

JOURNAL OF THE HOUSE

Fifty-first Legislative Assembly

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Bismarck, February 16, 1989

The House convened at 10:00 a.m., with Speaker Kretschmar presiding.

The prayer was offered by Rev. Walter Schott, Rural United Methodist Church, Mandan.

The roll was called and all Representatives were present, except Representatives Gunsch, Jensen, Kelly, Kingsbury, and R. Hausauer.

A quorum was declared by the Speaker.

REQUEST

REP. KLOUBEC REQUESTED that the record show that Rep. R. Hausauer was absent as he had eye surgery this morning, which request was granted.

CORRECTION and REVISION of the JOURNAL (Rep. V. Olson, Chairman)

MR. SPEAKER: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Thirty-first Day and finds it to be correct.

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

MOTION

REP. TIMM MOVED that HB 1579 be returned to the House floor from the Committee on Transportation, which motion prevailed.

REQUEST

REP. TIMM REQUESTED the unanimous consent of the House to withdraw HB 1579. There being no objection, it was so ordered by the Speaker.

MOTION

REP. R. ANDERSON MOVED that the rules be suspended and that the committee reports on HB 1038, HB 1155, HB 1167, HB 1205, HB 1298, HB 1372, HB 1375, HB 1421, HB 1448, HB 1461, HB 1497, HB 1500, HB 1540, HB 1560, HB 1562, HB 1586, HB 1652, SB 2211, and SCR 4012 recommending amendments on the Sixth order of business on the legislative calendar of the Thirty-second Day be adopted, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. HAUGLAND MOVED that the amendments to HB 1038 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 792-793 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1038 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. WHALEN MOVED that the amendments to HB 1155 as recommended by the Committee on Industry, Business and Labor as printed on pages 793-795 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1155 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. HAUGLAND MOVED that the amendments to HB 1167 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 795-796 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1167 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. HAUGLAND MOVED that the amendments to HB 1205 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 796-797 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1205 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. HAUGLAND MOVED that the amendments to HB 1298 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 797 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1298 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. WHALEN MOVED that the amendments to HB 1372 as recommended by the Committee on Industry, Business and Labor as printed on pages 797-798 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1372 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. WHALEN MOVED that the amendments to HB 1375 as recommended by the Committee on Industry, Business and Labor as printed on page 798 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1375 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. GATES MOVED that the amendments to HB 1421 as recommended by the Committee on Education as printed on pages 798-800 of the House Journal be adopted, and when so adopted, recommends the same DO PASS and be rereferred to the Committee on Appropriations.

HB 1421 was rereferred to the Committee on Appropriations.

REP. WHALEN MOVED that the amendments to HB 1448 as recommended by the Committee on Industry, Business and Labor as printed on page 801 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1448 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. WHALEN MOVED that the amendments to HB 1461 as recommended by the Committee on Industry, Business and Labor as printed on page 801 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1461 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. HAUGLAND MOVED that the amendments to HB 1497 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 801-802 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS.

HB 1497 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. WHALEN MOVED that the amendments to HB 1500 as recommended by the Committee on Industry, Business and Labor as printed on pages 802-803 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS.

HB 1500 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. WHALEN MOVED that the amendments to HB 1540 as recommended by the Committee on Industry, Business and Labor as printed on page 803 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1540 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. MARTINSON MOVED that the amendments to HB 1560 as recommended by the Committee on State and Federal Government as printed on pages 803-804 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1560 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. LINDGREN MOVED that the amendments to HB 1562 as recommended by the Committee on Political Subdivisions as printed on page 804 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1562 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. MARTINSON MOVED that the amendments to HB 1586 as recommended by the Committee on State and Federal Government as printed on pages 804-805 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1586 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. WHALEN MOVED that the amendments to HB 1652 as recommended by the Committee on Industry, Business and Labor as printed on page 805 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1652 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. MARTINSON MOVED that the amendments to SB 2211 as recommended by the Committee on State and Federal Government as printed on page 806 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

SB 2211 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. MARTINSON MOVED that the amendments to SCR 4012 as recommended by the Committee on State and Federal Government as printed on page 807 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

SCR 4012 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

HOUSE ENGROSSING REPORT

The following bills were engrossed: HB 1038, HB 1089, HB 1155, HB 1167, HB 1205, HB 1298, HB 1372, HB 1375, HB 1421, HB 1448, HB 1461, HB 1497, HB 1500, HB 1540, HB 1560, HB 1562, HB 1586, HB 1652.

SIXTH ORDER OF BUSINESS

REP. WHALEN MOVED that the amendments to HB 1089 as recommended by the Committee on Industry, Business and Labor as printed on page 793 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

REQUEST

REP. STOFFERAHN REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to HB 1089, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to HB 1089, the roll was called and there were 59 YEAS, 44 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; Gates; Gerntholz; Goetz; Gorman; Gunsch; Hanson, O.; Haugen; Haugland; Howard; Jensen; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martin; Martinson; Mertens; Murphy; Myrdal; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Rydell; Schatz; Schindler; Schmidt; Shaft; Shide; Smette; Sorensen; Soukup; Stenehjem; Thompson, K.; Timm; Tokach; Tollefson; Trautman; Urlacher; Vander Vorst; Wald; Wentz; Whalen; Speaker Kretschmar

NAYS: Aarsvold; Anderson, B.; Brokaw; Carlson; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gerhardt; Gerl; Gilmore; Halmrast; Hanson, L.; Hausauer, A.; Hoffner; Hokana; Huether; Kaldor; Kelly; Kolbo; Laughlin; Marks; Melby; Nelson; Ness; Nowatzki; Oban; O'Shea; Ring; Scherber; Schneider; Shockman; Skjerven; Solberg; Starke; Stofferahn; Thompson, V.; Tomac; Ulmer; Watne; Wilkie; Williams, A.; Williams, W.

ABSENT AND NOT VOTING: Dorso; Graba; Hausauer, R.

The motion to adopt the amendments to HB 1089 passed.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that HB 1089 be deemed properly engrossed and be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1089: A BILL for an Act to amend and reenact section 26.1-17-04 of the North Dakota Century Code, relating to the board of directors for nonprofit health service corporations.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 101 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gertholz; Gilmore; Goetz; Gorman; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Brokaw; Ulmer

ABSENT AND NOT VOTING: Dorso; Graba; Hausauer, R.

HB 1089 passed and the title was agreed to.

MOTIONS

REP. R. ANDERSON MOVED that HB 1469 be placed directly after HB 1313 on the calendar, which motion prevailed.

REP. R. ANDERSON MOVED that HB 1574, HB 1641, HB 1597, HB 1020, and HB 1021, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1481: A BILL for an Act to define the rights and responsibilities of the terminally ill to control decisions regarding administration of life-prolonging treatment; and to provide penalties.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 91 YEAS, 14 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gertholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugen; Hausauer, A.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Larson, R.; Laughlin; Lindgren; Marks; Martinson; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tollefson; Tomac; Trautman; Ulmer; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Gunsch; Haugland; Lang; Larson, D.; Martin; Melby; Nowatzki; Schindler; Schmidt; Tokach; Urlacher; Vander Vorst; Wald; Whalen

ABSENT AND NOT VOTING: Hausauer, R.

HB 1481 passed and the title was agreed to.

MOTION

REP. KLOUBEC MOVED that 500 copies of engrossed HB 1481 be reprinted, which motion prevailed.

REQUEST

REP. KLOUBEC REQUESTED that the record show that absences of Representatives during the morning session were due to Representatives who would be testifying in Senate committee hearings, which request was granted.

SECOND READING OF HOUSE BILLS

HB 1075: A BILL for an Act to provide for payments to political subdivisions from the board of university and school lands in lieu of property taxes for property obtained by the state of North Dakota as a result of foreclosure of a mortgage to the Bank of North Dakota; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 102 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Brokaw; Hausauer, A.

ABSENT AND NOT VOTING: Gerl; Hausauer, R.

HB 1075 passed and the title was agreed to.

HB 1228: A BILL for an Act to amend and reenact section 48-02-19 of the North Dakota Century Code, relating to access by the handicapped to institutions of higher education; to provide an appropriation; and to provide legislative intent regarding the funding of handicapped access projects in future bienniums.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 89 YEAS, 15 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Belter; Berg, G.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gerhardt; Gerl; Gerntholz; Gilmore; Gorman; Graba; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shockman; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, V.; Timm; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Berg, R.; Gates; Goetz; Gunsch; Hanson, O.; Kingsbury; Knell; Melby; Olson, A.; Shide; Skjerven; Thompson, K.; Tokach; Wald; Whalen

ABSENT AND NOT VOTING: Anderson, R.; Hausauer, R.

HB 1228 passed and the title was agreed to.

HB 1262: A BILL for an Act to provide for the labeling of certain plastic products, to require certain plastic products to be degradable, and to provide for standards for rates of degradation; to create and enact a new section to chapter 54-44.4 of the North Dakota Century Code, relating to the purchase of soybean-based inks and starch-based plastics; and to provide penalties.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 103 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Gunsch; Hausauer, R.; Nicholas

HB 1262 passed and the title was agreed to.

