "not dependent upon" with "arising out of"

Page 4, line 3, remove ", or conviction of," and after "offense" insert ", but not dependent upon a conviction of the criminal offense,"

Renumber accordingly

The reports of the majority and the minority were placed on the Sixth order of business on the calendar for the succeeding legislative day.

SB 2225: Committee on Appropriations (Rep. Thompson, Chairman) recommends DO NOT PASS (19 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). SB 2225 was placed on the Fourteenth order on the calendar.

SB 2238, as engrossed: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2238 was placed on the Fourteenth order on the calendar.

SB 2239, as reengrossed: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2239 was placed on the Fourteenth order on the calendar.

SB 2240: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2240 was placed on the Fourteenth order on the calendar.

SB 2245, as engrossed: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2245 was placed on the Fourteenth order on the calendar.

SB 2260: Committee on Transportation (Rep. Belter, Chairman) recommends DO NOT PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2260 was placed on the Fourteenth order on the calendar.

SB 2267: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends DO PASS (8 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). SB 2267 was placed on the Fourteenth order on the calendar.

SB 2275, as engrossed: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 8, after line 9, insert:

"6. Telecommunications companies regulated by the public service commission under chapter 49 or regulated by the federal communications commission."

Re-number accordingly

SB 2279, as engrossed: Committee on Finance and Taxation (Rep. Timm, 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 13, remove the overstrike over "a" and remove "7"

Page 5, line 6, overstrike "between June first and October thirty-first of any year is"

Page 5, overstrike lines 7 and 8

Page 5, line 9, overstrike "the well of the oil extracted."

Page 5, line 10, remove "If the average price of a barrel of crude oil"

Page 5, line 11, replace "forty" with "thirty-three"

Page 6, line 6, overstrike "between"

Page 6, overstrike line 7

Page 6, line 8, overstrike "dollars or more." and remove "The exemption under this subsection becomes"

Page 6, line 9, remove "ineffective if the average price of a barrel of crude oil"

Page 6, line 10, replace "forty" with "thirty-three"

Page 6, line 11, replace "must go back into effect." with "is reinstated" and after "if" insert an underscored comma

Page 7, line 5, overstrike "between"

Page 7, overstrike line 6

Page 7, line 7, overstrike "dollars or more." and remove "The exemption under this subsection becomes"

Page 7, line 8, remove "ineffective if the average price of a barrel of crude oil"

Page 7, line 9, replace "forty" with "thirty-three"

Page 7, line 10, replace "must go back into effect." with "is reinstated" and after "if" insert an underscored comma

Renumber accordingly

SB 2294, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends DO PASS (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2294 was placed on the Fourteenth order on the calendar.

SB 2352: 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 18, remove "If the annual"

Page 1, remove lines 19 through 21

Page 2, remove lines 1 and 2

Renumber accordingly

SB 2354, as engrossed: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 12, after "horse" insert "racing"

Renumber accordingly

SB 2361, as engrossed: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 3, after "purposes" insert "; and to provide an effective date"

Page 1, line 20, replace "the" with "a date selected by the legislative council but not earlier than January second nor later than"

Page 1, line 21, remove "third Tuesday in" and after "February" insert "twenty-eighth"

Page 2, line 24, after "in" insert "January or"

Page 2, after line 25, insert:

"SECTION 3. EFFECTIVE DATE. This Act becomes effective on January 1, 1993."

ReNUMBER accordingly

SB 2376, as reengrossed: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) A MAJORITY of your committee (Reps. Dorso, Whalen, Bernstein, Carlisle, Martinson, Shide, Soukup, Tollefson, Urlacher) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS.

Page 8, line 13, remove "attorneys,"

Page 11, line 25, replace "not earlier than" with "between ninety and" and remove "and not"

Page 11, line 26, remove "later than one hundred fifty days"

Page 12, line 1, replace "persons not parties to the agreement if more" with "a majority of the members of the bargaining unit"

Page 12, remove line 2

Page 12, line 3, remove "agreement"

Page 29, remove lines 13 and 14

ReNUMBER accordingly

SB 2376, as reengrossed: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) A MINORITY of your committee (Reps. Coats, Enget, Gabrielson, Goffe, Mahoney, Oban, Skjerven) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS.

