

JOURNAL OF THE HOUSE

Fifty-third Legislative Assembly

Bismarck, March 17, 1993

The House convened at 8:00 a.m., with Acting Speaker Timm presiding.

The prayer was offered by Rep. A. Olson.

The roll was called and all members were present except Speaker R. Berg.

A quorum was declared by the Acting Speaker.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

March 16, 1993

This is to inform you that on March 16, 1993, I signed the following: HB 1031, HB 1036, HB 1043, HB 1053, HB 1059, HB 1069, HB 1074, HB 1098, HB 1107, and HB 1385.

MOTION

REP. FREIER MOVED that that portion of House Rule 507 pertaining to when bills must be reported out of committee in the second House be suspended until the fifty-first legislative day, which motion prevailed.

MOTION

REP. MARTINSON MOVED that the time certain for debate on SCR 4033 would be changed from 1:00 p.m. to 1:30 p.m., today, which motion prevailed.

MOTION

REP. FREIER MOVED that the House stand in recess until 10:00 a.m., which motion prevailed.

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

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: HB 1046, HB 1072, HB 1080, HB 1094, HB 1105, HB 1109, HB 1112, HB 1127, HB 1129, HB 1131, HB 1133, HB 1144, HB 1147, HB 1157, HB 1200, HB 1214, HB 1257, HB 1258, HB 1263, HB 1268, HB 1271, HB 1276, HB 1277, HB 1279, HB 1295, HB 1308, HB 1324, HB 1343, HB 1355, HB 1359, HB 1388.

SIXTH ORDER OF BUSINESS

REP. FREIER MOVED that the rules be suspended and that the House consider and adopt all of the amendments on the Sixth order of business in one motion, with the exception of SB 2009, and the inclusion of SB 2116, SB 2216, SB 2418, SB 2421, SB 2448, SB 2490, and SB 2522, which motion prevailed.

SB 2116, SB 2216, SB 2418, SB 2421, SB 2448, SB 2490, and SB 2522, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTION

REP. MARTINSON MOVED that SB 2347 be placed at the top of the Fourteenth order on the calendar, and that SB 2473 be placed at the bottom of the Fourteenth order on the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2347: A BILL for an Act to establish a law enforcement training trust and agency fund for the purpose of providing training programs to peace

officers and other emergency service providers; and to provide an appropriation.

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 38 YEAS, 59 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Berg, J.; Bodine; Boucher; Brodshaug; Carlson, C.; Cleary; Coats; Glassheim; Goffe; Gulleson; Hagle; Hanson; Johnson; Kaldor; Kelsch; Kerzman; Kilichowski; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Mutzenberger; Nelson; Nicholas; Nichols; Oban; Pyle; Ring; Sitz; Stenehjem; Stenson; Tollefson; Wentz; Wilkie

NAYS: Austin; Bateman; Belter; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson, A.; Christopherson; Clayburgh; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Gorder; Gorman; Grosz; Grumbo; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Keiser; Kempenich; Klein; Martin; Martinson; Monson; Ness; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Rydell; Schindler; Shide; Skarphol; Soukup; St. Aubyn; Svedjan; Sveen; Thorpe; Timm; Torgerson; Wald; Wanzek; Wardner; Speaker R. Berg

ABSENT AND NOT VOTING: Olsen, D.

Engrossed SB 2347 was declared lost.

MOTION

REP. FREIER MOVED that the House waive the reading of the titles to HB 1510, SB 2527, SB 2097, SB 2320, SB 2430, SB 2367, and SB 2528, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1510: A BILL for an Act to create and enact a new section to chapter 40-57.1 of the North Dakota Century Code, relating to the tax commissioner providing a tax lien of record clearance before the state board of equalization grants a state income tax exemption for a new or expanding business; and to amend and reenact subsection 4 of section 40-57.1-02 of the North Dakota Century Code, relating to the definition of a project qualifying for an income tax exemption.

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 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Olsen, D.

HB 1510 passed and the title was agreed to.

MOTION

REP. MARTINSON MOVED that the rules be suspended and that HB 1510 be messaged to the Senate immediately, which motion prevailed.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1510.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has failed to pass: SB 2347.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Mary Kay Sauter.

SIXTH ORDER OF BUSINESS

SB 2009: REP. DALRYMPLE (Appropriations Committee) MOVED that the amendments on HJ pages 1134-1137 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

MOTION

REP. FREIER MOVED that the rules be suspended and that SB 2009, as amended, be placed at the head of the Fourteenth order on today's calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2009: A BILL for an Act to amend and reenact section 37-18-04 of the North Dakota Century Code, relating to duties of the commissioner of the department of veterans' affairs; and to provide an appropriation for defraying the expenses of the veterans' home and the department of veterans' affairs.

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 81 YEAS, 16 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Austin; Bateman; Belter; Bernstein; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Goffe; Gorman; Grosz; Grumbo; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Klein; Kretschmar; Kroeber; Kunkel; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Rydell; Schindler; Shide; Skarphol; Soukup; St. Aubyn; Stenehjelm; Svedjan; Sveen; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

NAYS: Aarsvold; Allmaras; Berg, J.; Bodine; Cleary; Coats; Glassheim; Gorder; Guleson; Kerzman; Kilichowski; Laughlin; Ring; Sitz; Stenson; Thorpe

ABSENT AND NOT VOTING: Olsen, D.

Engrossed SB 2009 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2527: A BILL for an Act to amend and reenact subdivision a of

subsection 1 of section 26.1-08-05, subsection 2 of section 26.1-08-05, subdivision a of subsection 1 of section 26.1-08-06, subsection 2 of section 26.1-08-06, and subsection 4 of section 26.1-08-12 of the North Dakota Century Code, relating to minimum benefits of a qualified health coverage plan.

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 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjelm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Olsen, D.

SB 2527 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2534: A BILL for an Act to amend and reenact subsection 3 of section 39-21-32 and section 39-21-44.2 of the North Dakota Century Code, relating to vehicle brake equipment and safety chain connections between 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 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjelm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Olsen, D.

Engrossed SB 2534 passed and the title was agreed to.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The President has signed: HB 1049, HB 1243.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The President has signed: HB 1025, HB 1041, HB 1042, HB 1067, HB 1077, HB 1078, HB 1082.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2030, SB 2115, SB 2154, SB 2185, SB 2186, SB 2345, SB 2411.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SCR 4001, SCR 4010, SCR 4012, SCR 4021, SCR 4028, SCR 4030, SCR 4032, SCR 4035.

SECOND READING OF SENATE BILL

SB 2019: A BILL for an Act to provide an appropriation for defraying the expenses of job service North Dakota.

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 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Olsen, D.

Engrossed SB 2019 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2097: A BILL for an Act to require the commissioner of labor to convene a wage conference committee; to create and enact a new section to chapter 34-06 of the North Dakota Century Code, relating to minimum wage requirements; to amend and reenact subsections 2 and 3 of section 34-06-01 of the North Dakota Century Code, relating to excluding certain employers from the requirements of the minimum wage rules; 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 80 YEAS, 17 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Austin; Bateman; Belter; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Hagle; Hausauer; Henegar; Holm; Howard; Jacobs; Johnson; Keiser; Kelsch;

Kempenich; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Nicholas; Nichols; Oban; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

NAYS: Aarsvold; Allmaras; Berg, J.; Bodine; Boucher; Brodshaug; Gulleson; Hanson; Hokana; Huether; Kaldor; Kerzman; Mutzenberger; Nelson; Ness; Pyle; Ring

ABSENT AND NOT VOTING: Olsen, D.

Engrossed SB 2097 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2192: A BILL for an Act to amend and reenact subsection 7 of section 49-02-02 and sections 49-06-22 and 49-22-22 of the North Dakota Century Code, relating to the authority of the public service commission to set compensation rates for public utility proceedings, reports on the public utility valuation revolving fund, and to siting fees and costs.

