

JOURNAL OF THE HOUSE

Fifty-third Legislative Assembly

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Bismarck, March 16, 1993

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

The prayer was offered by the Rev. David Baker, Nazarene Church, Mandan.

The roll was called and all members were present except Representatives Aarsvold and Howard.

A quorum was declared by the Speaker.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1134, HB 1155, HB 1168, HB 1175, HB 1181, HB 1222, HB 1225, HB 1264, HB 1291, HB 1302, HB 1332, HB 1345, HB 1356.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1134

Page 1, line 15, after "operations" insert "in which at least fifty percent of the livestock is owned by the owner of the farm"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1155

Page 2, line 20, remove the overstrike over "~~three hundred~~" and remove "one"

Page 2, line 21, remove "thousand"

Page 2, line 26, after "report" insert "and shall charge the political subdivision an amount equal to the fair value of the additional examination or audit and any other services rendered"

Page 3, line 2, after "~~audit~~" insert ", at its option,"

Page 3, line 10, replace "When federal funds are" with "The"

Page 3, line 11, remove "involved, the"

Page 3, line 20, replace "fifty" with "five hundred" and remove "an hour"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1168

Page 1, line 1, replace "subsection" with "subsections 2, 3, and"

Page 2, line 3, replace "Subsection" with "Subsections 2, 3, and"

Page 2, line 4, replace "is" with "are"

Page 2, after line 5, insert:

- "2. An insurance company, nonprofit health service corporation, health maintenance organization, or prepaid legal service organization subject to the tax imposed by subsection 1 is entitled to a credit against the tax due for the amount of any assessment paid as a member of a comprehensive health association under subsection 4 of section 26.1-08-09 for which the member may be liable for the year in which the assessment was paid, a credit as provided under section

26.1-38.1-10, a credit against the tax due for an amount equal to the examination fees paid to the commissioner for a financial examination or any examination done in conjunction with a financial examination under sections 26.1-01-07, 26.1-02-02, 26.1-03-19 through 26.1-03-22, 26.1-17-32, and 26.1-18-27, and 26.1-19-14, except that no credit may be allowed for reimbursement of expenses incurred by regular employees of the commissioner for travel outside of this state, and a credit against the tax due for an amount equal to the ad valorem taxes, whether direct or in the form of rent, on that proportion of premises occupied as the principal office in this state for over one-half of the year for which the tax is paid. The credits under this subsection must be prorated on a quarterly basis and may not exceed the total tax liability under subsection 1.

3. Any person failing to pay the tax imposed by subsection 1, within the time required, is subject to a penalty of five percent of the amount of tax due or one hundred dollars, whichever is greater, plus interest of one percent per month on the unpaid tax for each month or fraction of a month of delay, excepting the first day after the tax became due, or twenty-five dollars per day, whichever is greater. Any person failing to file the appropriate tax statement required by rule if the tax is zero is subject to a penalty of twenty-five dollars per day for each day's neglect. The commissioner, if satisfied that the delay was excusable, may waive, and if paid, issue a premium tax credit for all or any part of the penalty and interest."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1175

Page 3, line 21, remove the overstrike over "~~must~~" and remove "may"

Page 3, line 22, remove the overstrike over "~~but may~~"

Page 3, line 23, remove the overstrike over "~~not be within the corporate limits of another city.~~" and remove the underscored period

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1181

Page 3, line 27, after "exist" insert ", unless it can be clearly ascertained that the payments received are intended as child support due in the next month"

Page 11, line 1, overstrike "that" and remove "criteria, established by the public"

Page 11, line 2, remove "authority," and overstrike "not considered by the guidelines will result in"

Page 11, line 3, remove "a support contribution amount that is"

Page 11, line 4, remove "not in the interest of" and overstrike "a child for whom support is-sought" and insert immediately thereafter ", applying criteria established by the public authority which take into consideration the best interests of the child, that the child support amount established under the guidelines is not the correct amount of child support"

Page 20, line 7, overstrike ", or, if indigent, the parent may request"

Page 20. line 8, overstrike "the court to order"

Page 20, line 13, overstrike "that other legal counsel services that may be"

Page 20, overstrike line 14

Page 20, line 15, overstrike "These" and overstrike "legal counsel services include counsel services"

Page 20, line 16, overstrike "for indigent persons" and insert immediately thereafter "The court shall appoint counsel to represent the interests of a parent who is financially unable to obtain counsel"

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1222

Page 2, line 12, replace "shall" with "may"

Page 2, line 16, after the underscored period insert "The casualty insurance organization may be established only upon the director's determination that the organization is needed to provide sufficient workers' compensation coverage for the employees and employers of this state and upon the approval of the budget section of the legislative council."

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1225

Page 2, line 2, remove "or should know"

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1264

Page 1, line 4, after "code" insert "; and to provide an effective date"

Page 2, after line 28, insert:

"SECTION 3. EFFECTIVE DATE. This Act becomes effective on August 1, 1994."