HB 1272: A BILL for an Act to amend and reenact section 11-21-01 of the North Dakota Century Code, relating to the office of public administrators.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 102 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Kneill; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Hausauer, R.; Payne; Thompson, K.; Whalen

HB 1272 passed and the title was agreed to.

HB 1284: A BILL for an Act to amend and reenact sections 61-16.1-12.1, 61-16.1-18, and 61-16.1-19 of the North Dakota Century Code, relating to approval of proposed water projects.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 100 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Kneill; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac;

Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Dorso; Haugen; Hausauer, R.; Myrdal; Peterson; Whalen

HB 1284 passed and the title was agreed to.

MOTION

REP. R. ANDERSON MOVED that the House waive the reading of the title to HB 1302, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1302: A BILL for an Act to create and enact a new section to chapter 57-62 of the North Dakota Century Code, relating to an oil and gas impact grant fund to be used to offset negative impact from oil and gas development and funded by a portion of oil and gas gross production tax revenues; to amend and reenact subsection 1 of section 57-51-15 and section 57-62-06 of the North Dakota Century Code, relating to allocation of oil and gas gross production tax revenues and legislative intent and guidelines on oil and gas impact grants; to provide a continuing appropriation; and to provide an effective date.

MOTION

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 93 YEAS, 12 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Melby; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Rydell; Schatz; Schindler; Schmidt; Schneider; Shaft; Shide; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Wentz; Whalen; Wilkie; Williams, A.; Speaker Kretschmar

NAYS: Berg, G.; Brokaw; Carlson; Flaagan; Laughlin; Mertens; Ring; Scherber; Shockman; Thompson, V.; Watne; Williams, W.

ABSENT AND NOT VOTING: Hausauer, R.

HB 1302 passed and the title was agreed to.

MOTION

REP. KLOUBEC MOVED that the House stand in recess until 1:00 p.m., which motion prevailed.

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

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1016, HB 1018, HB 1169, HB 1213, HB 1235, HB 1300, HB 1324, HB 1332, HB 1402, HB 1515, HB 1565, HB 1608, HB 1651.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The President has signed and your signature is respectfully requested: SCR 4051.

SIGNING of BILLS and RESOLUTIONS (Roy Gilbreath, Chief Clerk)

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following enrolled resolution: SCR 4051.

MOTION

REP. R. ANDERSON MOVED that the House waive the reading of the title to HB 1313, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1313: A BILL for an Act to create and enact a new section to chapter 26.1-40 and two new sections to chapter 39-06 of the North Dakota Century Code, relating to operators' licenses and the denial of driving privileges of minors who commit offenses involving the possession, use, or abuse of alcohol or controlled substances and cancellation or adjustment of automobile insurance policies; to amend and reenact sections 5-01-08.1, 5-01-09, subsection 1 of section 39-06-33, and subsection 4 of section 39-06.1-10 of the North Dakota Century Code, relating to misrepresentation of age for the purpose of obtaining alcoholic beverages, unlawful delivery of alcoholic beverages, hearings on suspension or revocation of operators' licenses, and disposition of traffic offenses; and to provide a penalty.

MOTION

REP. V. OLSON MOVED the previous question, which motion prevailed.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 62 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, R.; Belter; Bernstein; Brokaw; Christman; Clayburgh; Dorso; Enget; Goetz; Gorman; Halmrast; Haugland; Hoffner; Jensen; Kaldor; Kingsbury; Kloubec; Larson, D.; Larson, R.; Laughlin; Melby; Myrdal; Ness; Payne; Rydell; Schatz; Scherber; Schindler; Shaft; Shide; Skjerven; Solberg; Sorensen; Soukup; Timm; Tomac; Trautman; Vander Vorst; Wentz; Williams, A.; Speaker Kretschmar

NAYS: Aas; Anderson, B.; Berg, G.; Berg, R.; Carlson; Dalrymple; DeMers, J.; DeMers, P.; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Graba; Gunsch; Hanson, L.; Hanson, O.; Haugen; Hausauer, A.; Hokana; Howard; Huether; Kelly; Knell; Kolbo; Kouba; Lang; Lindgren; Marks; Martin; Martinson; Mertens; Murphy; Nelson; Nicholas; Nowatzki; Oban;

Olsen, D.; Olson, A.; Olson, V.; O'Shea; Ring; Schmidt; Schneider; Shockman; Smette; Starke; Stenehjelm; Stofferahn; Thompson, K.; Thompson, V.; Tokach; Tollefson; Ulmer; Urlacher; Wald; Watne; Whalen; Wilkie; Williams, W.

ABSENT AND NOT VOTING: Hausauer, R.; Peterson

HB 1313 lost.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The Speaker has signed: SCR 4051.

SECOND READING OF HOUSE BILL

HB 1469: A BILL for an Act to amend and reenact section 5-01-08 of the North Dakota Century Code, relating to the suspension of driving privileges for underage persons who commit alcohol-related offenses.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 56 YEAS, 46 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, R.; Belter; Bernstein; Brokaw; Christman; Clayburgh; DeMers, P.; Dorso; Enget; Gates; Goetz; Gorman; Halmrast; Hanson, L.; Haugen; Haugland; Hoffner; Huether; Jensen; Kingsbury; Kloubec; Lang; Larson, D.; Larson, R.; Laughlin; Marks; Melby; Myrdal; Ness; Olsen, D.; Olson, A.; Payne; Rydell; Schatz; Scherber; Schindler; Shaft; Shide; Skjerven; Solberg; Sorensen; Soukup; Starke; Stenehjelm; Thompson, V.; Timm; Trautman; Vander Vorst; Wald; Wentz; Whalen; Wilkie; Williams, A.; Speaker Kretschmar

NAYS: Anderson, B.; Berg, G.; Berg, R.; Carlson; Dalrymple; DeMers, J.; Flaagan; Frey; Gerhardt; Gerl; Gerntholz; Gilmore; Graba; Gunsch; Hanson, O.; Hausauer, A.; Hokana; Howard; Kaldor; Kelly; Knell; Kolbo; Kouba; Lindgren; Martinson; Mertens; Murphy; Nelson; Nicholas; Nowatzki; Oban; Olson, V.; O'Shea; Ring; Schmidt; Schneider; Shockman; Smette; Stofferahn; Thompson, K.; Tokach; Tollefson; Tomac; Ulmer; Watne; Williams, W.

ABSENT AND NOT VOTING: Hausauer, R.; Martin; Peterson; Urlacher

HB 1469 passed and the title was agreed to.

SPECIAL ORDER OF BUSINESS

REP. KLOUBEC MOVED that the House be on a Special Order of Business, which motion prevailed.

REP. KLOUBEC MOVED that a committee of two be appointed to escort the Honorable Byron L. Dorgan, United States Congressman to the rostrum, which motion prevailed.

SPEAKER KRETSCHMAR APPOINTED Reps. Kloubec and Schneider to such committee which subsequently escorted Congressman Dorgan to the rostrum.

REMARKS BY HONORABLE BYRON L. DORGAN, UNITED STATES CONGRESSMAN

Mr. Speaker, thank you very much. I am delighted to have accepted your invitation to come back and say a few words to the session and I could not help but remember, as I walked in back of the railing, that this is where I kind of learned the legislative process, by looking from the other side of that railing to see what the state legislature does, and understanding the difference between what you do and what the U.S. Congress does.

You do, in a very short time period, an enormous amount of work that has to end on a date certain; the U.S. Congress starts in January and just sort of works and works and works and works, until it gets towards the end, and then does most of its work in the last forty-eight to seventy-two hours. Those of us who serve in the U.S. Congress, I think, have a much greater appreciation for the restraints that you work under in the state legislature, particularly the time restraints.

John F. Kennedy used to say that every mother hoped that her son could grow up to be President, as long as he did not have to get active in politics. We have a Congressman who, when he retired, went to the floor of the House and wished everyone in the chamber well, wished them a successful career, and hoped that their mothers would not find out what they did.

The point is, a lot of people in this country certainly respect the Constitution and respect the process and admire what has been created in America, but tend to think that the politics of it all somehow is unholy, or unsavory, and the politics of it all is the basis on which we make decisions - decisions here, decisions in city councils, decisions in the U.S. Congress - and it is a process, frankly, that I am proud of and I think a process you are proud of. If you were not, you would not be serving here.

It is a process filled with public wild successes and spectacular failures. I emphasize public. You may have heard - I do not know if you got the news here about the proposed pay raise for members of Congress - did you get some of that? Well, first of all, I should tell you - it did not happen, and second I would tell you that we had a call from one constituent - we had a lot of constituents call - one constituent said, "\$135,000? That's probably all right for the whole bunch, but not for each one." Well, Senator Vosper told me that you and your phone banks were getting calls asking you to vote against the \$135,000 pay raise. I said it is really only fair, because we in our office in Washington, were getting phone calls asking me to oppose Sunday opening. I guess somehow it is all mixed together in the long run.

Let me, in just a couple of minutes, tell you about something I am involved in in Congress and give you some words of encouragement, if I can, about an issue that affects every single one of us. When George Bush gave his inaugural address and turned back to the Congress who sat behind him, he said: "You know, the people didn't send us here to bicker. They sent us here to join hands and do the right thing. It doesn't mean we should agree all the time, but they really want us to move forward and do the right thing."