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 29 YEAS, 68 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Berg, J.; Bodine; Boucher; Brodshaug; Cleary; Coats; Dobrinski; Glassheim; Grumbo; Gulleson; Hanson; Hokana; Kaldor; Kerzman; Kilichowski; Kroeber; Mahoney; Mutzenberger; Ness; Nichols; Oban; Pyle; Ring; Sitz; Stenson; Thorpe; Wilkie

NAYS: Austin; Bateman; Belter; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Dalrymple; DeWitz; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Goffe; Gorder; Gorman; Grosz; Hagle; Hausauer; Henegar; Holm; Howard; Huether; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kretschmar; Kunkel; Laughlin; Maragos; Martin; Martinson; Monson; Nelson; Nicholas; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Rydell; Schindler; Shide; Skarphol; Soukup; St. Aubyn; Stenehjem; Svedjan; Sveen; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Speaker R. Berg

ABSENT AND NOT VOTING: Olsen, D.

Engrossed SB 2192 was declared lost.

SECOND READING OF SENATE BILL

SB 2277: A BILL for an Act to amend and reenact section 23-02.1-27 of the North Dakota Century Code, relating to disclosure of certain vital records.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats;

Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Maragos; Olsen, D.

Engrossed SB 2277 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2320: A BILL for an Act to create and enact three new sections to chapter 4-12.2 of the North Dakota Century Code, relating to Africanized honeybee areas, mating yards, and semen certification; to amend and reenact section 4-12.2-01, subsection 2 of section 4-12.2-04, sections 4-12.2-06, 4-12.2-07, 4-12.2-16, 4-12.2-18, 4-12.2-20, 4-12.2-21, and 4-12.2-23 of the North Dakota Century Code, relating to beekeeping; and to repeal sections 4-12.2-03, 4-12.2-17, and 4-12.2-19 of the North Dakota Century Code, relating to the issuance of emergency orders and rules regarding beekeeping, the maintenance of bees in movable frames, and the sale or exposure of infected bees and equipment.

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 70 YEAS, 27 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Allmaras; Austin; Bateman; Belter; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Dalrymple; DeWitz; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Goffe; Gorder; Gorman; Grosz; Grumbo; Hagle; Hausauer; Henegar; Holm; Howard; Huether; Johnson; Keiser; Kelsch; Kempenich; Klein; Kretschmar; Kunkel; Laughlin; Maragos; Martin; Martinson; Monson; Nelson; Nicholas; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Rydell; Schindler; Shide; Skarphol; Soukup; St. Aubyn; Stenehjem; Svedjan; Sveen; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Speaker R. Berg

NAYS: Aarsvold; Berg, J.; Bodine; Boucher; Brodshaug; Coats; Dobrinski; Glassheim; Gulleson; Hanson; Hokana; Jacobs; Kaldor; Kerzman; Kilichowski; Kroeber; Mahoney; Mutzenberger; Ness; Nichols; Oban; Pyle; Ring; Sitz; Stenson; Thorpe; Wilkie

ABSENT AND NOT VOTING: Olsen, D.

Engrossed SB 2320 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2334: A BILL for an Act to amend and reenact subsection 1 of section 4-10.4-08, section 4-28-07, subsection 6 of section 60-02-01, and subsection 6 of section 60-03-01 of the North Dakota Century Code, relating to levies on certain agricultural commodities and to the definition of public warehouseman and roving grain and hay buyer.

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 92 YEAS, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Rydell; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

NAYS: Gorder; Kaldor; Kilichowski; Ring; Schindler

ABSENT AND NOT VOTING: Olsen, D.

Engrossed SB 2334 passed and the title was agreed to.

MOTION

REP. MARTINSON MOVED that the rules be suspended and that all bills acted on this morning be messaged to the Senate immediately, which motion prevailed.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2009, SB 2019, SB 2277, SB 2320, SB 2334, SB 2527, SB 2534.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2097.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has amended and subsequently failed to pass: SB 2192.

MOTION

REP. MARTINSON MOVED that the House stand in recess until 1:30 p.m., which motion prevailed.

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

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The President has signed: HB 1125, HB 1152, HB 1153, HB 1154, HB 1156, HB 1171, HB 1173, HB 1176, HB 1177, HB 1185, HB 1233, HB 1235, HB 1253, HB 1301, HB 1319, HB 1331.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2026, SB 2050, SB 2053, SB 2076, SB 2089, SB 2239, SB 2271, SB 2296, SB 2315, SB 2331, SB 2369, SB 2377, SB 2410, SB 2417, SB 2419, SB 2445, SB 2457, SB 2458, SB 2478, SB 2493, SB 2494, SB 2495, SB 2497.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SCR 4040, SCR 4042, SCR 4044, SCR 4045, SCR 4049.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully

requested on: HB 1046, HB 1072, HB 1080, HB 1094, HB 1105, HB 1109, HB 1112, HB 1127, HB 1129, HB 1131, HB 1133, HB 1144, HB 1147, HB 1157, HB 1200, HB 1214, HB 1257, HB 1258, HB 1263, HB 1268, HB 1271, HB 1276, HB 1277, HB 1279, HB 1295, HB 1308, HB 1324, HB 1343, HB 1355, HB 1359, HB 1388.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has passed unchanged: SB 2171, SB 2213, SB 2230, SB 2266, SB 2286, SB 2317, SCR 4005, SCR 4013, SCR 4015, SCR 4018, SCR 4025, SCR 4027, SCR 4037, SCR 4039, SCR 4046, SCR 4047, SCR 4050, SCR 4051, SCR 4053, SCR 4055, SCR 4056, SCR 4058, SCR 4061, SCR 4062, SCR 4063, SCR 4064, SCR 4066, SCR 4071.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2007, SB 2011, SB 2012, SB 2024, SB 2101, SB 2328, SB 2362, SB 2449, SB 2519, SB 2524, SCR 4031, SCR 4057.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has failed to pass: SB 2175, SB 2260, SB 2318.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4033: A concurrent resolution urging Congress to reject the Freedom of Choice Act.

REQUEST

REP. D. OLSEN REQUESTED a recorded roll call vote on the final adoption of SCR 4033, which request was granted.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 67 YEAS, 31 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Bernstein; Bodine; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gerntholz; Gordier; Gorman; Grosz; Grumbo; Hagle; Hausauer; Henegar; Howard; Huether; Jacobs; Johnson; Kelsch; Kempenich; Kerzman; Klein; Kretschmar; Kunkel; Laughlin; Martin; Monson; Nicholas; Nichols; Olsen, D.; Olson, A.; Poolman; Porter; Price; Rennerfeldt; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjelm; Stenson; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wilkie

NAYS: Allmaras; Berg, J.; Brodshaug; Christopherson; Gates; Glassheim; Goffe; Gulleson; Hanson; Hokana; Holm; Kaldor; Keiser; Kilichowski; Kroeber; Mahoney; Maragos; Martinson; Mutzenberger; Nelson; Ness; Oban; Payne; Pyle; Ring; Rydell; Svedjan; Sveen; Thorpe; Wentz; Speaker R. Berg

SCR 4033 was declared adopted on a roll call vote.

SECOND READING OF SENATE BILL

SB 2364: A BILL for an Act to create and enact a new section to chapter 47-26 of the North Dakota Century Code, relating to the cultivation of land adjoining a boundary line; to amend and reenact section 47-26-05 of the North Dakota Century Code, relating to the erection and maintenance of partition fences; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 20 YEAS, 78 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bodine; Boucher; Cleary; Coats; Gulleson; Hagle; Kaldor; Kempenich; Kerzman; Kilichowski; Laughlin; Mahoney; Mutzenberger; Nelson; Oban; Olsen, D.; Pyle; Ring; Sitz; Stenson

NAYS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Boehm; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Keiser; Kelsch; Klein; Kretschmar; Kroeber; Kunkel; Maragos; Martin; Martinson; Monson; Ness; Nicholas; Nichols; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Rydell; Schindler; Shide; Skarphol; Soukup; St. Aubyn; Stenehjelm; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

Engrossed SB 2364 was declared lost.