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1291

Page 1, line 9, remove "lower of the county average cost per student or the"

Page 1, line 10, after "Such" insert "The", remove the overstrike over "costs", and remove "The full cost"

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1302

Page 2, line 17, after "~~to~~" insert "of not more than twenty-five dollars per day"

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1332

Page 1, line 3, after "reenact" insert "subsection 5 of section 26.1-26.4-02 and"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Subsection 5 of section 26.1-26.4-02 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

5. "Utilization review agent" means any person or entity performing utilization review, except:
 - a. An agency of the federal government; or
 - b. An agent acting on behalf of the federal government or the department of human services, but only to the extent that the agent is providing services to the federal government or the department of human services."

Page 4, line 4, replace "Any" with "When an initial appeal to reverse a determination is unsuccessful, a subsequent"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1345

Page 1, line 13, replace "transferring" with "concealing the transfer of"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1356

Page 6, line 21, replace "An" with "Notwithstanding subsection 2 of section 28-32-15, an"

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 1256, HB 1281.

SENATE AMENDMENTS TO HOUSE BILL NO. 1256

Page 1, line 2, replace "section" with "sections" and after "54-03-19.2" insert "and 54-03-20"

Page 1, line 3, remove "procedures of the", remove "in determining" and after "and" insert "travel reimbursement; and to declare an emergency."

Page 1, remove lines 4 and 5

Page 1, line 17, remove "Bill introduction -"

Page 2, line 3, remove "consult with the majority and minority leaders of the house and senate."

Page 2, line 4, remove "and"

Page 2, line 12, remove ", and file with the legislative council a bill"

Page 2, remove lines 13 through 20

Page 2, line 21, remove "election of members of the house of representatives"

Page 3, after line 2, insert:

"SECTION 3. AMENDMENT. Section 54-03-20 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-03-20. Compensation and expense reimbursement of members of the legislative assembly. Each member of the legislative assembly of the state of North Dakota is entitled to receive as compensation for services the sum of ninety dollars for each calendar day during any organizational, special, or regular legislative session. Each member of the legislative assembly is entitled to receive reimbursement for lodging, which may not exceed a maximum of six hundred dollars per

calendar month for lodging in state, at the rates and in the manner provided in section 44-08-04 for each calendar day during the period of any organizational, special, or regular session. Members of the legislative assembly who receive reimbursement for lodging are also entitled to reimbursement for travel for not to exceed one round trip taken during any calendar week, or portion of a week, the legislative assembly is in session, between their residences and the place of meeting of the legislative assembly, at the rate provided for state employees with the additional limitation that reimbursement for travel by common carrier may not exceed thirty-five cents per mile based upon air mileage. ~~Members~~ A member of the legislative assembly who ~~do~~ does ~~not~~ not receive reimbursement for lodging and ~~who do not live whose place of residence in a the legislative district completely or partially that the member represents is not~~ is not within the city of Bismarck ~~are~~ is entitled to reimbursement at the rate provided for state employees for necessary travel for not to exceed one round trip taken per day between ~~their residences~~ the residence and the place of meeting of the legislative assembly when it is in session and may receive reimbursement for lodging at the place of meeting of the legislative assembly as provided in section 44-08-04 for each calendar day for which round trip travel reimbursement is not claimed, provided that ~~this~~ the total reimbursement may not exceed six hundred dollars per month. The amount to which each legislator is entitled must be paid following the organizational session in December and following each month during a regular or special session.

A day, or portion of a day, spent in traveling to or returning from an organizational, special, or regular session must be included as a calendar day during a legislative session for the purposes of this section.

In addition, each member ~~shall~~ is entitled to receive during the term for which the member was elected, as compensation for the execution of public duties during the biennium, the sum of one hundred eighty dollars a month, which is payable every six months. If a member dies or resigns from office during the member's term, the member may be paid only the allowances provided for in this section for the period for which the member was actually a member.

Attendance at any organizational, special, or regular session of the legislative assembly by any member is a conclusive presumption of entitlement as set out in this section and compensation and expense allowances must be excluded from gross income for income tax purposes to the extent permitted for federal income tax purposes under section 127 of the Economic Recovery Tax Act of 1981 [Pub. L. 97-34; 95 Stat. 202; 26 U.S.C. 162(i)].

SECTION 4. EMERGENCY. Section 3 of this Act is declared to be an emergency measure."

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1281

Page 1, line 9, replace "allow" with "disregard, with no prescribed time limitations," and after "an" insert "amount equal to thirty dollars plus one-third of the recipient's earned income, in a manner otherwise consistent with the requirements of 45 CFR 233.20(a)(11), in determining need and amount of assistance in the"

Page 1, line 10, remove "benefits recipient to secure employment. The department may not"

Page 1, remove lines 11 through 13

Re-number accordingly

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

March 16, 1993

This is to inform you that on March 15, 1993, I signed the following: HB 1034, HB 1035, HB 1037, HB 1051, HB 1068, HB 1095, HB 1117, HB 1128, HB 1130, HB 1146, HB 1150, HB 1151, HB 1159, HB 1244, HB 1288, HB 1358, and HB 1493.