It is interesting that here in North Dakota I think, especially now, especially given what we have been through, North Dakotans would want the same thing from all of us - Republicans and Democrats. We have had an awfully tough time in the 1980s. People talk about unprecedented economic growth, five to six years of economic expansion. The fact is, it has not been here. We have had five - six - seven years of economic recession.

Ours is an interesting history. Two years before Custer left Mandan to go see Sitting Bull in Montana, two years before that, a fellow (you may know the story) from Cass County, named Jim Holes, in August started harvesting some wheat that he had planted that spring. He planted 40 acres of wheat and he hauled 1,600 bushels of wheat to Fargo that August. He got \$2,000 for it and it spread like wildfire. North Dakota newspapers printed stories that said: "Owning a quarter of land is better than having a gold mine." It just exploded on us with bonanza farms. One farm had four hundred teams of horses, as some of you have read. Well, that was the explosion and ever since we have had the blessing and the bounty of agricultural production that has been very substantial and very important to our state. Then, in 1951, the Clarence Iverson well came in and we have had an energy cycle that has been boom and bust. In agriculture and energy we have had these booms and busts.

There is not one person in this room today, and certainly no one in Congress who can do very much about the price of wheat. The international price of wheat is not something you and I can affect very much. There is not anyone here, and certainly no one in Congress, that can do very much about the price of oil. The international price of oil is something we can not affect very much.

If we cannot affect, the price of wheat and the price of oil, then what can we do, because our economy is very dependent on those two prices set in the international marketplace. Well, there is one approach: Let us sit around, wring our hands, and do nothing and say well, let us wait, things will get better. And we have sure done that for a long time. Oh, everybody has tried a little bit, but the fact is, I do not think we have all grabbed hands and marched together to say we are going to do something much different than just wait. Yes, we hope it improves. Yes, we hope the price of energy comes back. Yes, we hope the price of wheat improves. We hope we have a better farm program. We maybe hope for an oil import fee, and that might be a more realistic possibility with George Bush in the White House, incidentally. Yes we hope for all those things, but we need to do much more than hope because we control our destiny if we decide that it is not enough to just sit here and wait for that. We have got to go out and get more.

How do we do all of that? Well, I happen to think as you look at the history of this state and think even in contemporary times that most of us think too small. Most of us aim too low. I think we ought to think bigger and aim higher. When I was in graduate school, I remember a professor telling us about the banker who told his student an interesting lesson. He said: "You owe me a thousand dollars, you don't sleep. You owe me a million dollars, I don't sleep." His point to that student was that you have to think big. You have to transfer some of the risk here. I think that is a lesson for us here in North Dakota today. I am not suggesting any particular course of action by the state legislature, but I am saying this - I think all of us, Republicans and Democrats at the local level, at the state level, and at the federal level, have got to decide that we have got to bring the Midwest, and specifically North Dakota, into the economic mainstream of economic expansion and economic growth. We produce cheap food and cheap energy to fuel an economic expansion on both coasts and we end up with an economic recession for six - eight - ten years, and it is not good enough.

Well, what can we do? As I said, think big. I think we ought to make big investments, very big investments in the efforts to help local governments, state governments, and the federal government to coordinate their search for new opportunities here in North Dakota. I see a lot of good things going on.

The University of North Dakota and the North Dakota State University have enormous research projects that I am sure will be a magnet for new opportunities, new jobs, and economic growth in the future.

But frankly, we are investing in them at the federal level, and we are going to keep working on all of that. You need to invest in them. We need to understand that that research and that magnetism for jobs and opportunity can be supplemented by massive new information processing applications and abilities in this state. I mean, we have got a state that has tremendous potential to offer labor, good labor, to American industry in the information processing area. I talked to the president of City Bank, one of the biggest banks in America, a couple of weeks ago. He told me, as I was talking to him about this very subject, he said: "The Dakotas are the best kept secret in the industrial world. We've got two thousand workers in Sioux Falls, South Dakota. Their productivity is better, their productivity is higher, their output is an improved output, the wages are much more competitive than downtown New York. That's the best kept secret in the world." There is no reason that you should not be able to sell that very aggressively.

Let me tell you what I am working on in Congress, because it is something that I think complements what I read many of you are working on here. I think we need a rural economic development fair share program that targets rural America and it has about five parts to it.

Enterprise Zones: First of all, Jack Kemp is going to come down to the Hill and he is going to say: "I still want my rural enterprise, or my urban enterprise zones." He has been talking about "urban enterprise zones" for a long time. I think when they talk about that this year, we ought to say: "Urban enterprise zones - that is like UDAG grants - you know, they get the cake, we get the crumbs. The UDAG grants are pretty well gone at this point - no appropriation proposed by the President, pretty much zeroed out the last session. But the fact is we got some money from UDAG grants, but the bulk of the money went elsewhere. Well, enterprise zones, if there are enterprise zones, I want there to be rural development and investment zones of some type. If we are going to give incentives, let us give incentives out here.

Defense: Three hundred billion dollars a year and it is not going to go away, it is going to be there. It is the largest single job creator in America. The Defense Department buys everything from pencils to tennis shoes to missiles. Yet we rank 49th per capital in direct and indirect spending and direct and indirect jobs from Defense. That is wrong, and the same is true with Iowa, with South Dakota, and with Wyoming. That is true even with our two air bases. I would propose a substantial redistribution of how we spend those Defense dollars so that most areas of the country get their fair share of the jobs that come from that long-term, permanent spending.

Taxes: The federal government buys property in North Dakota and then does not pay its taxes. That is wrong. When it buys new areas for wetlands, when it buys areas through Game and Fish, it ought to pay full property taxes. There is a revolution out there in the country - you know why and I know why. The federal government says I want this land for ducks but I do not want to pay taxes for it. Forty percent of the expected taxes are not enough. We ought to pay full taxes - one hundred percent of the expected property taxes in North Dakota and in Idaho and all across this country. That is the third step.

Oil Import Fee: I would like to see an oil import fee. Cut the trade deficit, use the money to cut the federal deficit, and be behind the oil

import fee to promote domestic exploration and that would be good for the oil patch, good for North Dakota - I think it would be healthy for the country.

Distribution of Grants: Finally, we need fair distribution of grants - projects and grants. I think we need to put together, with Republicans and Democrats (I am talking to Dick Cheney of Wyoming and others from all parts of the country that say what is happening has not been good enough for us). Growth for the west coast and growth for the east coast and the recession in the middle is not good enough for us and part of the reason it is happening is because of federal policies. Now, it seems to me that if we all just sit around and do nothing, nothing is going to happen. If something is going to happen, it is going to be because of us - because of you and because of me and others like me in the U.S. Congress. So the question is, can we construct some approaches that build on what we have. Again, let me emphasize, what we have at the two major universities in beginning research projects is very exciting to me. They represent, I think, spectacular opportunities in the future, but we have to build on that. We have to build on it soon. We are working on a lot of other things in Congress - the Garrison Diversion Project, the question of recreation this summer on Lake Sakakawea and the question of boat ramps - all of us are working on those. We are working on the Job Corps in Minot and a whole host of things. But, especially let me encourage you to understand that all of us must now make major investments in a lot of different ways to try to promote our own destiny and not sit around and wait - be like a boat in the water wondering what is going to happen to the price of oil and energy. Yes, it is important, but it is not the only thing. There is much more for us to do and if we can join hands and do it, I think North Dakota will have been much better served.

Hubert Humphrey, before he died, was having a difficult time and he said something that I have never forgotten. He said: "It's not what you've lost that counts, it's what you do with what you have left."

That is a message important for us, because we have had kind of a tough time. I cannot imagine what you are going through on both sides of the political aisle, trying to reconcile the needs out there with the resources. It must be agonizing. But, all of us are in this together and if we will have the courage and vision to make significant investments and reach out politically to make significant inroads in our attempt to expand our economic horizons, I think North Dakota and its children will be well served by a good legislative body.

Thank you very much.

MOTION

REP. OBAN MOVED that the remarks of Congressman Dorgan be printed in the Journal, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1350: A BILL for an Act to amend and reenact sections 15-27.1-11 and 15-27.4-01 of the North Dakota Century Code, relating to the reorganization, annexation, or dissolution of school districts not operating approved high schools.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 34 YEAS, 68 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Berg, G.; Berg, R.; Bernstein; Carlson; Christman; DeMers, J.; DeMers, P.; Gates; Gerl; Gorman; Graba; Hausauer, A.; Hoffner; Hokana; Huether; Kelly; Larson, R.; Lindgren; Martinson; Ness; Oban; O'Shea; Payne; Ring; Rydell; Scherber; Schneider; Shaft; Sorensen; Soukup; Stofferahn; Ulmer; Watne; Wilkie

NAYS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Brokaw; Clayburgh; Dalrymple; Enget; Flaagan; Frey; Gerhardt; Gerntholz; Gilmore; Goetz; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Howard; Jensen; Kaldor; Kingsbury; Knell; Kolbo; Kouba; Lang; Larson, D.; Laughlin; Marks; Martin; Melby; Mertens; Murphy; Myrdal; Nelson; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; Schatz; Schindler; Schmidt; Shide; Shockman; Skjerven; Smette; Solberg; Starke; Stenehjem; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Urlacher; Vander Vorst; Wald; Wentz; Whalen; Williams, A.; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: Dorso; Hausauer, R.; Kloubec; Peterson

HB 1350 lost.