SECOND READING OF SENATE BILL

SB 2430: A BILL for an Act to create and enact a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to nonresident licenses to sell minnows or other live bait at wholesale; and to amend and reenact subsection 27 of section 20.1-03-12 and section 20.1-06-14 of the North Dakota Century Code, relating to resident licenses to sell minnows or other live bait at wholesale and nonresident minnow bait wholesalers.

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 20 YEAS, 78 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Carlisle; Gerntholz; Glassheim; Goffe; Gorder; Hanson; Henegar; Hokana; Huether; Kilichowski; Kroeber; Kunkel; Laughlin; Mutzenberger; Ness; Nicholas; Oban; Olson, A.; Ring; Wilkie

NAYS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hausauer; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kretschmar; Mahoney; Maragos; Martin; Martinson; Monson; Nelson; Nichols; Olsen, D.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjelm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Speaker R. Berg

Engrossed SB 2430 was declared lost.

SECOND READING OF SENATE BILL

SB 2195: A BILL for an Act to amend and reenact sections 60-02-07, 60-02-38, and subsection 3 of section 60-02-40 of the North Dakota Century Code, relating to the license for a public warehouse and redemption of receipts when the ownership of a warehouse is transferred.

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 84 YEAS, 14 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; Dorso; Drovdal; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gordier; Gorman; Grosz; Grumbo; Gulleon; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; Payne; Porter; Price; Pyle; Rennerfeldt; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Torgerson; Wald; Wanzek; Wardner; Wentz; Speaker R. Berg

NAYS: Bateman; Belter; Brown; DeWitz; Dobrinski; Freier; Kaldor; Kerzman; Nichols; Poolman; Ring; Timm; Tollefson; Wilkie

SB 2195 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2206: A BILL for an Act to create and enact a new section to chapter 26.1-45 of the North Dakota Century Code, relating to immunity from liability for volunteers of insurance counseling programs; and to amend and reenact subsection 4 of section 26.1-36.1-01, section 26.1-36.1-02, subsections 1 and 3 of section 26.1-36.1-05, subsection 4 of section 26.1-45-01, section 26.1-45-05.1, and subsection 1 of section 26.1-45-09 of the North Dakota Century Code, relating to medicare supplement insurance, long-term care insurance, and right to return a policy.

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, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gordier; Gorman; Grosz; Grumbo; Gulleon; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

SB 2206 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2219: A BILL for an Act to amend and reenact section 64-02-10 of the North Dakota Century Code, relating to the fees to test or calibrate weighing and measuring devices; to provide an effective date; and to provide an expiration date.

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 56 YEAS, 40 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Berg, J.; Bernstein; Brodshaug; Byerly; Carlson, C.; Clayburgh; Cleary; Coats; Dalrymple; Drovdal; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grumbo; Gulleeson; Hanson; Hausauer; Henegar; Hokana; Holm; Huether; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kretschmar; Kroeber; Kunkel; Monson; Mutzenberger; Nelson; Ness; Nicholas; Oban; Porter; Price; Pyle; Ring; Rydell; Shide; St. Aubyn; Stenehjem; Svedjan; Sveen; Thorpe; Torgerson; Wald; Wardner; Wentz; Speaker R. Berg

NAYS: Aarsvold; Allmaras; Austin; Bateman; Belter; Bodine; Boehm; Brown; Carlisle; Carlson, A.; Christopherson; DeWitz; Dobrinski; Dorso; Freier; Grosz; Hagle; Howard; Kaldor; Kerzman; Kilichowski; Laughlin; Mahoney; Maragos; Martin; Martinson; Nichols; Olson, A.; Payne; Poolman; Rennerfeldt; Schindler; Sitz; Skarphol; Soukup; Stenson; Timm; Tollefson; Wanzek; Wilkie

ABSENT AND NOT VOTING: Boucher; Olsen, D.

SB 2219 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2272: A BILL for an Act to provide for transfer of administrative control of a building module at the developmental center at Grafton from the department of human services to the administrative committee on veterans' affairs to be administered as part of the veterans' home; and to amend and reenact section 25-04-01 of the North Dakota Century Code, relating to administrative authority and control of the developmental center at Grafton.

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 39 YEAS, 59 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bodine; Boucher; Carlson, C.; Christopherson; Coats; Dobrinski; Dorso; Glassheim; Gorder; Hagle; Hanson; Hausauer; Kaldor; Kerzman; Kilichowski; Kunkel; Laughlin; Mahoney; Maragos; Monson; Nelson; Nicholas; Oban; Olsen, D.; Olson, A.; Poolman; Ring; Schindler; Shide; Sitz; Soukup; Stenehjem; Stenson; Sveen; Tollefson; Wilkie

NAYS: Bateman; Belter; Berg, J.; Bernstein; Boehm; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Clayburgh; Cleary; Dalrymple; DeWitz; Drovdal; Freier; Froseth; Gates; Gerntholz; Goffe; Gorman; Grosz; Grumbo; Gulleeson; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kretschmar; Kroeber; Martin; Martinson; Mutzenberger; Ness; Nichols; Payne; Porter; Price; Pyle; Rennerfeldt; Rydell; Skarphol; St. Aubyn; Svedjan; Thorpe; Timm; Torgerson; Wald; Wanzek; Wardner; Wentz; Speaker R. Berg

Engrossed SB 2272 was declared lost.

SECOND READING OF SENATE BILL

SB 2340: A BILL for an Act to amend and reenact section 26.1-03-13 of the North Dakota Century Code, relating to reporting of product liability information.

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 49 YEAS, 49 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Berg, J.; Bodine; Boucher; Brodshaug; Carlson, C.; Cleary; Coats; Dobrinski; Dorso; Gates; Glassheim; Goffe; Gorder; Grumbo; Gulleson; Hagle; Hanson; Henegar; Hokana; Huether; Jacobs; Kaldor; Keiser; Kempenich; Kerzman; Kilichowski; Kroeber; Laughlin; Mahoney; Maragos; Martin; Martinson; Mutzenberger; Nelson; Ness; Nichols; Oban; Pyle; Ring; Rydell; Sitz; Soukup; Stenson; Svedjan; Thorpe; Wentz; Wilkie

NAYS: Austin; Bateman; Belter; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson, A.; Christopherson; Clayburgh; Dalrymple; DeWitz; Drovda; Freier; Froseth; Gerntholz; Gorman; Grosz; Hausauer; Holm; Howard; Johnson; Kelsch; Klein; Kretschmar; Kunkel; Monson; Nicholas; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Schindler; Shide; Skarphol; St. Aubyn; Stenehjelm; Sveen; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Speaker R. Berg

SB 2340 was declared lost.

SECOND READING OF SENATE BILL

SB 2353: A BILL for an Act to amend and reenact section 57-39.2-23 of the North Dakota Century Code, relating to the release of certain sales tax information to Canadian provinces.

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 38 YEAS, 59 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Berg, J.; Bodine; Boucher; Brodshaug; Carlson, C.; Cleary; Coats; Dalrymple; Dobrinski; Gates; Glassheim; Goffe; Grumbo; Gulleson; Hagle; Hanson; Hokana; Huether; Kaldor; Kerzman; Kilichowski; Kroeber; Laughlin; Mahoney; Mutzenberger; Nelson; Ness; Nichols; Oban; Pyle; Ring; Schindler; Sitz; Stenson; Thorpe; Wilkie

NAYS: Austin; Bateman; Belter; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson, A.; Christopherson; Clayburgh; DeWitz; Dorso; Drovda; Freier; Froseth; Gerntholz; Gorder; Gorman; Grosz; Henegar; Holm; Howard; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kretschmar; Kunkel; Maragos; Martin; Martinson; Monson; Nicholas; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Rydell; Shide; Skarphol; Soukup; St. Aubyn; Stenehjelm; Svedjan; Sveen; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Speaker R. Berg

ABSENT AND NOT VOTING: Hausauer

SB 2353 was declared lost.