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, which include SB 2019, SB 2097, SB 2192, SB 2245, SB 2277, SB 2320, SB 2334, SB 2364, SB 2430, and SB 2473, which motion prevailed.

SB 2245, as amended, was rereferred to the Appropriations Committee.

SB 2019, SB 2097, SB 2192, SB 2277, SB 2320, SB 2334, SB 2364, SB 2430, and SB 2473, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF SENATE BILL

SB 2004: A BILL for an Act making an appropriation for defraying the expenses of the upper great plains transportation institute.

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: 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; Gulleon; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; 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

ABSENT AND NOT VOTING: Aarsvold; Howard

Engrossed SB 2004 passed and the title was agreed to.

MOTION

REP. MARTINSON MOVED that SB 2304 be placed at the head of the Fourteenth order on the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2304: A BILL for an Act to amend and reenact subdivision a of subsection 15 of section 57-02-08 of the North Dakota Century Code, relating to the property tax exemption for agricultural buildings; 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 11 YEAS, 85 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bodine; Boucher; Coats; Dobrinski; Glassheim; Hagle; Hanson; Kerzman; Kilichowski; Laughlin; Ring

NAYS: Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Boehm; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Dalrymple; DeWitz; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hausauer; Henegar; Hokana; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Klein; Kretschmar; Kroeber; Kunkel; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; 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

ABSENT AND NOT VOTING: Aarsvold; Howard

Engrossed SB 2304 was declared lost.

SECOND READING OF SENATE BILL

SB 2016: A BILL for an Act making an appropriation for defraying the expenses of the children's services coordinating committee.

ROLL CALL

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

YEAS: 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; 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

ABSENT AND NOT VOTING: Aarsvold; Howard

Engrossed SB 2016 passed and the title was agreed to.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Herman Larson.

HOUSE ENGROSSING AND ENROLLING REPORT

The following bills were enrolled: HB 1080, HB 1094, HB 1109, HB 1129, HB 1144, HB 1257, HB 1268, HB 1276, HB 1277, HB 1324, HB 1343, HB 1355, HB 1359, HB 1388.

SECOND READING OF SENATE BILL

SB 2060: A BILL for an Act to amend and reenact subsections 3 and 5 of section 57-27-02 of the North Dakota Century Code, relating to an exception to the notice of redemption provisions for owners of certain severed mineral interests; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: 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; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; 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

ABSENT AND NOT VOTING: Aarsvold; Gorman; Howard

SB 2060 passed and the title was agreed to.

MOTION

REP. FREIER MOVED that the House waive the reading of the titles to SB 2074, SB 2227, SB 2265, SB 2287, SB 2394, SB 2527, SB 2272, SB 2426, SB 2471, SB 2523, SB 2530, and SB 2206, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2074: A BILL for an Act to create and enact a new section to chapter 43-10 of the North Dakota Century Code, relating to continuing education requirements for funeral service practitioners; and to amend and reenact sections 43-10-13, 43-10-15, 43-10-21, and 43-10-22 of the North Dakota Century Code, relating to licensure fees for funeral service practitioners and funeral establishments and the definition of funeral establishments.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 95 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; 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: Dobrinski

ABSENT AND NOT VOTING: Aarsvold; Howard

SB 2074 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2096: A BILL for an Act to amend and reenact section 34-14-04.1 of the North Dakota Century Code, relating to withholding by an employer of advances paid to an employee.

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 94 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; 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; Gulleston; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; 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.; 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: Brown; Olson, A.

ABSENT AND NOT VOTING: Aarsvold; Howard

SB 2096 passed and the title was agreed to.

MOTION

REP. CLAYBURGH MOVED that the House reconsider its action whereby SB 2486 failed to pass, which motion prevailed on a verification vote.

SECOND READING OF SENATE BILL

SB 2486: A BILL for an Act to amend and reenact section 12-48-03.1 of the North Dakota Century Code, relating to the sale of products produced by roughrider industries; to provide a statement of legislative intent; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 52 YEAS, 44 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Austin; Bateman; Belter; Bernstein; Boehm; Brown; Byerly; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Dorso; Drovdal; Freier; Froseth; Gates; Gorman; Grosz; Hagle; Hanson; Hausauer; Holm; Johnson; Keiser; Kelsch; Kempenich; Klein; Kroeber; Kunkel; Monson; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Schindler; Shide; Skarphol; Soukup; St. Aubyn; Stenehjem; Svedjan; Sveen; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Speaker R. Berg

NAYS: Allmaras; Berg, J.; Bodine; Boucher; Brodshaug; Carlisle; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Gerntholz; Glassheim; Goffe; Gorder; Grumbo; Gulleston; Henegar; Hokana; Huether; Jacobs; Kaldor; Kerzman; Kilichowski; Kretschmar; Laughlin; Mahoney; Maragos; Martin; Martinson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Pyle; Ring; Rydell; Sitz; Stenson; Thorpe; Wentz; Wilkie

ABSENT AND NOT VOTING: Aarsvold; Howard

SB 2486 passed and the title was agreed to.