HB 1413: A BILL for an Act to create and enact a new section to chapter 43-09 and a new section to chapter 43-18 of the North Dakota Century Code, relating to license requirements for electrical and plumbing inspectors.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 86 YEAS, 15 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Belter; Berg, G.; Berg, R.; Brokaw; Carlson; Christman; Clayburgh; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kolbo; Kouba; Lang; Larson, D.; Laughlin; Lindgren; Marks; Martin; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Schatz; Scherber; Schindler; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, W.; Speaker Kretschmar

NAYS: Anderson, R.; Bernstein; Dalrymple; Gunsch; Haugen; Hausauer, A.; Kingsbury; Knell; Larson, R.; Martinson; Murphy; Rydell; Sorensen; Timm; Williams, A.

ABSENT AND NOT VOTING: Gilmore; Hausauer, R.; Kloubec; Peterson; Schmidt

HB 1413 passed and the title was agreed to.

HB 1453: A BILL for an Act to amend and reenact section 54-03-01.5 of the North Dakota Century Code, relating to legislative apportionment requirements; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 60 YEAS, 42 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aas; Belter; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Frey; Gerl; Goetz; Gorman; Graba; Halmrast; Haugen; Haugland; Hausauer, A.; Hoffner; Howard; Huether; Jensen; Kaldor; Kelly; Lang; Larson, D.; Larson, R.; Lindgren; Martinson; Melby; Mertens; Myrdal; Oban; Olson, A.; Olson, V.; O'Shea; Payne; Rydell; Scherber; Schmidt; Schneider; Shaft; Shide; Shockman; Solberg; Sorensen; Soukup; Stenehjem; Stofferahn; Timm; Tollefson; Tomac; Trautman; Vander Vorst; Wald; Wentz; Wilkie; Williams, A.; Speaker Kretschmar

NAYS: Aarsvold; Anderson, B.; Anderson, R.; Brokaw; Carlson; Enget; Flaagan; Gates; Gerhardt; Gerntholz; Gilmore; Gunsch; Hanson, L.; Hanson, O.; Hokana; Kingsbury; Knell; Kolbo; Kouba; Laughlin; Marks; Martin; Murphy; Nelson; Ness; Nicholas; Nowatzki; Olsen, D.; Ring; Schatz; Schindler; Skjerven; Smette; Starke; Thompson, K.; Thompson, V.; Tokach; Ulmer; Urlacher; Watne; Whalen; Williams, W.

ABSENT AND NOT VOTING: Berg, G.; Hausauer, R.; Kloubec; Peterson

HB 1453 passed and the title was agreed to.

HB 1482: A BILL for an Act to amend and reenact subsections 4 and 5 of section 14-02.4-02 of the North Dakota Century Code, relating to the application of employment discrimination restrictions.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 57 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Brokaw; Carlson; DeMers, J.; DeMers, P.; Enget; Frey; Gerhardt; Gerl; Graba; Halmrast; Hanson, L.; Haugland; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kolbo; Larson, R.; Lindgren; Marks; Mertens; Nelson; Ness; Nowatzki; Oban; Ring; Rydell; Scherber; Schneider; Shockman; Skjerven; Starke; Stofferahn; Thompson, V.; Tomac; Ulmer; Watne; Wentz; Williams, A.; Williams, W.

NAYS: Aas; Anderson, R.; Belter; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; Dorso; Flaagan; Gates; Gerntholz; Gilmore; Goetz; Gorman; Gunsch; Hanson, O.; Haugen; Hausauer, A.; Howard; Kingsbury; Knell; Kouba; Lang; Larson, D.; Laughlin; Martin; Martinson; Melby; Murphy; Myrdal; Nicholas; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Schatz; Schindler; Schmidt; Shaft; Shide; Smette; Solberg; Sorensen;

Soukup; Stenehjelm; Timm; Tokach; Tollefson; Trautman; Urlacher; Vander Vorst; Wald; Whalen; Wilkie; Speaker Kretschmar

ABSENT AND NOT VOTING: Hausauer, R.; Kloubec; Peterson; Thompson, K.

HB 1482 lost.

HB 1509: A BILL for an Act to create and enact a new section to chapter 65-01 of the North Dakota Century Code, relating to notice of employee rights under the Workers' Compensation Law.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 75 YEAS, 28 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Brokaw; Carlson; Christman; Clayburgh; DeMers, J.; DeMers, P.; Dorso; Enget; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martinson; Melby; Nelson; Ness; Nowatzki; Oban; Olsen, D.; Olson, A.; O'Shea; Ring; Rydell; Scherber; Schneider; Shockman; Skjerven; Solberg; Sorensen; Soukup; Starke; Stenehjelm; Stofferahn; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Belter; Berg, G.; Berg, R.; Bernstein; Dalrymple; Flaagan; Gunsch; Hanson, O.; Kingsbury; Kouba; Laughlin; Martin; Mertens; Murphy; Myrdal; Nicholas; Olson, V.; Payne; Schatz; Schindler; Schmidt; Shaft; Shide; Smette; Thompson, K.; Urlacher; Vander Vorst; Wald

ABSENT AND NOT VOTING: Hausauer, R.; Peterson; Whalen

HB 1509 passed and the title was agreed to.

HB 1527: A BILL for an Act to create and enact a new subsection to section 12.1-22-03 of the North Dakota Century Code, relating to the penalty for being on certain property.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 95 YEAS, 8 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Christman; Dalrymple; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, V.; O'Shea;

Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Carlson; Clayburgh; DeMers, J.; Hanson, O.; Huether; Jensen; Olson, A.; Timm

ABSENT AND NOT VOTING: Hausauer, R.; Peterson; Whalen

HB 1527 passed and the title was agreed to.

HB 1599: A BILL for an Act to create and enact a new chapter to title 25 of the North Dakota Century Code, relating to licensing of residential treatment centers for children; to amend and reenact section 50-11-01.3 of the North Dakota Century Code, relating to the use of public funds for foster care; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 103 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gertholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Hausauer, R.; Peterson; Shaft

HB 1599 passed, the title was agreed to, and the emergency clause carried.

HB 1614: A BILL for an Act to amend and reenact subsection 3 of section 15-40.1-06, sections 15-40.1-07, 15-40.1-08, and subsection 1 of section 15-40.2-03 of the North Dakota Century Code, relating to school district interim funds and deductions from foundation aid payments; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 61 YEAS, 43 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Anderson, R.; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; DeMers, J.; DeMers, P.; Flaagan; Frey; Gates; Gerl; Gerntholz; Gorman; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kloubec; Kolbo; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martinson; Mertens; Nowatzki; Oban; Olson, V.; Ring; Rydell; Scherber; Schneider; Shaft; Shockman; Skjervan; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, V.; Tollefson; Trautman; Ulmer; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aas; Belter; Brokaw; Dalrymple; Dorso; Enget; Gerhardt; Gilmore; Goetz; Graba; Gunsch; Hanson, O.; Haugen; Howard; Kingsbury; Knell; Kouba; Lang; Martin; Melby; Murphy; Myrda; Nelson; Ness; Nicholas; Olsen, D.; Olson, A.; O'Shea; Payne; Schatz; Schindler; Schmidt; Shide; Smette; Solberg; Thompson, K.; Timm; Tokach; Tomac; Urlacher; Vander Vorst; Wald; Whalen

ABSENT AND NOT VOTING: Hausauer, R.; Peterson

HB 1614 passed and the title was agreed to.

REQUEST

REP. KLOUBEC REQUESTED that the record show that the members of the Committee on Appropriations - Human Resources Section (Reps. Wald, Dalrymple, Jensen, Sorensen, Kelly, Stofferahn, and Watne) be excused to attend a committee meeting, which request was granted.

MOTION

REP. KLOUBEC MOVED that the House stand in recess for fifteen minutes, which motion prevailed.

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

REP. R. ANDERSON MOVED that HB 1635 be laid over one legislative day, which motion prevailed.

MOTION

REP. R. ANDERSON MOVED that the House waive the reading of the title to HB 1640, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1640: A BILL for an Act to create and enact a new section to chapter 11-10 of the North Dakota Century Code, relating to the salary and the office of the county superintendents of schools; to amend and reenact subsection 1 of section 11-08-08, sections 11-08-10, 11-08-13, subsection 4 of section 11-10-10, sections 15-22-01, 15-22-02, 15-22-04, 15-22-09, and 15-22-25 of the North Dakota Century Code, relating to election, salary, duties, and joint sharing by counties of county superintendents of schools; to repeal subsection 5 of section 11-08-06, section 11-09-24, subsection 9 of section 11-10-02,

subsection 9 of section 11-10-06, sections 15-22-06, 15-22-08, and 15-22-24 of the North Dakota Century Code, relating to election of the county superintendent of schools, deputies, power of the county superintendent of schools to administer oaths, and contracts for services of the county superintendent of schools; and to provide for transition and an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 78 YEAS, 10 NAYS, 18 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hoffner; Huether; Kaldor; Kloubec; Knell; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Scherber; Schindler; Schmidt; Schneider; Shide; Shockman; Skjerven; Smette; Solberg; Soukup; Stenehjem; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Brokaw; Hanson, O.; Hokana; Howard; Kolbo; Kouba; Murphy; Schatz; Thompson, K.; Whalen

ABSENT AND NOT VOTING: Dalrymple; Goetz; Hausauer, R.; Jensen; Kelly; Kingsbury; Martin; Nicholas; Peterson; Shaft; Sorensen; Starke; Stofferahn; Thompson, V.; Timm; Wald; Watne; Wentz

(Committee on Appropriations - Human Resources Division members excused.)