MOTION

REP. FREIER MOVED that SB 2523, which is on the Fourteenth order, be rereferred to the Agriculture Committee, which motion prevailed. Pursuant to Rep. Freier's motion, SB 2523 was rereferred.

MOTION

REP. BELTER MOVED that SB 2473, which is on the Fourteenth order, be rereferred to the Transportation Committee for the purpose of amendment, which motion prevailed. Pursuant to Rep. Belter's motion, SB 2473 was rereferred.

SECOND READING OF SENATE BILL

SB 2358: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 57-62-02 of the North Dakota Century Code, relating to allocation of a portion of a county's share of coal severance tax revenues to the lignite research fund; to amend and reenact subsection 3 of section 57-62-02 of the North Dakota Century Code, relating to allocation of a portion of the state general fund share of coal severance tax revenues to the lignite research fund; and to provide an effective date.

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, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gordier; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

Engrossed SB 2358 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2373: A BILL for an Act to amend and reenact section 12.1-16-01 of the North Dakota Century Code, relating to the definition of murder.

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, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gordier; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

Engrossed SB 2373 passed and the title was agreed to.

MOTION

REP. MARTINSON MOVED that the House do not concur in the Senate amendments to HB 1155, HB 1168, HB 1181, HB 1222, HB 1225, and HB 1256 and that conference

committees be appointed to meet with like committees from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1155: Reps. Soukup, Sveen, Kilichowski.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1168: Reps. Tollefson, Soukup, Kilichowski.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1181: Reps. Christopherson, Gordor, Bodine.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1222: Reps. Bernstein, Kempenich, Stenson.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1225: Reps. D. Olsen, Henegar, Brodshaug.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1256: Reps. Kelsch, Kretschmar, Grumbo.

SECOND READING OF SENATE BILL

SB 2381: A BILL for an Act to create and enact a new section to chapter 39-08 of the North Dakota Century Code, relating to the penalty for driving while under the influence of alcohol or refusing to submit to a blood test while being accompanied by a minor.

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 33 YEAS, 65 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bodine; Boucher; Brodshaug; Carlisle; Cleary; Coats; Dalrymple; DeWitz; Gates; Glassheim; Goffe; Gordor; Gulleson; Hanson; Jacobs; Kaldor; Kerzman; Laughlin; Mahoney; Maragos; Mutzenberger; Nelson; Ness; Nichols; Oban; Pyle; Ring; Schindler; St. Aubyn; Sveen; Wentz; Wilkie

NAYS: Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Boehm; Brown; Byerly; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gerntholz; Gorman; Grosz; Grumbo; Hagle; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Johnson; Keiser; Kelsch; Kempenich; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Martin; Martinson; Monson; Nicholas; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Rydell; Shide; Sitz; Skarphol; Soukup; Stenehjelm; Stenson; Svedjan; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Speaker R. Berg

Engrossed SB 2381 was declared lost.

SECOND READING OF SENATE BILL

SB 2385: A BILL for an Act to create and enact a new section to chapter 49-21 of the North Dakota Century Code, relating to the provisioning of dialing parity in the North Dakota intraLATA long distance market; and to provide an expiration date.

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

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gordor; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

NAYS: Hokana

Engrossed SB 2385 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2387: A BILL for an Act relating to an agricultural pesticide and pesticide container disposal program; to provide an appropriation; and to provide an expiration date.

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, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gordor; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

Engrossed SB 2387 passed and the title was agreed to.

MOTION

REP. MARTINSON MOVED that SB 2398 be placed at the top of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2398: A BILL for an Act to create and enact two new sections to chapter 20.1-02 of the North Dakota Century Code, relating to the creation of the motorboat programs and safety fund; to amend and reenact section 20.1-03-12 of the North Dakota Century Code, relating to motorboat license fees; and to provide an effective date.

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 82 YEAS, 16 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Allmaras; Austin; Belter; Berg, J.; Bernstein; Bodine; Boehm; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; Dorso; Drovdal; Freier; Froseth; Gates; Glassheim; Gorder; Gorman; Grosz; Grunbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rydell; Shide; Sitz; Soukup; St. Aubyn; Stenehjelm; Stenson; Svedjan; Sveen; Thorpe; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz

NAYS: Aarsvold; Bateman; Boucher; DeWitz; Dobrinski; Gerntholz; Goffe; Kaldor; Kerzman; Rennerfeldt; Ring; Schindler; Skarphol; Timm; Wilkie; Speaker R. Berg

SB 2398 passed and the title was agreed to.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1216, HB 1267, HB 1336, HB 1360.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1216

Page 1, line 4, remove "and" and after "date" insert "; and to provide an expiration date"

Page 1, after line 18, insert:

"SECTION 3. EXPIRATION DATE. This Act is effective through September 1, 1993, and after that date is ineffective."

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1267

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act relating to political subdivisions and nonprofit medical foundations; and to provide an expiration date."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**SECTION 1. Contribution of funds - Nonprofit medical foundation.**

A political subdivision may provide public funds not in excess of twenty thousand dollars a year to a nonprofit medical foundation. The funds must be used for improvements to an existing health care facility whose purpose includes providing services to the poor, scholarships, or endowments for scholarships to encourage the education of persons in financial need, or the acquisition of medical equipment needed by the health care facility to continue providing services to the poor. A political subdivision may not provide funds to a nonprofit medical foundation for the support of a health care facility that is not financially viable.

SECTION 2. EXPIRATION DATE. This Act is effective through July 31, 1995, and after that date is ineffective."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1336

Page 2, line 5, remove "Council of American Building Officials Model Energy Code, 1989".

Page 2, line 6, remove "Edition," and overstrike "and any amendments or additions thereto." and insert immediately thereafter "Council of American Building Officials Model Energy Code, 1989 Edition."

Renumber accordingly

SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1360

Page 4, line 13, after "council" insert "or the chairman's designee"

Page 5, line 14, remove the overstrike over "~~, but the amounts may not exceed the~~"

Page 5, line 15, remove the overstrike over "~~amounts provided by law for state officers~~"

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1104, HB 1373.

SENATE AMENDMENTS TO HOUSE BILL NO. 1104

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for the donation of accumulated annual leave between state employees; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. State leave sharing program.

1. As used in this section:

- a. "Household members" means those persons who reside in the same home, who have reciprocal duties to and do provide financial support for one another. This term includes foster children and legal wards even if they do not live in the household. The term does not include persons sharing the same general house when the living style is primarily that of a dormitory or commune.
- b. "Relative of the employee" is limited to the spouse, child, stepchild, grandchild, grandparent, stepparent, or parent of an employee.
- c. "Severe" or "extraordinary" means serious, extreme, or life threatening.
- d. "State employee" means a permanent employee with over six months continuous service with the state. It does not include employees in probationary status or employees on temporary or other limited term appointments.

2. A state employee may donate annual leave to a fellow state employee who is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition that has caused or is likely to cause the employee to take leave without pay or terminate employment.