MOTION

REP. POOLMAN MOVED that the vote by which SB 2486 passed be reconsidered and the motion to reconsider be laid on the table, which motion failed on a verification vote.

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3002.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2058, SB 2378, SB 2447.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2290, SB 2313, SB 2339, SB 2488.

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

MADAM PRESIDENT: The House has failed to pass: SB 2159, SB 2343.

SECOND READING OF SENATE BILL

SB 2227: A BILL for an Act to create and enact a new chapter to title 6 and a new subsection to section 6-03-02 of the North Dakota Century Code, relating to policies, self-serving practices, and administration of fiduciary powers by banking institutions; and to amend and reenact subsection 2 of section 6-01-02 and section 6-05-02 of the North Dakota Century Code, relating to removing trust companies from the definition of a bank and to banks exercising fiduciary powers.

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

YEAS: 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; Glasheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Hagle; Hanson; Henegar; Hokana; Holm; 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

ABSENT AND NOT VOTING: Aarsvold; Gulleeson; Hausauer; Howard

SB 2227 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2254: A BILL for an Act to amend and reenact subsection 1 of section 39-08-18 of the North Dakota Century Code, relating to the penalty for an open receptacle containing an alcoholic beverage in a motor vehicle.

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 45 YEAS, 50 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Berg, J.; Bodine; Boucher; Brodshaug; Carlisle; Clayburgh; Cleary; Coats; Gates; Glassheim; Goffe; Gorder; Grumbo; Gulleson; Hagle; Hanson; Holm; Kaldor; Keiser; Kelsch; Kerzman; Kilichowski; Kretschmar; Kroeber; Laughlin; Mahoney; Mutzenberger; Nelson; Ness; Nichols; Oban; Porter; Price; Pyle; Ring; Rydell; Schindler; Sitz; Soukup; St. Aubyn; Stenson; Svedjan; Sveen; Wentz; Wilkie

NAYS: Allmaras; Austin; Bateman; Belter; Bernstein; Boehm; Brown; Byerly; Carlson, A.; Carlson, C.; Christopherson; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gerntholz; Gorman; Grosz; Henegar; Hokana; Huether; Jacobs; Johnson; Kempenich; Klein; Kunkel; Maragos; Martin; Martinson; Monson; Nicholas; Olsen, D.; Olson, A.; Payne; Poolman; Rennerfeldt; Shide; Skarphol; Stenehjem; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Speaker R. Berg

ABSENT AND NOT VOTING: Aarsvold; Hausauer; Howard

Engrossed SB 2254 was declared lost.

SECOND READING OF SENATE BILL

SB 2255: A BILL for an Act to amend and reenact sections 39-04-14 and 39-04-14.1 of the North Dakota Century Code, relating to renewal of motor vehicle registrations.

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: 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; 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

ABSENT AND NOT VOTING: Aarsvold; Howard

SB 2255 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2264: A BILL for an Act to amend and reenact section 20.1-08-04.5 of the North Dakota Century Code, relating to the hunting of deer with muzzleloading long guns.

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 27 YEAS, 69 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Berg, J.; Boucher; Brodshaug; Cleary; Coats; Dobrinski; Glassheim; Goffe; Gorder; Gulleson; Hanson; Hokana; Huether; Kaldor; Kerzman;

Kroeber; Laughlin; Mutzenberger; Ness; Nichols; Oban; Pyle; Ring; Sitz; Stenson; Thorpe; Wilkie

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

ABSENT AND NOT VOTING: Aarsvold; Howard

SB 2264 was declared lost.

SECOND READING OF SENATE BILL

SB 2265: A BILL for an Act to amend and reenact sections 5-02-01.1, 5-02-03, 5-02-05, 5-02-05.1, and 12.1-30-03 of the North Dakota Century Code, relating to permits and fees for dispensing and consuming alcoholic beverages; and to repeal section 5-02-05.2 of the North Dakota Century Code, relating to Sunday alcoholic beverage permits.

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

YEAS: Allmaras; Austin; Bateman; Berg, J.; Bernstein; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Coats; Dobrinski; Dorso; Froseth; Gates; Glassheim; Gorman; Grumbo; Gullerson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Johnson; Keiser; Kelsch; Kempenich; Kilichowski; Klein; Kretschmar; Kunkel; Mahoney; Maragos; Martin; Martinson; Mutzenberger; Nelson; Ness; Nicholas; Oban; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Torgerson; Speaker R. Berg

NAYS: Belter; Bodine; Boehm; Cleary; Dalrymple; DeWitz; Drovda; Freier; Gerntholz; Goffe; Gorder; Grosz; Huether; Jacobs; Kaldor; Kerzman; Kroeber; Laughlin; Monson; Nichols; Olsen, D.; Olson, A.; Schindler; Shide; Tollefson; Wald; Wanzen; Wardner; Wentz; Wilkie

ABSENT AND NOT VOTING: Aarsvold; Howard

Engrossed SB 2265 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2279: A BILL for an Act to amend and reenact section 57-51.1-02 and subsection 4 of section 57-51.1-03 of the North Dakota Century Code, relating to application of the oil extraction tax to oil produced from a well that was worked over; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; 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; 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, D.; 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: Brodshaug; Pyle; Ring

ABSENT AND NOT VOTING: Aarsvold; Howard

Engrossed SB 2279 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2287: A BILL for an Act to create and enact a new section to chapter 40-04.1, a new section to chapter 40-05.1, and a new section to chapter 40-09 of the North Dakota Century Code, relating to a vote on the publication of the minutes of proceedings of the governing body in a city; and to amend and reenact section 40-08-12 of the North Dakota Century Code, relating to a vote on the publication of minutes.