Page 8, line 13, remove "attorneys,"

Page 11, line 25, replace "not earlier than" with "between ninety and" and remove "and not"

Page 11, line 26, remove "later than one hundred fifty days"

Page 12, line 1, replace "persons not parties to the agreement if more" with "a majority of the members of the bargaining unit"

Page 12, remove line 2

Page 12, line 3, remove "agreement"

Page 12, replace lines 14 through 28 with:

"1. The commissioner shall recognize the following bargaining units for purposes of this Act:

- a. Maintenance, trades, and technical.
- b. Administrative support.
- c. Health and human care nonprofessional.
- d. Social services and counseling.

- e. Administrative professional.
  - f. Protective service.
  - g. Law enforcement.
  - h. Health and human care professional.
  - i. Examining, inspecting, and licensing.
  - j. Engineering science and resources.
  - k. Faculty of doctorate granting institutions.
  - l. Faculty of four-year institutions.
  - m. Faculty of two-year institutions.
  - n. University system maintenance, trades, and technical.
  - o. University system administrative support.
  - p. University system administrative professional.
2. The commissioner shall, in consultation with the director of the central personnel division, assign all job classifications to their respective bargaining unit."

Page 13, remove lines 1 through 12

Page 29, remove lines 13 and 14

Re-number accordingly

The reports of the majority and the minority were placed on the Sixth order of business on the calendar for the succeeding legislative day.

SB 2384, as reengrossed: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Committee on Appropriations (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 8, remove "to amend and reenact subsection 3 of section"

Page 1, remove line 9

Page 1, line 10, remove "employer with respect to family leave;"

Page 1, line 13, remove the underscore under "Statement of legislative policy. The state must advocate"

Page 1, remove the underscore under lines 14 through 22

Page 2, remove the underscore under lines 1 and 2

Page 2, line 3, remove the underscore under "Family life education program. The department of human"

Page 2, remove the underscore under lines 4 through 21

Page 2, remove the underscore under line 24

Page 2, remove the underscore under lines 27 through 29

Page 3, remove the underscore under lines 1 through 25

Page 3, remove the underscore under lines 28 and 29

Page 4, remove the underscore under lines 1 through 6

Page 4, remove the underscore under lines 9 through 29

Page 5, remove the underscore under lines 1 through 3

Page 5, remove the underscore under lines 6 through 29

Page 6, remove the underscore under lines 1 through 28

Page 7, remove the underscore under lines 1 through 17

Page 7, remove lines 18 through 24

ReNUMBER accordingly

SB 2386, as engrossed: Committee on Agriculture (Rep. Nicholas, Chairman) recommends DO NOT PASS (16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2386 was placed on the Fourteenth order on the calendar.

SB 2403, as engrossed: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends DO PASS (16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2403 was placed on the Fourteenth order on the calendar.

SB 2407, as reengrossed: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends DO NOT PASS (17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2407 was placed on the Fourteenth order on the calendar.

SB 2410, as engrossed: Committee on Transportation (Rep. Belter, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2410 was placed on the Fourteenth order on the calendar.

SB 2433, as engrossed: Committee on Natural Resources (Rep. A. Olson, Chairman) recommends DO PASS (12 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). SB 2433 was placed on the Fourteenth order on the calendar.

SB 2435, as reengrossed: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (12 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 13, replace "one hundred fifty" with "seventy-five"

ReNUMBER accordingly

SB 2450, as engrossed: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends DO PASS (9 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). SB 2450 was placed on the Fourteenth order on the calendar.

SB 2484: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends DO PASS (17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2484 was placed on the Fourteenth order on the calendar.

SB 2493, as engrossed: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 15, after "five" insert "separate"

ReNUMBER accordingly

SB 2494, as engrossed: Committee on Human Services and Veterans Affairs (Rep. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so

amended, recommends DO PASS (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING).  
The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 10, replace "fifty" with "thirty"

ReNUMBER accordingly

SB 2499, as engrossed: Committee on Agriculture (Rep. Nicholas, Chairman) recommends DO NOT PASS (9 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING). SB 2499 was placed on the Fourteenth order on the calendar.