3. A state employee is eligible to receive shared leave pursuant to the following conditions:

- a. The chief administrative officer of the employee determines that the employee meets the criteria described in this section.
 - b. The employee has abided by state policies regarding the use of sick leave.
 - c. The employee's use of shared leave does not exceed four months in any twelve-month period.
4. A state employee may donate annual leave to another state employee only pursuant to the following conditions:
- a. The receiving employee has exhausted, or will exhaust, all annual leave, sick leave, and compensatory time off due to an illness, injury, impairment, or physical or mental condition, that is of an extraordinary or severe nature, and involves the employee, a relative of the employee, or a household member of the employee;
 - b. The condition has caused, or is likely to cause, the receiving employee to go on leave without pay or terminate employment; and
 - c. The donating employee donates leave in full-hour increments and retains a leave balance of at least eighty hours.
5. The chief administrative officer of the state employee shall require the employee to submit, prior to approval or disapproval, a medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the condition.
6. Donated annual leave is transferable between employees in different state entities.
7. One hour of donated annual leave must be regarded as one hour of shared leave for the recipient.
8. Any donated leave may only be used by the recipient for the purposes specified in this section and is not payable in cash.
9. All forms of paid leave available for use by the recipient must be used prior to using shared leave.
10. Any shared leave not used by the recipient during each occurrence as determined by the chief administrative officer of the employee may be retained by the recipient.
11. All donated leave must be given voluntarily. No state employee may be coerced, threatened, intimidated, or financially induced into donating annual leave for purposes of the leave sharing program.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1373

Page 1, line 11, remove the overstrike over "who must"

Page 1, line 12, remove the overstrike over "~~have had~~", after "~~special~~" insert "post-graduate", and remove the overstrike over "~~training or experience in public health administration~~"

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2187, SB 2215, SB 2242, SB 2253, SB 2257, SB 2273, SB 2284, SB 2324, SB 2341, SB 2357, SB 2388, SB 2414, SB 2436, SB 2437, SB 2438, SB 2446, SB 2461, SB 2464, SB 2469.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4011.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1228.

REQUEST

REP. DALRYMPLE REQUESTED that the record show that the Government Operations Section of the Appropriations Committee were excused to do committee work, which request was granted.

SECOND READING OF SENATE BILL

SB 2392: A BILL for an Act to amend and reenact subdivision a of subsection 3 of section 54-52-17 of the North Dakota Century Code, relating to normal retirement date for participating members of the public employees retirement system; and to provide an effective date.

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 21 YEAS, 71 NAYS, 6 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Berg, J.; Bodine; Carlson, C.; Cleary; Coats; Gorder; Gulleson; Hanson; Hokana; Huether; Kaldor; Kerzman; Kilichowski; Maragos; Pyle; Ring; Rydell; Thorpe; Wilkie

NAYS: Austin; Bateman; Belter; Bernstein; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlson, A.; Christopherson; Dalrymple; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Gates; Glassheim; Goffe; Gorman; Grosz; Grumbo; Hagle; Hausauer; Henegar; Holm; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kretschmar; Kunkel; Mahoney; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Speaker R. Berg

ABSENT AND NOT VOTING: Carlisle; Clayburgh; Gerntholz; Howard; Kroeber; Laughlin

SB 2392 was declared lost.

SECOND READING OF SENATE BILL

SB 2393: A BILL for an Act to amend and reenact section 49-21-22 of the North Dakota Century Code, relating to the regulatory reform review commission and compensation of the members of the commission.

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 91 YEAS, 0 NAYS, 6 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleon; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kunkel; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjelm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

EXCUSED: Carlisle; Clayburgh; Gerntholz; Howard; Kroeber; Laughlin

ABSENT AND NOT VOTING: Bateman

Engrossed SB 2393 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2401: A BILL for an Act to create and enact a new section to chapter 26.1-40 of the North Dakota Century Code, relating to payment of automobile insurance benefits to a policyholder's family member.

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 91 YEAS, 0 NAYS, 6 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleon; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kunkel; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjelm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

EXCUSED: Carlisle; Clayburgh; Gerntholz; Howard; Kroeber; Laughlin

ABSENT AND NOT VOTING: Bateman

SB 2401 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2423: A BILL for an Act to create and enact a new section to chapter 21-06 of the North Dakota Century Code, relating to the use of property for nonprofit education foundations.

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, 0 NAYS, 6 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kunkel; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjøm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

EXCUSED: Carlisle; Clayburgh; Gerntholz; Howard; Kroeber; Laughlin

Engrossed SB 2423 passed and the title was agreed to.

MOTION

REP. MARTINSON MOVED that SB 2426 and SB 2431 be placed at the bottom of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2439: A BILL for an Act to create and enact a new section to chapter 1-06 of the North Dakota Century Code, relating to validation of documents executed with facsimile signatures; and to amend and reenact section 44-08-13 of the North Dakota Century Code, relating to use of a facsimile signature.

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 91 YEAS, 0 NAYS, 6 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kunkel; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjøm; Stenson; Svedjan; Sveen; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

EXCUSED: Carlisle; Clayburgh; Gerntholz; Howard; Kroeber; Laughlin

ABSENT AND NOT VOTING: Thorpe

SB 2439 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2444: A BILL for an Act to create and enact a new subsection to section 43-15-01 of the North Dakota Century Code, relating to definitions under the pharmacy laws; and to amend and reenact subsection 16 of

section 43-15-01 of the North Dakota Century Code, relating to the practice of pharmacy.

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 90 YEAS, 0 NAYS, 6 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kunkel; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

EXCUSED: Carlisle; Clayburgh; Gerntholz; Howard; Kroeber; Laughlin

ABSENT AND NOT VOTING: Nicholas; Thorpe

Engrossed SB 2444 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2460: A BILL for an Act to amend and reenact section 16.1-01-04 of the North Dakota Century Code, relating to the qualifications of electors.

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 91 YEAS, 0 NAYS, 6 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kunkel; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

EXCUSED: Carlisle; Clayburgh; Gerntholz; Howard; Kroeber; Laughlin

ABSENT AND NOT VOTING: Thorpe

SB 2460 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2467: A BILL for an Act to amend and reenact subsection 2 of section 10-06-07.3 and section 10-06-08 of the North Dakota Century Code,

relating to publication of information on farm corporations and information reported on farm corporation reports.

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 3 YEAS, 89 NAYS, 6 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Coats; Freier; Sveen

NAYS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlson, A.; Carlson, C.; Christopherson; Cleary; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Froseth; Gates; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kunkel; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjelm; Stenson; Svedjan; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

EXCUSED: Carlisle; Clayburgh; Gerntholz; Howard; Kroeber; Laughlin

Engrossed SB 2467 was declared lost.

MOTION

REP. WALD MOVED that the House reconsider its action whereby SB 2340 failed to pass, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2340: A BILL for an Act to amend and reenact section 26.1-03-13 of the North Dakota Century Code, relating to reporting of product liability information.

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 73 YEAS, 19 NAYS, 6 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bodine; Boucher; Brodshaug; Byerly; Carlson, C.; Christopherson; Cleary; Coats; Dalrymple; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Glassheim; Goffe; Gorder; Gorman; Grumbo; Gulleson; Hanson; Hausauer; Henegar; Hokana; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kunkel; Mahoney; Maragos; Martinson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Porter; Price; Pyle; Ring; Rydell; Schindler; Sitz; Soukup; St. Aubyn; Stenehjelm; Stenson; Svedjan; Sveen; Thorpe; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

NAYS: Bateman; Bernstein; Boehm; Brown; Carlson, A.; DeWitz; Grosz; Hagle; Martin; Monson; Olsen, D.; Olson, A.; Payne; Poolman; Rennerfeldt; Shide; Skarphol; Timm; Tollefson

EXCUSED: Carlisle; Clayburgh; Gerntholz; Howard; Kroeber; Laughlin

SB 2340 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR

- SCR 4048: A concurrent resolution directing the Legislative Council to study the long-term care needs of veterans and the use of state and other existing facilities for long-term care for veterans in North Dakota.
- SCR 4052: A concurrent resolution directing the Legislative Council to study accusations of child abuse or child sexual abuse by one parent against the other during contested custody and visitation cases.
- SCR 4054: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of state regulation of the cable television industry.
- SCR 4059: A concurrent resolution directing the Legislative Council to study state agency office space needs, with emphasis on evaluation of whether rental of office space is the best use of state resources.
- SCR 4060: A concurrent resolution directing the Legislative Council to study the statutory definition of home health agency and home health services and develop a solution to the problems and confusion that may arise due to the state registry requirements.
- SCR 4065: A concurrent resolution directing the Legislative Council to study the relationship of state, county, and city government to determine the feasibility and desirability of expanding autonomy of counties and cities through statewide county and city home rule.
- SCR 4067: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of developing a program to assist single parents and their children in becoming independent of the social service system.
- SCR 4070: A concurrent resolution directing the Legislative Council to study open records, open meetings, and bidding laws for governmental units and nonprofit corporations and organizations.