HB 1640 passed and the title was agreed to.

HB 1647: A BILL for an Act to create and enact a new section to chapter 64-03 of the North Dakota Century Code, relating to the requirement that certain petroleum delivery vehicles be equipped with approved meters; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 76 YEAS, 13 NAYS, 17 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Gorman; Graba; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hoffner; Howard; Huether; Kaldor; Kloubec; Kolbo; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Ring; Rydell; Schatz; Scherber; Schindler; Schneider; Shaft; Shide; Shockman; Smette; Solberg; Soukup; Stenehjem; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Anderson, R.; Belter; Dorso; Gunsch; Hanson, O.; Hokana; Knell; Kouba; Payne; Schmidt; Skjerven; Thompson, K.; Vander Vorst

ABSENT AND NOT VOTING: Dalrymple; Goetz; Hausauer, R.; Jensen; Kelly; Kingsbury; Martin; Nicholas; Peterson; Sorensen; Starke; Stofferahn; Thompson, V.; Timm; Wald; Watne; Whalen

(Committee on Appropriations - Human Resources Division members excused.)

HB 1647 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3029: A concurrent resolution urging the Congress of the United States to create a Garrison Unit Advisory Committee to review the impact of the impoundment of the waters of the Missouri River on the social and economic base of North Dakota including the impact on Indians of the Fort Berthold and Standing Rock Indian Reservations.

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

HCR 3029 was declared adopted on a voice vote.

REQUEST

REP. KLOUBEC REQUESTED that the record show that the members of the Committee on Appropriations (Reps. Peterson, R. Hausauer, Dalrymple, Gerntholz, Gunsch, O. Hanson, Jensen, Kingsbury, Payne, Smette, Sorensen, K. Thompson, Wald, Graba, Hoffner, Kelly, Laughlin, Mertens, Nowatzki, O'Shea, Solberg, Stofferahn, and Watne) be excused to attend a committee meeting, which request was granted.

SECOND READING OF HOUSE BILLS

HB 1084: A BILL for an Act to amend and reenact section 20.1-02-01 of the North Dakota Century Code, relating to the term of the game and fish commissioner.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 82 YEAS, 7 NAYS, 17 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gilmore; Gorman; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Huether; Kaldor; Kloubec; Kolbo; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Scherber; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Soukup; Stenehjem; Thompson, K.; Timm; Tokach; Tollefson; Trautman; Ulmer; Urlacher; Vander Vorst; Wentz; Whalen; Wilkie; Williams, A.; Speaker Kretschmar

NAYS: Gerntholz; Gunsch; Knell; Kouba; Schatz; Schindler; Williams, W.

ABSENT AND NOT VOTING: Dalrymple; Goetz; Haugen; Hausauer, R.; Jensen; Kelly; Kingsbury; Martin; Nicholas; Peterson; Sorensen; Starke; Stofferahn; Thompson, V.; Tomac; Wald; Watne

(Committee on Appropriations - Human Resources Division members excused.)

HB 1084 passed and the title was agreed to.

HB 1249: A BILL for an Act to amend and reenact section 53-06.1-10 of the North Dakota Century Code, relating to maximum and minimum wagers in the game of twenty-one.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 46 YEAS, 38 NAYS, 22 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Berg, R.; Bernstein; Carlson; Clayburgh; DeMers, J.; Dorso; Flaagan; Gates; Gerhardt; Gerl; Gorman; Halmrast; Hanson, L.; Haugen; Hoffner; Hokana; Howard; Huether; Kloubec; Lang; Larson, R.; Laughlin; Lindgren; Martin; Martinson; Murphy; Nelson; Oban; Olson, V.; O'Shea; Payne; Ring; Scherber; Schindler; Schmidt; Schneider; Shaft; Soukup; Stenehjem; Timm; Ulmer; Urlacher; Wentz; Williams, W.; Speaker Kretschmar

NAYS: Aarsvold; Aas; Anderson, B.; Belter; Berg, G.; Brokaw; Christman; DeMers, P.; Enget; Frey; Gerntholz; Gilmore; Goetz; Haugland; Hausauer, A.; Kaldor; Knell; Kouba; Larson, D.; Marks; Melby; Myrdal; Ness; Olsen, D.; Olson, A.; Rydell; Schatz; Shide; Shockman; Skjerven; Smette; Tokach; Tollefson; Trautman; Vander Vorst; Whalen; Wilkie; Williams, A.

ABSENT AND NOT VOTING: Dalrymple; Graba; Gunsch; Hanson, O.; Hausauer, R.; Jensen; Kelly; Kingsbury; Kolbo; Mertens; Nicholas; Nowatzki; Peterson; Solberg; Sorensen; Starke; Stofferahn; Thompson, K.; Thompson, V.; Tomac; Wald; Watne

(Committee on Appropriations members excused.)

HB 1249 lost for want of a Constitutional majority.

MOTION

REP. KLOUBEC MOVED that HB 1478, HB 1563, HB 1582, HB 1285, HB 1340, HB 1373, HCR 3032, and HCR 3035 be placed at the head of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1478: A BILL for an Act to create and enact a new section to chapter 15-10 and seven new sections to chapter 15-18 of the North Dakota Century Code, relating to the closure of certain junior colleges and off-campus educational centers, the maintenance, support, and supervision of junior colleges and off-campus educational centers by school districts, authorization of tax levies to support junior colleges and off-campus educational centers, and certification of mill levies; to amend and reenact sections 15-10-01, 15-18-06, and 15-55-18

of the North Dakota Century Code, relating to the institutions of higher education under the control of the state board of higher education, tax levies, and school district issuance and retirement of bonds; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 9 YEAS, 73 NAYS, 24 ABSENT AND NOT VOTING.

YEAS: Belter; Dorso; Huether; Knell; Ness; O'Shea; Tokach; Tomac; Whalen

NAYS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hokana; Howard; Kaldor; Kloubec; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Melby; Murphy; Myrdal; Nelson; Oban; Olsen, D.; Olson, A.; Olson, V.; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Soukup; Stenehjem; Timm; Tollefson; Trautman; Ulmer; Urlacher; Vander Vorst; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: Dalrymple; Graba; Gunsch; Hanson, D.; Hausauer, R.; Hoffner; Jensen; Kelly; Kingsbury; Kolbo; Laughlin; Mertens; Nicholas; Nowatzki; Payne; Peterson; Solberg; Sorensen; Starke; Stofferahn; Thompson, K.; Thompson, V.; Wald; Watne

(Committee on Appropriations members excused.)

HB 1478 lost.

HB 1563: A BILL for an Act to amend and reenact sections 45-10.1-16, 45-11-02, and 45-11-06 of the North Dakota Century Code, relating to records filed with the secretary of state with respect to limited partnerships and fictitious partnership names.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 82 YEAS, 0 NAYS, 24 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hokana; Howard; Huether; Kaldor; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Melby; Murphy; Myrdal; Nelson; Ness; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Soukup; Stenehjem; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Dalrymple; Graba; Gunsch; Hanson, O.; Hausauer, R.; Hoffner; Jensen; Kelly; Kingsbury; Kolbo; Laughlin; Mertens; Nicholas; Nowatzki; Payne; Peterson; Solberg; Sorensen; Starke; Stofferahn; Thompson, K.; Thompson, V.; Wald; Watne

(Committee on Appropriations members excused.)

HB 1563 passed and the title was agreed to.

HB 1582: A BILL for an Act to amend and reenact section 43-04-23 of the North Dakota Century Code, relating to qualifications for a certificate of registration as a registered apprentice barber.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 2 YEAS, 78 NAYS, 26 ABSENT AND NOT VOTING.

YEAS: Brokaw; Shockman

NAYS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hokana; Howard; Huether; Kaldor; Kloubec; Kneill; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Melby; Murphy; Myrdal; Nelson; Ness; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Skjerven; Smette; Soukup; Stenehjem; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: Dalrymple; Graba; Gunsch; Hanson, O.; Haugen; Hausauer, R.; Hoffner; Jensen; Kelly; Kingsbury; Kolbo; Laughlin; Mertens; Nicholas; Nowatzki; Payne; Peterson; Solberg; Sorensen; Starke; Stofferahn; Thompson, K.; Thompson, V.; Urlacher; Wald; Watne

(Committee on Appropriations members excused.)

HB 1582 lost.