MOTION

REP. BATEMAN MOVED the previous question, which motion failed.

MOTION

REP. A. CARLSON MOVED the previous question, which motion prevailed.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 59 YEAS, 37 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Allmaras; Bodine; Boehm; Boucher; Brodshaug; Brown; Carlisle; Carlson, C.; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Drovdal; Freier; Froseth; Glassheim; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Huether; Jacobs; Johnson; Kaldor; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Laughlin; Mahoney; Maragos; Martin; Mutzenberger; Ness; Nicholas; Nichols; Olson, D.; Poolman; Porter; Price; Pyle; Ring; Schindler; Shide; Skarphol; Stenehjem; Svedjan; Sveen; Thorpe; Torgerson; Wald; Wentz; Wilkie

NAYS: Austin; Bateman; Belter; Berg, J.; Bernstein; Byerly; Carlson, A.; Christopherson; Clayburgh; Dorso; Gates; Gerntholz; Goffe; Gorder; Gorman; Holm; Keiser; Kelsch; Kroeber; Kunkel; Martinson; Monson; Nelson; Oban; Olson, A.; Payne; Rennerfeldt; Rydell; Sitz; Soukup; St. Aubyn; Stenson; Timm; Tollefson; Wanzek; Wardner; Speaker R. Berg

ABSENT AND NOT VOTING: Aarsvold; Howard

Engrossed SB 2287 passed and the title was agreed to.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Elmer Retzer.

MOTION

REP. MARTIN MOVED that the House reconsider its action whereby Engrossed SB 2201 passed, which motion prevailed.

MOTION

REP. MARTIN MOVED that Engrossed SB 2201 be rereferred to the **Political Subdivisions Committee**, which motion prevailed. Pursuant to Rep. Martin's motion, Engrossed SB 2201 was rereferred.

SECOND READING OF SENATE BILL

SB 2306: A BILL for an Act to amend and reenact section 14-05-23 of the North Dakota Century Code, relating to interim orders in domestic relations cases.

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

YEAS: 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; Gulleeson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; 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; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Aarsvold; Howard; Maragos; Wentz

Engrossed SB 2306 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2374: A BILL for an Act to amend and reenact section 30.1-29-14 of the North Dakota Century Code, relating to the compensation of a conservator; and to provide an expiration date.

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 0 YEAS, 95 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

NAYS: 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; Gulleeson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; 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; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Aarsvold; Howard; Wentz

SB 2374 was declared lost.

SECOND READING OF SENATE BILL

SB 2394: A BILL for an Act to create and enact a new section to chapter 23-06.4 of the North Dakota Century Code, relating to conditions for withdrawing, withholding, or administering nutrition or hydration; and to amend and reenact subsections 1 and 3 of section 23-06.4-03, subsection 2 of section 23-06.4-05, section 23-06.4-07, subsection 1 of section 23-06.4-11, and section 23-06.4-14 of the North Dakota Century Code, relating to declarations concerning life-prolonging treatment and management of qualified patients.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: 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; Gullerson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; 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; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Aarsvold; Howard; Wentz

Engrossed SB 2394 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2397: A BILL for an Act to amend and reenact sections 49-18-08, 49-18-12, 49-18-14, 49-18-32, and 49-18-41 of the North Dakota Century Code, relating to the regulation of common motor carriers by the public service commission; to repeal section 49-18-40 of the North Dakota Century Code, relating to the transfer of commercial freighting truck license tags; 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 95 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; 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; Gullerson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; 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: Brodshaug

ABSENT AND NOT VOTING: Aarsvold; Howard

SB 2397 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2403: A BILL for an Act relating to the paying of an insurance deductible or offering of a rebate by a seller of goods or services; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 81 YEAS, 14 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Brown; Carlisle; Dobrinski; Freier; Grosz; Hokana; Maragos; Martin; Martinson; Sitz; Stenehjerm; Stenson; Timm; Tollefson

ABSENT AND NOT VOTING: Aarsvold; Howard; Thorpe

SB 2403 passed and the title was agreed to.

MOTION

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

MOTION

REP. FREIER MOVED that the House be on the Fifth order of business and at the conclusion of that order, the House stand adjourned until 8:00 a.m., Wednesday, March 17, 1993, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1510: Finance and Taxation Committee (Rep. Timm, Chairman) recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1510 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2009, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2009 was placed on the Sixth order on the calendar.