The question being on the final adoption of the resolutions, which have been read.

SCR 4048, SCR 4052, SCR 4054, SCR 4059, SCR 4060, SCR 4065, SCR 4067, and SCR 4070 were declared adopted on a voice vote.

MOTION

REP. MARTINSON MOVED that the rules be suspended and that the House message all bills on which action was taken this afternoon directly to the Senate with the exception of SB 2381, SB 2347, and SB 2392, which motion prevailed.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1155, HB 1168, HB 1181, HB 1222, HB 1225, and HB 1256 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1155: Reps. Soukup; Sveen; Kilichowski
HB 1168: Reps. Tollefson; Soukup; Kilichowski
HB 1181: Reps. Christopherson; Gorder; Bodine
HB 1222: Reps. Bernstein; Kempenich; Stenson
HB 1225: Reps. D. Olsen; Henegar; Brodshaug
HB 1256: Reps. Kelsch; Kretschmar; Grumbo

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has passed unchanged: SB 2195, SB 2206, SB 2219,

SB 2340, SB 2358, SB 2373, SB 2385, SB 2387, SB 2393, SB 2398, SB 2401, SB 2423, SB 2439, SB 2444, SB 2460, SCR 4033, SCR 4054, SCR 4059, SCR 4067.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has amended and subsequently passed: SCR 4048, SCR 4052, SCR 4060, SCR 4065, SCR 4070.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has amended and subsequently failed to pass: SB 2364, SB 2430.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has failed to pass: SB 2272, SB 2353, SB 2467.

MOTION

REP. FREIER MOVED that the absent member be excused, which motion prevailed.

MOTION

REP. FREIER MOVED that the House be on the Thirteenth and Fifth orders of business and at the conclusion of those orders, the House stand adjourned until 10:00 a.m., Thursday, March 18, 1993, which motion prevailed.

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4011: A concurrent resolution to create and enact a new section to article X of the Constitution of North Dakota, relating to deposit of certain oil extraction tax revenues in the common schools trust fund and the foundation aid stabilization fund and providing for use of the principal and income of the foundation aid stabilization fund; and to provide an effective date.

Was read the first time.

Has been heard by the Joint Constitutional Revision Committee.

REPORT OF STANDING COMMITTEE

SB 2040: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2040 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections" and after "65-05-01" insert "and 65-05-32"

Page 1, line 3, after "compensation" insert "and privacy of records and hearings concerning workers compensation matters; to provide for application of this Act; and to declare an emergency"

Page 2, after line 7, insert:

"SECTION 2. AMENDMENT. Section 65-05-32 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-05-32. Privacy of records and hearings. Information contained in the claim files and records of injured employees is confidential and is not open to public inspection, other than to bureau employees or agents in the performance of their official duties. Providing further that:

1. Representatives of a claimant, whether an individual or an organization, may review a claim file or receive specific information from the file upon the presentation of the signed authorization of the claimant. However, reserve information may not be made available to the claimant or the claimant's representatives. Availability of this information to employers is subject to the sole discretion of the bureau.

2. Employers or their duly authorized representatives may review and have access to any files of their own injured workers.
3. Physicians or health care providers treating or examining workers claiming benefits under this title, or physicians giving medical advice to the bureau regarding any claim may, at the discretion of the bureau, inspect the claim files and records of injured workers.
4. Other persons may have access to and make inspections of the files, if such persons are rendering assistance to the bureau at any stage of the proceedings on any matter pertaining to the administration of this title.
5. The claimant's name; social security number; date of birth; injury date; employer name; type of injury; whether the claim is accepted, denied, or pending; and whether the claim is in active or inactive pay status will be available to the public. This information may not be released in aggregate form, except to those persons contracting with the bureau for exchange of information pertaining to the administration of this title.
6. At the request of a claimant, the bureau may close the medical portion of a hearing to the public.

SECTION 3. APPLICATION OF ACT. Section 2 of this Act applies to all claims irrespective of the date information is requested.

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2086, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO PASS** (20 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2086 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2149: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). SB 2149 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subsection 1 of section 65-06.2-02 and" and replace "65-06.2-01" with "65-06.2-03"

Page 1, line 2, replace "the definition of an inmate" with "workers' compensation coverage of certain inmates; and to provide a statement of legislative intent"

Page 1, replace lines 4 through 16 with:

"SECTION 1. AMENDMENT. Subsection 1 of section 65-06.2-02 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. If an inmate in performance of work in connection with the maintenance of the a city or county penal institution, or with any industry maintained therein, or with any public service activity, sustains a compensable injury, the inmate may, upon being released from the institution, or after discharge from public service, be awarded and paid compensation under the provision of this title. If an

inmate in performance of work in the employer model of the private sector prison industry enhancement certification program at roughrider industries sustains a compensable injury, the inmate may, upon being released from the institution, be awarded and paid compensation under this title.

SECTION 2. AMENDMENT. Section 65-06.2-03 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-06.2-03. Workers' compensation coverage of inmates. Any county or city, by resolution of the governing body, or the department of corrections and rehabilitation for inmates employed in the employer model of the private sector prison industry enhancement certification program at roughrider industries, may elect to cover its inmates with workers' compensation benefits in accordance with this chapter. Any county or city, or the department of corrections and rehabilitation, that makes this election is not liable to respond in damages at common law or by statute for injuries to or the death of any inmate whenever the provisions of this chapter have been met and the premiums as set by the bureau are not in default.

A separate classification must be established for workers' compensation coverage of inmates employed in the employer model of the private sector prison industry enhancement certification program at roughrider industries. Premium rates must be established and adjusted if necessary each year in order to recover all claims payments made to or on behalf of inmates included in the classification and who have received or are receiving workers' compensation benefits. The employer model of the private sector prison industry enhancement certification program at roughrider industries must continue to be assessed premiums until all claim liabilities have been paid in full even if elective coverage is discontinued. In the event that the employer model of the private sector prison industry enhancement certification program at roughrider industries is discontinued prior to the recovery of all workers' compensation claim liabilities, the employer is responsible for payment of premiums necessary to recover the costs of all claim liabilities.

The department of corrections and rehabilitation is responsible for providing medical care for any inmates injured while participating in the employer model of the private sector prison industry enhancement certification program and the bureau is not liable for payment of medical treatment while an injured inmate remains incarcerated.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the legislative assembly that roughrider industries pursue out-of-state markets through joint ventures with the private sector. Roughrider industries' participation in the private sector prison industry enhancement certification program should be through utilization of the employer model component of the program as described by the American correctional association."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2207: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2207 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "living benefits" with "viatical settlements"

Page 1, line 7, replace "Living benefits" with "Viatical settlement"