SB 2507: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends DO NOT PASS (8 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). SB 2507 was placed on the Fourteenth order on the calendar.

SB 2508: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 20, replace "nominated for" with "that were to be elected to"

Page 3, line 1, replace "nominated for" with "that were to be elected to"

ReNUMBER accordingly

SB 2526: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the calendar.

Page 1, line 9, replace "United States" with "the requirements of 40 CFR 403 relating to publicly owned treatment works"

Page 1, line 10, remove "environmental protection agency regulations"

ReNUMBER accordingly

SB 2533, as engrossed: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends DO NOT PASS (10 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). SB 2533 was placed on the Fourteenth order on the calendar.

SB 2554, as engrossed: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends DO PASS (12 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). SB 2554 was placed on the Fourteenth order on the calendar.

SB 2556, as engrossed: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 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 the second "for" insert "fuel cost line item and"

Page 1, line 4, after "contain" insert "a fuel cost line item and a"

Page 1, line 6, after "contain" insert "a fuel cost line item and"

Page 1, line 11, remove "fuel is bid as a line item and" and after the second "fuel" insert "expected"

ReNUMBER accordingly

SB 2569: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends DO PASS (16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING) SB 2569 was placed on the Fourteenth order on the calendar

SCR 4003, as engrossed: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 3, remove ", including a determination of whether state government is competing"

Page 1, remove line 4

Page 1, line 5, remove "restricting that governmental competition"

Page 1, line 21, remove "or unnecessarily competes with private"

Page 1, line 22, remove "enterprise"

Page 2, line 9, remove ", including a"

Page 2, remove lines 10 and 11

Page 2, line 12, remove "governmental competition"

Re-number accordingly

SCR 4005: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4005 was placed on the Tenth order on the calendar.

SCR 4045, as engrossed: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends DO PASS (15 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SCR 4045 was placed on the Fourteenth order on the calendar.

SCR 4048: 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 2, replace "nursing home" with "long-term care"

Page 1, line 8, replace "nursing home" with "long-term care"

Page 1, line 10, replace "nursing" with "long-term care"

Page 1, line 11, remove "home"

Page 1, line 13, replace "nursing home" with "long-term care"

Page 1, line 15, replace "nursing home" with "long-term care"

Page 1, line 21, replace "nursing home" with "long-term care"

Page 1, line 23, after "homes" insert "or of providing for home health care or basic care"

Re-number accordingly

SCR 4054. Committee on Agriculture (Rep. Nicholas, Chairman) recommends DO NOT PASS (17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4054 was placed on the Fourteenth order on the calendar.

SCR 4056: Committee on Agriculture (Rep. Nicholas, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4056 was placed on the Tenth order.

## FIRST READING OF HOUSE CONCURRENT RESOLUTION

Rep. R. Berg introduced:

(Approved by the Committee on Delayed Bills)

HCR 3070: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of allowing state agencies to retain and expend a portion of unexpended general fund appropriations beyond the end of the biennium for which the funds were appropriated.  
Was read the first time and referred to the Committee on Appropriations.

## FIRST READING OF SENATE BILLS

SB 2582: A BILL for an Act to amend and reenact section 15-29-06 of the North Dakota Century Code, relating to vacancies on school boards.  
Was read the first time and referred to the Committee on Education.

SB 2588: A BILL for an Act to create and enact a new chapter to title 23 of the North Dakota Century Code, relating to residential care facilities for autistic persons; to provide a penalty; and to declare an emergency.  
Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

SB 2590: A BILL for an Act to create and enact two new sections to title 15 of the North Dakota Century Code, relating to the establishment and implementation of student performance standards and performance assessment methods, and participatory school decisionmaking; to provide a continuing appropriation; and to provide an effective date.  
Was read the first time and referred to the Committee on Education.

## FIRST READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4059: A concurrent resolution urging that a high quality physical education program be provided to each North Dakota student from kindergarten through grade 12.  
Was read the first time and referred to the Committee on Education.

SCR 4061: A concurrent resolution directing the Legislative Council to study the investigation, prosecution, and treatment of offenders in child sexual abuse cases.  
Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

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

ROY GILBREATH, Chief Clerk