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

Page 1, line 13, replace "4,149,663" with "4,035,579"

Page 1, line 14, replace "1,560,816" with "1,578,091"

Page 1, line 16, replace "321,851" with "321,851"

Page 1, remove line 17

Page 1, line 18, replace "6,226,898" with "6,126,044"

Page 1, line 19, replace "3,805,722" with "3,765,956"

Page 1, line 20, replace "2,421,176" with "2,360,088"

Page 2, line 2, replace "417,233" with "405,495"

Page 2, line 3, replace "4,000" with "3,600"

Page 2, line 4, replace "152,381" with "132,381"

Page 2, line 6, replace "100,000" with "75,000"

Page 2, remove line 7

Page 2, line 8, replace "679,664" with "618,526"

Page 2, line 9, replace "267,928" with "222,928"

Page 2, line 10, replace "411,736" with "395,598"

Page 2, line 11, replace "2,832,912" with "2,755,686"

Page 2, line 12, replace "4,073,650" with "3,988,884"

Page 2, line 13, replace "6,906,562" with "6,744,570"

Page 2, line 20, replace "\$267,928" with "\$222,928"

Page 2, after line 23, insert:

"SECTION 4. ADDITIONAL VETERANS' POSTWAR TRUST FUND EARNINGS - APPROPRIATION. Notwithstanding section 37-14-14, earnings of the veterans' postwar trust fund, in addition to the amounts appropriated in section 1 of this Act, are hereby appropriated to the administrative committee on veterans' affairs for veterans' programs administered by the veterans' home and department of veterans' affairs for the biennium beginning July 1, 1993, and ending June 30, 1995, and may be spent only upon authorization of the emergency commission.

SECTION 5. AMENDMENT. Section 37-18-04 of the 1991 Supplement to the North Dakota Century Code is amend and reenacted as follows:

37-18-04. Duties of commissioner. It is the duty of the commissioner to coordinate agencies or instrumentalities of the state set up to render service and benefits to returning veterans; to have charge of and implement programs and benefits authorized by statute; to assist or represent veterans or their widows, administrators, executors, guardians, or heirs, in processing claims; to advise and assist veterans in taking advantage of the provisions of the Servicemen's Readjustment Act of 1944 [Pub. L. 78-346; 58 Stat. 291], or any similar or related measures afforded by the federal government; to assist, supervise, advise, and direct the work of county service officers; to assist county service officers in the formation of county service to veterans' committees and to outline, assist, and direct the activities of such committees; to disseminate information and to do any

and all things necessary and proper for the purpose of carrying out the intent and purposes of this chapter.

The department of veterans' affairs may accept and expend funds from any source, including federal or private sources and interest earnings from the veterans' postwar trust fund, to be used to assist veterans or qualified veterans' spouses in obtaining assistance and to pay other expenses authorized by law, incurred pursuant to hearings covered in section 37-19.1-04 or incurred in carrying out programs of benefit and service for resident North Dakota veterans as authorized by the administrative committee on veterans' affairs ~~or~~ with the approval of the emergency commission.

The department of veterans' affairs may receive from the United States government such records of veterans as the United States government may wish to turn over to the department of veterans' affairs and same shall keep and maintain such records as hereafter provided by this chapter."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 313 - VETERANS HOME

HOUSE - This amendment makes the following changes included in Governor Schafer's recommendations:

- The salaries and wages line item is reduced by \$114,084, \$57,043 of which is from the general fund. Of this reduction, \$83,359, \$41,680 of which is from the general fund, relates to Governor Schafer's salary increase recommendation for state employees and \$30,725, \$15,363 of which is from the general fund, relates to reduced employee health insurance costs.
- The interagency legal fees line item of \$4,045 from the general fund is deleted to reflect Governor Schafer's recommendation regarding legal fees charged by the Attorney General.
- The operating expenses line item is increased by \$17,275 of special funds for indirect cost allocation payments to the Office of Management and Budget.

A section is added providing that additional interest income from the veterans postwar trust fund may be spent only upon approval of the Emergency Commission.

In total, this amendment reduces funding for the Veterans Home by \$100,854, \$61,088 of which is from the general fund and \$39,766 of other funds.

DEPARTMENT 321 - DEPARTMENT OF VETERANS AFFAIRS

HOUSE - This amendment makes the following changes included in Governor Schafer's recommendations:

- The salaries and wages line item is decreased by \$11,738 from the general fund, of which \$2,688 is for reduced employee health insurance costs and \$9,050 is to reflect Governor Schafer's salary increase recommendation.
- The interagency legal fees line item of \$4,000 from the general fund is deleted to reflect Governor Schafer's recommendation regarding legal fees charged by the Attorney General.

This amendment also makes the following changes:

- The information services line item is reduced by \$400 from the general fund to reflect a 10 percent reduction in information services costs.
- The operating expenses line item is reduced by \$20,000 from the veterans postwar trust fund to delete funding provided for legal fees in veterans' preference cases.
- The grants line item is reduced by \$25,000 from the veterans postwar trust fund, from \$100,000 to \$75,000 relating to the veterans' unmet needs grant program.