- Page 1, line 8, replace "living benefits" with "viatical settlement"
- Page 1, line 11, replace "living benefits" with "viatical settlement"
- Page 1, line 16, replace "living benefits" with "viatical settlement"
- Page 1, line 17, replace "Living benefits" with "Viatical settlement"
- Page 1, line 21, replace "living benefits" with "viatical settlement"
- Page 2, line 4, replace "living benefits" with "viatical settlement" and replace "Living benefits" with "Viatical settlement"
- Page 2, line 16, replace "living benefits" with "viatical settlement" and replace "living" with "viatical settlement"
- Page 2, line 17, remove "benefits"
- Page 2, line 19, replace "living benefits" with "viatical settlement"
- Page 3, line 9, replace "living benefit" with "viatical settlement"
- Page 4, line 2, replace "living benefits" with "viatical settlement"
- Page 4, line 7, replace "living benefits" with "viatical settlement"
- Page 4, line 16, replace "living benefits" with "viatical settlement"
- Page 4, line 24, replace the first "living benefits" with "viatical settlement" and replace the second "living benefits" with "viatical settlement"
- Page 4, line 25, replace "living benefits" with "viatical settlement"
- Page 5, line 7, replace "living benefits" with "viatical settlement"
- Page 5, line 8, replace "living benefits" with "viatical settlement"
- Page 5, line 10, replace "living benefits" with "viatical settlement"
- Page 5, line 13, replace "living" with "viatical settlement"
- Page 5, line 14, remove "benefits"
- Page 5, line 17, replace "living benefits" with "viatical settlement"
- Page 5, line 21, replace the first "living benefits" with "viatical settlement" and replace the second "living benefits" with "viatical settlement"
- Page 5, line 28, replace "living benefits" with "viatical settlement"
- Page 6, line 1, replace "living" with "viatical settlement"
- Page 6, line 2, remove "benefits"
- Page 6, line 5, replace "living benefits" with "viatical settlement"
- Page 6, line 10, replace "living benefit" with "viatical settlement"
- Page 6, line 15, replace "living benefits" with "viatical settlement"
- Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2222, as reengrossed: Judiciary Committee (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Reengrossed SB 2222 was placed on the Sixth order on the calendar.

Page 1, line 1, replace the second "and" with ", a new section to chapter 57-38," and after "57-38-60.2" insert ", and a new section to chapter 57-38.1"

Page 1, line 3, after "Act" insert ", the income tax filing method of a limited liability company,"

Page 1, line 8, remove "sections 57-38-08, 57-38-10, subsection 4 of section 57-38-12,"

Page 1, line 9, remove "section 57-38-42,"

Page 1, line 10, after the first comma insert "and" and remove ", and section 57-38.1-17.1"

Page 8, line 5, remove "Agreement to give dissolution avoidance consent means a"

Page 8, remove lines 6 through 10

Page 8, line 11, remove "4."

Page 8, line 15, replace "5." with "4."

Page 8, line 27, replace "6." with "5."

Page 8, line 29, replace "7." with "6."

Page 9, line 5, replace "8." with "7."

Page 9, line 7, remove "before or"

Page 9, line 16, replace "9." with "8."

Page 9, line 20, replace "10." with "9."

Page 9, line 22, replace "11." with "10."

Page 9, line 25, replace "12." with "11."

Page 10, line 3, replace "13." with "12."

Page 10, line 11, replace "14." with "13."

Page 10, line 16, replace "15." with "14."

Page 10, line 24, replace "16." with "15."

Page 11, line 3, replace "17." with "16."

Page 11, line 10, replace "18." with "17."

Page 11, line 17, replace "19." with "18."

Page 11, line 21, replace "20." with "19."

Page 11, line 23, replace "21." with "20."

Page 11, line 26, replace "22." with "21."

Page 12, line 1, replace "23." with "22."

Page 12, line 2, replace "24." with "23."

Page 12, line 12, replace "25." with "24."

Page 12, line 15, replace "26." with "25."

Page 12, line 21, replace "27." with "26."

Page 12, line 24, replace "28." with "27."

Page 13, line 1, replace "29." with "28."

Page 13, line 4, replace "30." with "29."

Page 13, line 9, replace "31." with "30."

Page 14, line 1, replace "32." with "31."

Page 14, line 8, replace "33." with "32."

Page 14, line 12, replace "34." with "33."

Page 14, line 15, replace "35." with "34."

Page 14, line 19, replace "36." with "35."

Page 14, line 25, replace "37." with "36."

Page 14, line 26, replace "38." with "37."

Page 15, line 6, replace "39." with "38."

Page 15, line 11, replace "40." with "39."

Page 15, line 14, replace "41." with "40."

Page 15, line 18, replace "42." with "41."

Page 15, line 20, replace "43." with "42."

Page 15, line 22, replace "44." with "43."

Page 15, line 27, replace "45." with "44."

Page 16, line 11, replace "46." with "45."

Page 16, line 22, replace "47." with "46."

Page 16, line 26, replace "48." with "47."

Page 17, line 1, replace "49." with "48."

Page 17, line 9, replace "50." with "49."

Page 17, line 10, replace "51." with "50."

Page 17, line 14, replace "52." with "51."

Page 65, line 15, remove ", except that an agreement to give"

Page 65, line 16, remove "dissolution avoidance consent is not specifically enforceable"

Page 178, replace lines 23 through 29 with:

"SECTION 15. A new section to chapter 57-38 of the North Dakota Century Code is created and enacted as follows:

Taxation of limited liability companies. For purposes of this chapter, a limited liability company that is formed under either the laws of this state or under similar laws of another state, and that is considered to be a partnership for federal income tax purposes, is considered to be a partnership and the members must be considered to be partners. A limited liability company that is not treated as a partnership for federal income tax purposes must be treated as a corporation for state tax purposes."

Page 179, remove lines 1 through 29

Page 180, remove lines 1 through 6 and remove lines 18 through 29

Page 181, remove lines 1 through 29

Page 182, remove lines 1 through 29

Page 183, remove lines 1 through 8

Page 184, replace lines 15 through 29 with:

"SECTION 20. A new section to chapter 57-38.1 of the North Dakota Century Code is created and enacted as follows:

Taxation of limited liability companies. For purposes of this chapter, a limited liability company that is formed under either the laws of this state or under similar laws of another state, and that is considered to be a partnership for federal income tax purposes, is considered to be a partnership and the members must be considered to be partners. A limited liability company that is not treated as a partnership for federal income tax purposes must be treated as a corporation for state tax purposes."

Page 185, remove lines 1 and 2

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2223: Judiciary Committee (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2223 was placed on the Sixth order on the calendar.

Page 5, line 24, after the underscored period insert "The amendment must be accompanied by a report outlining the information, as of the date of the amendment, which is required under section 10-06.1-17, and the manner in which the corporation has divested itself of its owned or leased land holdings and its business of farming or ranching."

Page 6, line 6, after the underscored period insert "The amendment must be accompanied by a report outlining the information, as of the date of the amendment, which is required under section 10-06.1-17 and the manner in which the limited liability company has divested itself of its owned or leased land holdings and its business of farming or ranching."

Page 12, line 18, replace "at least one is an individual" with "each is actively engaged in operating the farm or ranch, whether each resides

on the farm or ranch, and whether each depends principally on farming or ranching for a livelihood"

Page 12, line 19, remove "residing on or operating the farm or ranch"

Page 13, line 5, replace "secretary of state" with "corporation or limited liability company", replace "a" with "the official county", and remove "general"

Page 13, line 6, remove "circulation in"

Page 13, line 7, replace "each" with "the"

Page 13, line 9, replace "each" with "the"

Page 13, line 10, remove "respective"

Page 13, line 12, remove "each of" and replace "corporations and" with "corporation or"

Page 13, line 13, replace "companies listed" with "company"

Page 15, line 6, after the underscored period insert "The statement must also designate which, if any, of the acreage [hectarage] is leased from or jointly owned with any shareholder or member and list the name of the shareholder or member with that acreage [hectarage]."

Page 16, line 11, replace "10-06.1-14" with "10-06.1-15" and remove "10-06.1-16, and"

Page 16, line 12, after "10-06.1-17" insert ", and 10-06.1-18"

Page 134, line 16, remove "57-38-08, 57-38-10, 57-38-12," and remove "57-38-42,"

Page 134, line 17, remove "57-38.1-17.1,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2225, as engrossed: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2225 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "a" with "two", replace "section" with "sections", and replace "26.1-40" with "26.1-25"

Page 1, line 6, replace "A" with "Two", replace "section" with "sections", and replace "26.1-40" with "26.1-25"

Page 1, line 7, replace "is" with "are"

Page 1, line 8, replace "Accident" with "Motor vehicle accident" and after the underscored period insert "Concerning motor vehicle accidents occurring after August 1, 1993:"

Page 1, line 9, remove "An insurer may not assess an accident surcharge on the policy of"

Page 1, remove lines 10 and 11

Page 1, line 12, remove "2."