HB 1285: A BILL for an Act to amend and reenact sections 26.1-40-13, 26.1-40-14, and 26.1-40-15 of the North Dakota Century Code, relating to uninsured and underinsured motor vehicle insurance.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 24 YEAS, 57 NAYS, 25 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Brokaw; DeMers, P.; Flaagan; Gates; Gilmore; Haugen; Kaldor; Marks; Myrdal; Nelson; Ness; Olson, A.; Schindler; Shide; Shockman; Skjerven; Tokach; Tomac; Wilkie; Williams, W.; Speaker Kretschmar

NAYS: Aas; Anderson, R.; Belter; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; DeMers, J.; Dorso; Enget; Frey; Gerhardt; Gerl; Goetz; Gorman; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hokana; Howard; Huether; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martin; Martinson; Melby; Murphy; Oban; Olsen, D.; Olson, V.; Ring; Rydell; Schatz; Scherber; Schmidt; Schneider; Shaft; Soukup; Starke; Stenehjem; Thompson, V.; Timm; Tollefson; Trautman; Ulmer; Urlacher; Vander Vorst; Wentz; Whalen; Williams, A.

ABSENT AND NOT VOTING: Dalrymple; Gerntholz; Graba; Gunsch; Hanson, O.; Hausauer, R.; Hoffner; Jensen; Kelly; Kingsbury; Kolbo; Laughlin; Mertens; Nicholas; Nowatzki; O'Shea; Payne; Peterson; Smette; Solberg; Sorensen; Stofferahn; Thompson, K.; Wald; Watne

(Committee on Appropriations members excused.)

HB 1285 lost.

HB 1340: A BILL for an Act relating to wiretapping and eavesdropping; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 1 YEA, 80 NAYS, 25 ABSENT AND NOT VOTING.

YEAS: Berg, G.

NAYS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gilmore; Goetz; Gorman; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hokana; Howard; Huether; Kaldor; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Melby; Murphy; Myrdal; Nelson; Ness; Oban; Olsen, D.; Olson, A.; Olson, V.; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Soukup; Starke; Stenehjem; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: Dalrymple; Gerntholz; Graba; Gunsch; Hanson, O.; Hausauer, R.; Hoffner; Jensen; Kelly; Kingsbury; Kolbo; Laughlin; Mertens; Nicholas; Nowatzki; O'Shea; Payne; Peterson; Smette; Solberg; Sorensen; Stofferahn; Thompson, K.; Wald; Watne

(Committee on Appropriations members excused.)

HB 1340 lost.

HB 1373: A BILL for an Act to amend and reenact section 57-15-12.1 of the North Dakota Century Code, relating to tax levies or service charges by cities or park districts for forestry purposes.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 75 YEAS, 6 NAYS, 25 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gilmore; Goetz; Gorman; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hokana; Howard; Huether; Kaldor; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Melby; Myrdal; Ness; Oban; Olson, V.; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shockman; Skjerven; Soukup; Starke; Stenehjem; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Belter; Murphy; Nelson; Olsen, D.; Olson, A.; Shide

ABSENT AND NOT VOTING: Dalrymple; Gerntholz; Graba; Gunsch; Hanson, O.; Hausauer, R.; Hoffner; Jensen; Kelly; Kingsbury; Kolbo; Laughlin; Mertens; Nicholas; Nowatzki; O'Shea; Payne; Peterson; Smette; Solberg; Sorensen; Stofferahn; Thompson, K.; Wald; Watne

(Committee on Appropriations members excused.)

HB 1373 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3032: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of providing a county option for state funding of the clerk of district court.

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

HCR 3032 was declared adopted on a voice vote.

HCR 3035: A concurrent resolution directing the Legislative Council to study the primary election process.

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

HCR 3035 was declared adopted on a voice vote.

MOTION

REP. KLOUBEC MOVED that HB 1357, HB 1525, HB 1576, HB 1629, HB 1655, HB 1418, HB 1474, HCR 3043, and HCR 3048 be placed at the head of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1357: A BILL for an Act to amend and reenact subsection 3 of section 38-08-07 of the North Dakota Century Code, relating to the drilling of

oil and gas wells at exception locations under orders establishing spacing units.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 80 YEAS, 1 NAY, 25 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gilmore; Goetz; Gorman; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hokana; Howard; Huether; Kaldor; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Melby; Murphy; Myrdal; Nelson; Ness; Oban; Olsen, D.; Olson, A.; Olson, V.; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Soukup; Starke; Stenehjem; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Ring

ABSENT AND NOT VOTING: Dalrymple; Gerntholz; Graba; Gunsch; Hanson, O.; Hausauer, R.; Hoffner; Jensen; Kelly; Kingsbury; Kolbo; Laughlin; Mertens; Nicholas; Nowatzki; O'Shea; Payne; Peterson; Smette; Solberg; Sorensen; Stofferahn; Thompson, K.; Wald; Watne

(Committee on Appropriations members excused.)

HB 1357 passed and the title was agreed to.

HB 1525: A BILL for an Act to amend and reenact subsection 1 of section 28-32-01 of the North Dakota Century Code, relating to agencies under the Administrative Agencies Practice Act.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 8 YEAS, 72 NAYS, 26 ABSENT AND NOT VOTING.

YEAS: Flaagan; Halmrast; Olson, A.; Starke; Thompson, V.; Urlacher; Whalen; Williams, A.

NAYS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; DeMers, J.; DeMers, P.; Dorso; Enget; Frey; Gates; Gerhardt; Gerl; Gilmore; Goetz; Gorman; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hokana; Howard; Huether; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Melby; Murphy; Myrdal; Nelson; Ness; Oban; Olsen, D.; Olson, V.; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Soukup; Stenehjem; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wentz; Wilkie; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: Dalrymple; Gerntholz; Graba; Gunsch; Hanson, O.; Hausauer, R.; Hoffner; Jensen; Kaldor; Kelly; Kingsbury; Kolbo;

Laughlin; Mertens; Nicholas; Nowatzki; O'Shea; Payne; Peterson; Smette; Solberg; Sorensen; Stofferahn; Thompson, K.; Wald; Watne

(Committee on Appropriations members excused.)

HB 1525 lost.

HB 1576: A BILL for an Act to create and enact chapter 26.1-38.1 of the North Dakota Century Code, relating to life and health insurance policies and annuity contracts; and to repeal chapter 26.1-38, relating to the North Dakota life and health insurance guaranty association and the performance of contractual obligations under life and health insurance policies and annuity contracts.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 80 YEAS, 1 NAY, 25 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gilmore; Goetz; Gorman; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hokana; Howard; Huether; Kaldor; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Melby; Murphy; Myrdal; Nelson; Ness; Oban; Olson, A.; Olson, V.; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Shaft; Shide; Shockman; Skjerven; Soukup; Starke; Stenehjem; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Olsen, D.

ABSENT AND NOT VOTING: Dalrymple; Gerntholz; Graba; Gunsch; Hanson, O.; Hausauer, R.; Hoffner; Jensen; Kelly; Kingsbury; Laughlin; Mertens; Nicholas; Nowatzki; O'Shea; Payne; Peterson; Schneider; Smette; Solberg; Sorensen; Stofferahn; Thompson, K.; Wald; Watne

(Committee on Appropriations members excused.)

HB 1576 passed and the title was agreed to.

HB 1629: A BILL for an Act to provide for temporary collection of sales and use taxes on sales or use of food and food products to offset a reduction in foundation aid appropriation authority and to establish a foundation aid supplementary fund; and to provide a continuing appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 13 YEAS, 69 NAYS, 24 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Gilmore; Huether; Kaldor; Lang; Myrdal; Shide; Skjerven; Starke; Thompson, V.; Trautman; Ulmer; Vander Vorst

NAYS: Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Goetz; Gorman; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hokana; Howard; Kloubec; Knell; Kolbo; Kouba; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Melby; Murphy; Nelson; Ness; Oban; Olsen, D.; Olson, A.; Olson, V.; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shockman; Soukup; Stenehjem; Timm; Tokach; Tollefson; Tomac; Urlacher; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: Dalrymple; Gerntholz; Graba; Gunsch; Hanson, O.; Hausauer, R.; Hoffner; Jensen; Kelly; Kingsbury; Laughlin; Mertens; Nicholas; Nowatzki; O'Shea; Payne; Peterson; Smette; Solberg; Sorensen; Stofferahn; Thompson, K.; Wald; Watne

(Committee on Appropriations members excused.)

HB 1629 lost.

HB 1655: A BILL for an Act to create and enact a new subsection to section 20.1-03-11 of the North Dakota Century Code, relating to white-tailed deer hunting licenses.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 24 YEAS, 57 NAYS, 25 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Brokaw; Christman; DeMers, P.; Enget; Flaagan; Gerhardt; Gilmore; Kolbo; Marks; Murphy; Nelson; Ness; Schindler; Schneider; Shockman; Skjerven; Tokach; Tomac; Vander Vorst; Wilkie; Williams, W.