Sections are added providing that additional income received by the Department of Veterans Affairs may be spent only upon approval of the Emergency Commission.

In total, this amendment reduces the Department of Veterans Affairs appropriation by \$16,138 from the general fund and \$45,000 from the veterans postwar trust fund.

REPORT OF STANDING COMMITTEE

SB 2106: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends **DO NOT PASS** (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). SB 2106 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2109: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends **DO NOT PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2109 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2116: 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). SB 2116 was placed on the Sixth order on the calendar.

Page 1, line 21, remove the overstrike over "~~child's life or safety requires~~" and insert immediately thereafter "or the"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2199: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2199 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2216, as engrossed: Education Committee (Rep. Gates, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2216 was placed on the Sixth order on the calendar.

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

Page 4, line 7, remove "A nationally standardized academic aptitude test must be"

Page 4, remove line 8

Page 4, line 9, remove "students by the state."

Page 4, line 23, replace "mutidisciplinary" with "multidisciplinary"

Page 7, line 8, remove the overstrike over "a", remove the overstrike over "~~test~~", and remove "and"

Page 7, line 9, remove "aptitude tests"

Page 7, line 15, overstrike "private or parochial" and insert immediately thereafter "nonpublic"

Page 7, after line 18, insert:

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2226: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2226 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2367, as engrossed: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2367 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2396, as engrossed: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends DO PASS (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2396 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2418, as reengrossed: Education Committee (Rep. Gates, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2418 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "and" with a comma

Page 1, line 6, after "board" insert ", and the duties of the administrator's professional practices board"

Page 4, line 6, after "board" insert "and the administrator's professional practices board"

Page 4, line 8, after "board" insert "or the administrator's professional practices board in the case of a school administrator" and after "teacher" insert "or administrator"

Page 4, line 14, after "board" insert "or the administrator's professional practices board in the case of a school administrator" and after "teacher's" insert "or administrator's"

Page 4, line 26, after "board" insert "or the administrator's professional practices board in the case of a school administrator"

Page 4, line 27, after "teacher" insert "or administrator"

Page 4, line 28, after "board" insert "or the administrator's professional practices board"

Page 5, line 18, after "board" insert "or the administrator's professional practices board in the case of a school administrator"

Page 6, line 2, after "board" insert "or the administrator's professional practices board"

Page 6, line 3, after "~~superintendent~~" insert "appropriate"

Page 6, line 10, after "board" insert "or the administrator's professional practices board"

Page 6, line 14, after "~~superintendent~~" insert "appropriate"

Page 6, line 18, after "teacher" insert "or administrator"

Page 6, line 19, after "~~instruction~~" insert "appropriate", after "teacher" insert "or administrator", and after the second comma insert "that"

Page 6, line 21, after "teacher" insert "or administrator"

Page 6, line 25, after "board" insert "and administrator's professional practices board"

Page 6, line 27, remove the overstrike over "~~four~~" and remove "five"

Page 6, line 28, after "~~two~~" insert "one classroom teacher from a private school."

Page 7, line 2, after the underscored period insert "The administrator's professional practices board consists of five members from the education standards and practices board. The administrator's professional practices board includes the two school administrators who are members of the education standards and practices board, the one school board member who is a member of the education standards and practices board, and two teacher members who are members of and are selected by the education standards and practices board."

Page 7, line 3, overstrike "commission" and insert immediately thereafter "education standards and practices board and the administrator's professional practices board"

Page 7, line 9, overstrike "the" and after "~~commission~~" insert "either"

Page 7, line 10, after the first "the" insert "education standards and practices"

Page 7, line 12, replace the first "the" with "either"

Page 7, line 21, after "~~commission~~" insert "education standards and practices board and the administrator's professional practices" and after "shall" insert "each"

Page 7, line 24, overstrike the second "shall" and insert immediately thereafter "of either board must"

Page 7, line 26, overstrike "the" and after "~~commission~~" insert "either"

Page 7, line 28, overstrike "the" and after "~~It~~" insert "either"

Page 7, line 29, replace "The" with "Each"

Page 8, line 3, overstrike "the" and after "~~commission~~" insert "each"

Page 8, line 4, after "~~commission~~" insert "appropriate"

Page 8, line 6, overstrike the second "the" and after "~~commission~~" insert "either"

Page 8, line 8, after "~~commission~~" insert "appropriate"

Page 9, line 20, after "teachers" insert "and school administrators" and after "~~commission~~" insert "education standards and practices board or the administrator's professional practices"

Page 9, line 22, after "teaching" insert "or administration"

Page 9, line 26, after "the" insert "appropriate"

Page 10, line 1, after the third "the" insert "appropriate" and replace the fourth "the" with "that"

Page 10, line 2, after "teacher" insert "or administrator"

Page 10, line 4, after the first "teacher" insert "or administrator", after the second "teacher" insert "or administrator", and after the third "the" insert "appropriate"

Page 10, line 6, after "teacher" insert "or administrator" and after the second "the" insert "appropriate"

Page 10, line 7, after the second "the" insert "appropriate"