Page 1, line 16, replace "3." with "2."

Page 1, after line 19, insert:

"Disclosure of accident surcharge and loss of discount. Before, or at the time of issuance of a policy, an insurer insuring a motor vehicle must notify the insured in writing of the insurer's underwriting and rating procedures applicable to accident surcharges and loss of discounts."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2231, as engrossed: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2231 was placed on the Sixth order on the calendar.

Page 2, line 9, after "sections" insert "26.1-03-02,"

Page 2, line 10, after "to" insert "valuation of securities held by a company,"

Page 23, line 25, overstrike "ten" and insert immediately thereafter "five"

Page 24, overstrike lines 23 through 28

Page 25, overstrike lines 1 and 2

Page 98, line 16, after "Sections" insert "26.1-03-02,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2245, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends DO PASS (13 YEAS, 7 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2245 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2285, as engrossed: Judiciary Committee (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2285 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on page 1062 of the House Journal, Engrossed Senate Bill No. 2285 is amended as follows:

Page 2, line 7, replace "as provided in section 2 of this Act" with "and that a copy of the test results be released to the defendant's or alleged juvenile offender's physician and each requesting victim's physician. The physicians for the defendant or alleged juvenile offender and requesting victim must be specifically named in the court order, and the court order must be served on the physicians before any test"

Page 2, line 20, replace "laboratory" with "court"

Page 2, line 21, replace "defendant or alleged juvenile" with "physicians designated in the court order, who shall then release the test results to the defendant or alleged juvenile offender and each requesting victim as designated in the court order. The court order must be served on the physicians before any test"

Page 2, remove lines 22 through 26

Page 2, line 27, remove "minor's parents or guardian"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2440, as engrossed: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2440 was placed on the Sixth order on the calendar.

Page 1, line 4, after the semicolon insert "and"

Page 1, line 8, remove "; and to provide a continuing appropriation"

Page 3, line 11, remove the overstrike over "new"

Page 15, replace lines 24 through 29 with:

"SECTION 13. AMENDMENT. Section 49-21-22 of the 1991 Supplement to the North Dakota Century Code as amended by section 1 of Senate Bill No. 2393, as approved by the fifty-third legislative assembly, is amended and reenacted as follows:

49-21-22. Regulatory reform review commission - Appointments - Compensation - Report to legislative council. The regulatory reform review commission shall review the operation and effect of North Dakota telecommunications law on an ongoing basis during the interims between the 1993 and 1999 legislative sessions and shall submit a report regarding its operation and effect to the legislative council in 1994, 1996, and 1998. The regulatory reform review commission consists of one member of the public service commission who has responsibility for telecommunications regulation, two members of the senate, appointed by the president of the senate, and two members of the house of representatives, appointed by the speaker. The chairman of the legislative council shall designate the chairman and vice chairman of the regulatory reform review commission from the legislative members of the commission. The public service commission shall provide technical assistance and the legislative council shall provide staff services to the regulatory reform review commission. The legislative members of the regulatory reform review commission are entitled to the same compensation as provided for members of committees of the legislative council under section 54-35-10. The legislative council shall pay the compensation for the legislative members of the regulatory reform review commission. The public service commission shall pay the expenses of the member of the public service commission serving on the regulatory reform review commission and of the public service commission staff providing technical assistance while carrying out their duties."

Page 16, remove lines 1 through 22

Page 16, line 25, remove "- Continuing appropriation"

Page 18, line 2, replace "paid into the public" with "deposited in the general"

Page 18, line 3, remove "utility valuation revolving" and remove "and are"

Page 18, remove line 4

Page 18, line 5, remove "defraying the costs of undertaking the hearings"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2441: Finance and Taxation Committee (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS

(9 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). SB 2441 was placed on the Sixth order on the calendar.

Page 1, line 6, remove the overstrike over "~~Inception of hail~~"

Page 1, line 7, remove the overstrike over "~~insurance policies~~"

Page 1, line 9, remove the overstrike over "~~However, a policy of insurance on growing crops~~"

Page 1, line 10, remove the overstrike over "~~against loss by hail takes effect at~~", after "and" insert "12:01 a.m.", remove the overstrike over "~~on the day~~", after "day" insert "after the date", and remove the overstrike over "~~stated on the~~"

Page 1, line 11, remove the overstrike over "~~application for the insurance.~~"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2453: Judiciary Committee (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2453 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 12.1-28-02 of the North Dakota Century Code, relating to gambling offenses and dissemination of information about a lottery.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 12.1-28-02 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

12.1-28-02. Gambling - Related offenses - Classification of Offenses. Except as permitted by law:

1. It is an infraction to engage in gambling on private premises where the total amount wagered by an individual player exceeds twenty-five dollars per individual hand, game, or event.
2. It is a class A misdemeanor to:
 - a. Sell, purchase, receive, or transfer a chance to participate in a lottery, whether the lottery is drawn in state or out of state, and whether the lottery is lawful in the other state or country; or
 - b. Disseminate information about a lottery with intent to encourage participation in it, except that a legal lottery may be advertised in North Dakota;
 - c. Engage in gambling on private premises where the total amount wagered by an individual player exceeds five hundred dollars per individual hand, game, or event.
3. ~~Subsection 2 shall apply to a lottery drawn or to be drawn outside of this state, whether or not such lottery is lawful in such other state or country.~~
4. A person is guilty of a class C felony if he that person engages or participates in the business of gambling. Without

limitation, a person ~~shall be~~ is deemed to be engaged in the business of gambling if ~~he~~ that person:

- a. Conducts a wagering pool or lottery;
- b. Receives wagers for or on behalf of another person;
- c. Alone or with others, owns, controls, manages, or finances a gambling business;
- d. Knowingly leases or otherwise permits a place to be regularly used to carry on a gambling business or maintain a gambling house;
- e. Maintains for use on any place or premises occupied by ~~him~~ that person a coin-operated gaming device; or
- f. Is a public servant who shares in the proceeds of a gambling business whether by way of a bribe or otherwise.

5- 4. a. As used in subsection 4 3 but with the exceptions provided by subdivision b of this subsection, the term "coin-operated gaming device" means any machine ~~which~~ that is:

(1) A so-called "slot" machine ~~which~~ that operates by means of the insertion of a coin, token, or similar object and which, by application of the element of chance, may deliver, or entitle the person playing or operating the machine to receive cash, premiums, merchandise, or tokens; or

(2) A machine ~~which~~ that is similar to machines described in paragraph 1 and is operated without the insertion of a coin, token, or similar object.

b. The term "coin-operated gaming device" does not include a bona fide vending or amusement machine in which gambling features are not incorporated as defined in section 53-04-01, or an antique "slot" machine twenty-five years old or older ~~which~~ that is collected and possessed by a person as a hobby and is not maintained for the business of gambling.

c. A law enforcement officer may seize any device described in subdivision a upon probable cause to believe that the device was used or is intended to be used in violation of this chapter or chapter 53-06.1. The court shall order the device forfeited in the same manner and according to the same procedure as provided under chapter 29-31.1."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4011: Joint Constitutional Revision Committee (Rep. Brown, Chairman) recommends DO PASS (9 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SCR 4011 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4068: Finance and Taxation Committee (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SCR 4068 was placed on the Sixth order on the calendar.

Page 1, line 4, replace the first "to" with "may"

Renumber accordingly

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

ROY GILBREATH, Chief Clerk