NAYS: Aas; Anderson, R.; Belter; Berg, R.; Bernstein; Carlson; Clayburgh; DeMers, J.; Dorso; Frey; Gates; Goetz; Gorman; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hokana; Howard; Huether; Kaldor; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martin; Martinson; Melby; Myrdal; Oban; Olsen, D.; Olson, A.; Olson, V.; Ring; Rydell; Schatz; Scherber; Schmidt; Shaft; Shide; Soukup; Starke; Stenehjem; Thompson, V.; Timm; Tollefson; Trautman; Ulmer; Urlacher; Wentz; Whalen; Williams, A.; Speaker Kretschmar

ABSENT AND NOT VOTING: Dalrymple; Gerl; Gerntholz; Graba; Gunsch; Hanson, O.; Hausauer, R.; Hoffner; Jensen; Kelly; Kingsbury; Laughlin; Mertens; Nicholas; Nowatzki; O'Shea; Payne; Peterson; Smette; Solberg; Sorensen; Stofferahn; Thompson, K.; Wald; Watne

(Committee on Appropriations members excused.)

HB 1655 lost.

HB 1418: A BILL for an Act to create and enact a new section to chapter 65-05.1 of the North Dakota Century Code, relating to the workers

compensation bureau obtaining rehabilitation services by competitive bid.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 15 YEAS, 67 NAYS, 24 ABSENT AND NOT VOTING.

YEAS: Aas; Belter; Berg, R.; Bernstein; Dorso; Haugen; Knell; Kouba; Martin; Schatz; Schindler; Schmidt; Timm; Urlacher; Whalen

NAYS: Aarsvold; Anderson, B.; Anderson, R.; Berg, G.; Brokaw; Carlson; Christman; Clayburgh; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gilmore; Goetz; Gorman; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hokana; Howard; Huether; Kaldor; Kloubec; Kolbo; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martinson; Melby; Murphy; Myrdal; Nelson; Ness; Oban; Olsen, D.; Olson, A.; Olson, V.; Ring; Rydell; Scherber; Schneider; Shaft; Shide; Shockman; Skjerven; Soukup; Starke; Stenehjem; Thompson, V.; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: Dalrymple; Gerntholz; Graba; Gunsch; Hanson, O.; Hausauer, R.; Hoffner; Jensen; Kelly; Kingsbury; Laughlin; Mertens; Nicholas; Nowatzki; O'Shea; Payne; Peterson; Smette; Solberg; Sorensen; Stofferahn; Thompson, K.; Wald; Watne

(Committee on Appropriations members excused.)

HB 1418 lost.

HB 1474: A BILL for an Act to create and enact a new section to chapter 65-05 of the North Dakota Century Code, relating to workers' compensation claims.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 7 YEAS, 75 NAYS, 24 ABSENT AND NOT VOTING.

YEAS: Brokaw; Carlson; DeMers, J.; Ring; Scherber; Shockman; Williams, W.

NAYS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Christman; Clayburgh; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gilmore; Goetz; Gorman; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hokana; Howard; Huether; Kaldor; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Melby; Murphy; Myrdal; Nelson; Ness; Oban; Olsen, D.; Olson, A.; Olson, V.; Rydell; Schatz; Schindler; Schmidt; Schneider; Shaft; Shide; Skjerven; Soukup; Starke; Stenehjem; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wentz; Whalen; Wilkie; Williams, A.; Speaker Kretschmar

ABSENT AND NOT VOTING: Dalrymple; Gerntholz; Graba; Gunsch; Hanson, O.; Hausauer, R.; Hoffner; Jensen; Kelly; Kingsbury; Laughlin; Mertens; Nicholas; Nowatzki; O'Shea; Payne; Peterson; Smette; Solberg; Sorensen; Stofferahn; Thompson, K.; Wald; Watne

(Committee on Appropriations members excused.)

HB 1474 lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3043: A concurrent resolution directing the Legislative Council to study the North Dakota Atmospheric Resource Management Program.

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

HCR 3043 was declared adopted on a voice vote.

HCR 3048: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of requiring boiler operators to be licensed.

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

HCR 3048 was declared adopted on a voice vote.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2001, SB 2013, SB 2015, SB 2074, SB 2153, SB 2182, SB 2281, SB 2298, SB 2303, SB 2308, SB 2333, SB 2335, SB 2336, SB 2338, SB 2380, SB 2384, SB 2389, SB 2393, SB 2397, SB 2398, SB 2436, SB 2457, SB 2464, SB 2467, SB 2482, SCR 4034, SCR 4037, SCR 4039.

MOTIONS

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

REP. KLOUBEC MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House be on the Ninth order of business, and at the conclusion of the Ninth order, the House be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the House stand adjourned until 9:30 a.m., Friday, February 17, 1989, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred HB 1005 has had the same under consideration and recommends by a vote of 20 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 3, after the semicolon insert "to provide for a statement of legislative intent regarding state employee compensation adjustments;"

Page 1, line 15, replace "1,361,350" with "1,311,350"

Page 1, line 16, replace "480,000" with "180,000"

Page 1, line 17, replace "7,892,457" with "7,542,457"

Page 1, line 18, replace "1,374,650" with "1,324,650"

Page 1, line 19, replace "6,517,807" with "6,217,807"

Page 1, line 21, replace "\$1,311,350" with "\$1,261,350"

Page 2, after line 3, insert:

"SECTION 3. LEGISLATIVE INTENT - STATE EMPLOYEE COMPENSATION ADJUSTMENTS - GUIDELINES. It is the intent of the fifty-first legislative assembly that 1989-91 compensation adjustments for state employees in the classified service are to be average increases of 7.1 percent beginning with the month of July 1989 to be paid in August 1989. No further increases are provided in the appropriations made by the fifty-first legislative assembly for the 1989-91 biennium."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 130 - DIRECTOR OF INSTITUTIONS

Adds a statement of legislative intent regarding compensation adjustments for state employees in the classified service.

The capital improvements line item is reduced by \$50,000 from the Capitol building fund to reduce the funds for a day care center from \$100,000 to \$50,000. A corresponding reduction of \$50,000 is made to the transfer from the Capitol building.

The institutional medical fees line item is reduced by \$300,000 from the general fund to provide funding at the anticipated level of \$180,000.

HB 1005 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was referred HB 1030 has had the same under consideration and recommends by a vote of 15 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsections 7, 8, and 9 of section 57-39.2-01, subdivision c of subsection 1 of section 57-39.2-02.1, and subsections 6, 7, and 8 of section 57-40.2-01 of the North Dakota Century Code, relating to the imposition of a sales and use tax on the gross receipts from furnishing bingo cards.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsections 7, 8, and 9 of section 57-39.2-01 of the North Dakota Century Code without the amendments made in section 2 of chapter 687 of the 1987 Session Laws are hereby amended and reenacted to read as follows:

7. "Retail sale" or "sale at retail" means the sale, including the leasing or renting, to a consumer or to any person for any purpose, other than for processing or for resale, of

tangible personal property; the sale of steam, gas, and communication service to retail consumers or users; the furnishing of bingo cards; the ordering, selecting, or aiding a customer to select any goods, wares, or merchandise from any price list or catalog, which the customer might order, or be ordered for such customer to be shipped directly to such customer; the sale or furnishing of hotel, motel, or tourist court accommodations, tickets, or admissions to any place of amusement, athletic event, or place of entertainment including the playing of any machine for amusement or entertainment in response to the use of a coin; and the sales of magazines and other periodicals. By the term "processing" is meant any tangible personal property including containers which it is intended, by means of fabrication, compounding, manufacturing, producing, or germination shall become an integral or an ingredient, or component part of other tangible personal property intended to be sold ultimately at retail. The sale of an item of tangible personal property for the purpose of incorporating it in or attaching it to real property shall be considered as a sale of tangible personal property for a purpose other than for processing; the delivery of possession within the state of North Dakota of tangible personal property by a wholesaler or distributor to an out-of-state retailer who does not hold a North Dakota retail sales tax permit or to a person who by contract incorporates such tangible personal property into, or attaches it to, real property situated in another state shall not be considered a taxable sale if such delivery of possession would not be treated as a taxable sale in that state. As used in this subsection the word "consumer" shall include any hospital, infirmary, sanatorium, nursing home, home for the aged, or similar institution that furnishes services to any patient or occupant. The sale of an item of tangible personal property to a purchaser who rents or leases it to a person under a finance leasing agreement over the term of which the property will be substantially consumed shall be considered a retail sale if the purchaser elects to treat it as such by paying or causing the transferor to pay the sales tax thereon to the commissioner on or before the last day on which payments may be made without penalty as provided in section 57-39.2-12.

8. "Retailer" includes every person engaged in the business of leasing or renting hotel, motel, or tourist court accommodations, and every person engaged in the business of selling tangible goods, wares, or merchandise at retail, or furnishing of steam, gas, and communication services, or tickets or admissions to places of amusement, entertainment, and athletic events including the playing of any machine for amusement or entertainment in response to the use of a coin, or magazines, or other periodicals; any organization licensed by the attorney general to conduct bingo games pursuant to section 53-06.1-03; and shall include any person as herein defined who by contract or otherwise agrees to furnish for a consideration a totally or partially finished product consisting in whole or in part of tangible personal property subject to the sales tax herein provided, and all items of tangible personal property entering into the performance of

such contract as a component part of the product agreed to be furnished under said contract shall be subject to the sales tax herein provided and the sales tax thereon shall be collected by the contractor from the person for whom the contract has been performed in addition to the contract price agreed upon, and shall be remitted to the state in the manner provided in this chapter; and shall include the state or any municipality furnishing steam, gas, or communication service to members of the public in its proprietary capacity. For the purpose of this chapter, retailer shall also include every clerk, auctioneer, agent, or factor selling tangible personal property owned by any other retailer. A retailer also includes every person who engages in regular or systematic solicitation of a consumer market in this state by the distribution of catalogs, periodicals, advertising flyers, or other advertising, or by means of print, radio or television media, by mail, telegraphy, telephone, computer data base, cable, optic, microwave, or other communication system.