Page 10, line 9, after "teacher" insert "or administrator" and after the second "the" insert "appropriate"

Page 10, line 28, after "teacher" insert "or administrator"

Page 10, line 29, after "board" insert "or the administrator's professional practices board"

Page 11, line 2, after "teacher" insert "or administrator"

Page 11, line 3, after "teaching" insert "or administration"

Page 11, line 7, after "teacher" insert "or administrator"

Page 11, line 10, after "board" insert "or the administrator's professional practices board"

Page 11, line 11, after "teacher" insert "or administrator"

Page 11, line 14, after "board" insert "or the administrator's professional practices board"

Page 12, line 13, remove the overstrike over "The", after "~~commission~~" insert "education standards and practices board and the administrator's professional practices board", and remove the overstrike over the overstruck period

Page 12, line 14, remove the overstrike over "k-"

Page 12, line 15, remove the overstrike over "l-" and remove "k."

Page 12, line 16, remove the overstrike over "m-" and remove "l."

Page 12, line 17, remove the overstrike over "n-" and remove "m."

Page 12, line 18, remove the overstrike over "o-" and remove "n."

Page 12, line 19, remove the overstrike over "p-" and remove "o."

Page 12, line 20, remove the overstrike over "q-" and remove "p."

Page 12, line 21, remove the overstrike over "r-" and remove "q."

Page 12, line 22, remove the overstrike over "s-" and remove "r."

Page 12, line 23, remove the overstrike over "t-" and remove "s."

Page 12, line 24, remove the overstrike over "u-" and remove "t."

Page 12, line 25, remove the overstrike over "v-" and remove "u."

Page 12, line 26, remove the overstrike over "w-" and remove "v."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2421, as engrossed: Judiciary Committee (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2421 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "year" with "month"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2448: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (17 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). SB 2448 was placed on the Sixth order on the calendar.

Page 1, line 8, after the semicolon insert "and"

Page 1, line 9, remove "; and to provide an appropriation"

Page 2, remove lines 22 through 26

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 127 - TAX COMMISSIONER

HOUSE - This amendment removes the \$234,000 general fund appropriation provided to implement the electronic fund transfer system of collecting certain taxes due.

REPORT OF STANDING COMMITTEE

SB 2490, as engrossed: Education Committee (Rep. Gates, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2490 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections" and after "15-40.2-09" insert "and 15-40.2-10"

Page 2, line 19, overstrike "pupil's" and insert immediately thereafter "student's"

Page 2, line 20, overstrike "pupil's" and insert immediately thereafter "student's"

Page 2, line 24, overstrike "pupil" and insert immediately thereafter "student"

Page 2, line 25, overstrike "pupils" and insert immediately thereafter "students"

Page 2, after line 25, insert:

"SECTION 2. AMENDMENT. Section 15-40.2-10 of the North Dakota Century Code is amended and reenacted as follows:

15-40.2-10. Reciprocal master agreements for pupil student attendance in other states. The superintendent of public instruction shall enter into reciprocal master agreements with the appropriate state educational agencies or officers of bordering states in regard to the cost of educating elementary and high school pupils students in the public schools or institutions in ~~such~~ bordering states. ~~Such~~ The reciprocal agreements shall provide for payment on a ~~per pupil per student~~ per student basis from the state foundation aid program for ~~pupils students~~ students from this state attending schools in bordering states in a sum equal to payments received by the district of the ~~pupils student's~~ student's residence from the state foundation aid program. The superintendent of public instruction, by certificate to the office of management and budget shall authorize payments from the appropriation for state payments to school districts pursuant to chapter 15-40.1 for the attendance of pupils students in bordering states, and the office of management and budget, within the limits of legislative appropriations, shall make ~~such the~~ payments. The balance of the tuition payment by the ~~pupils student's~~ student's district of residence shall not exceed the amount established by reciprocal agreement average per student cost of education in the student's district of residence less the amount paid from the state foundation aid program to the school district or institution in the bordering state."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2522, as engrossed: Agriculture Committee (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (10 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2522 was placed on the Sixth order on the calendar.

Page 1, line 18, after "vertebrates" insert "and invertebrates"

Page 6, after line 15, insert:

"Labeling. Aquaculture products may not be offered for sale by a processor, distributor, or retailer unless the product name is labeled in the following manner:

1. "Farm Raised (name of fish or aquaculture product), A Product of North Dakota" if the product has been produced under the authority and guidelines of the aquaculture advisory board; or
2. "Imported (name of fish or aquaculture product)" if the product is produced in a country other than the United States.

Any retailer selling aquaculture products not wrapped or in a container may comply with this section by placing a sign on the display case or refrigeration unit visible to the consumer, giving notice that the product is either "North Dakota farm raised" or "Imported from (name of country)"."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2528, as reengrossed: Education Committee (Rep. Gates, Chairman) recommends DO PASS (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2528 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4038: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends **DO NOT PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4038 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4059: Finance and Taxation Committee (Rep. Timm, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4059 was placed on the Tenth order on the calendar.

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

ROY GILBREATH, Chief Clerk