9. "Sale" means any transfer of title or possession, exchange or barter, conditional or otherwise, in any manner or by any means whatever, for a consideration, and includes the furnishing or service of steam, gas, or communication, the furnishing of bingo cards, the furnishing of hotel, motel, or tourist court accommodations, the furnishing of tickets or admissions to any place of amusement, athletic event, or place of entertainment including the playing of any machine for amusement or entertainment in response to the use of a coin, and sales of magazines and other periodicals. Provided, the words "magazines and other periodicals" as used in this subsection do not include newspapers nor magazines or periodicals that are furnished free by a nonprofit corporation or organization to its members or because of payment by its members of membership fees or dues.

SECTION 2. AMENDMENT. Subdivision c of subsection 1 of section 57-39.2-02.1 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- c. Tickets or admissions to places of amusement or entertainment or athletic events, including amounts charged for participation in an amusement, entertainment, or athletic activity, and including the furnishing of bingo cards and the playing of any machine for amusement or entertainment in response to the use of a coin. The tax imposed by this section applies only to eighty percent of the gross receipts collected from coin-operated amusement devices.

SECTION 3. AMENDMENT. Subsections 6 and 7 of section 57-40.2-01 of the 1987 supplement to the North Dakota Century Code and subsection 8 of section 57-40.2-01 of the North Dakota Century Code without the amendments made in section 5 of chapter 687 of the 1987 Sessions Laws are hereby amended and reenacted to read as follows:

6. "Retailer" includes every person engaged in the business of selling tangible personal property for use within the meaning

of this chapter, but, when in the opinion of the commissioner, it is necessary for the efficient administration of this chapter to regard any salesman, representative, trucker, peddler, or canvasser as the agent of the dealer, distributor, supervisor, employer, or other person under whom he operates or from whom he obtains the tangible personal property sold by him, whether he is making sales in his own behalf or in behalf of such dealer, distributor, supervisor, employer, or other person, the commissioner may regard him as such agent, and may regard the dealer, distributor, supervisor, employer, or other person as a retailer for the purposes of this chapter. A retailer includes any organization licensed by the attorney general to conduct bingo games pursuant to section 53-06.1-03. A retailer also includes every person who engages in regular or systematic solicitation of a consumer market in this state by the distribution of catalogs, periodicals, advertising flyers, or other advertising, or by means of print, radio or television media, by mail, telegraphy, telephone, computer data base, cable, optic, microwave, or other communication system.

7. "Retailer maintaining a place of business in this state", or any like term, means any retailer having or maintaining within this state, directly or by a subsidiary, an office, distribution house, sales house, warehouse, or other place of business, or any agent operating within this state under the authority of the retailer or its subsidiary, whether such place of business or agent is located in the state permanently or temporarily, or whether or not such retailer or subsidiary is authorized to do business within this state. It includes any organization licensed by the attorney general to conduct bingo games pursuant to section 53-06.1-03. It also includes every person who engages in regular or systematic solicitation of sales of tangible personal property in this state by the distribution of catalogs, periodicals, advertising flyers, or other advertising, by means of print, radio or television media, or by mail, telegraphy, telephone, computer data base, cable, optic, microwave, or other communication system for the purpose of effecting retail sales of tangible personal property.
8. "Tangible personal property" means:
 - a. Tangible goods, including the furnishing of bingo cards, wares, and merchandise, and gas, when furnished or delivered to consumers or users within this state.
 - b. The leasing or renting of tangible personal property, the sale, storage, use, or consumption of which has not been previously subjected to a retail sales or use tax in this state.
 - c. The purchase of magazines or other periodicals. Provided, the words "magazines and other periodicals" as used in this subdivision do not include newspapers nor magazines or periodicals that are furnished free by a nonprofit corporation or organization to its members or

because of payment by its members of membership fees or dues.

d. The severance of sand or gravel from the soil."

Renumber accordingly

HB 1030 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred HB 1119 has had the same under consideration and recommends by a vote of 17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 2, remove "fee schedules for medical providers and"

Page 1, line 10, remove "- Fee"

Page 1, line 11, remove "schedules"

Page 2, remove lines 1 through 6

Page 2, line 7, replace "2." with "1."

Page 2, line 10, replace "3." with "2."

Page 2, line 14, replace "4." with "3." and replace "physicians" with "doctors"

Page 2, line 15, replace "original" with "compensable work" and remove "This"

Page 2, remove lines 16 through 26

Page 2, line 27, replace "6." with "4."

Page 2, line 29, replace "by section" with "in chapter"

Page 3, line 1, replace "65-05.1-06" with "65-05.1"

Renumber accordingly

HB 1119 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred HB 1128 has had the same under consideration and recommends by a vote of 13 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 2, remove lines 3 and 4

Page 2, line 5, replace "4." with "3." and after "verify" insert "past"

Page 2, line 13, replace "5." with "4."

Page 2, line 21, replace "6." with "5."

Page 2, line 26, replace "paid" with "overpaid" and after the first "bureau" insert "for that time period"

Page 3, line 1, replace "7." with "6."

Page 4, line 10, remove "For"

Page 4, remove lines 11 through 13

Page 5, line 10, remove "and not because of economic conditions or the"

Page 5, line 11, remove "unavailability of employment"

Page 5, line 20, after the underscored period insert "The claimant may earn up to ten percent of the claimant's average gross weekly earnings with no reduction in total disability benefits."

Page 5, remove lines 21 through 24

Page 5, line 25, replace "5." with "4."

Page 6, line 1, replace "6." with "5."

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

Renumber accordingly

HB 1128 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was referred HB 1164 has had the same under consideration and recommends by a vote of 17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, remove "create a new subdivision to subsection 1 of section"

Page 1, remove line 2

Page 1, line 3, remove "and net operating loss deductions; to"

Page 1, line 5, remove the first "and" and after "57-38.4-01" insert ", and section 57-38.4-02"

Page 1, remove lines 8 through 13

Page 4, after line 27, insert:

"SECTION 5. AMENDMENT. Section 57-38.4-02 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-38.4-02. Water's edge election. A corporation required to file a worldwide unitary combined report must ~~continue to~~ do so unless it elects to apportion its income using the water's edge method.

1. A corporation electing to file using the water's edge method must comply with the following:

- a. The election must be made on the return as originally filed.
 - b. The corporation may not reduce taxable income for federal taxes paid or accrued as allowed by subdivision c of subsection 1 of section 57-38-01.3.
 - c. The water's edge election is binding for ~~ten~~ five consecutive taxable years after making the election.
 - d. The corporation must file with the tax commissioner a domestic disclosure spreadsheet, after which the corporation must file a domestic disclosure spreadsheet only every third year while the election remains in effect.
2. All corporations electing the water's edge method must include the income and apportionment factors of the water's edge group. Foreign dividends and income from 80/20 corporations must be included as follows:
- a. An existing corporation must include fifty percent of foreign dividends and sixty percent of income from 80/20 corporations. However, an existing corporation that increases and maintains a threshold activity by twenty-five percent or more, but not by business reorganization or acquisition, is only required to include thirty percent of foreign dividends and thirty percent of income from 80/20 corporations.
 - b. A new corporation must include thirty percent of foreign dividends and thirty percent of income from 80/20 corporations.
 - c. For taxable years beginning after December 31, 1994, all corporations making the water's edge election may reduce the inclusion to include thirty percent of foreign dividends and thirty percent of income from 80/20 corporations."

Renumber accordingly

HB 1164 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred HB 1191 has had the same under consideration and recommends by a vote of 15 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 2, line 13, replace "panel" with "consultant's"

Page 3, after line 6, insert:

"7. The provisions of chapter 50-06.1 do not apply to determinations of eligibility for vocational rehabilitation made pursuant to this chapter."

Page 3, line 26, replace "panels" with "teams"

Page 3, line 29, after the underscored period insert "The medical assessment team must be provided the medical records compiled by the worker's treating physicians. The medical assessment team may consult the

worker's treating physicians prior to making its final assessment of the worker's functional capacities."

Page 4, line 3, replace "Establish vocational assessment panels, the composition" with "Appoint one or more vocational consultants, the identity"

Page 4, line 11, replace the first "panel" with "team" and replace "Each panel" with "The vocational consultant"

Page 4, line 16, replace the first "panel" with "consultant's" and replace the second "panel" with "consultant"

Page 4, line 25, replace "panel" with "consultant"

Page 6, line 9, replace "panel" with "consultant"

Page 8, line 1, replace "must" with "may"

Renumber accordingly

HB 1191 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: A majority of your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was referred HB 1267 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, replace "repeal" with "amend and reenact"

Page 1, replace lines 5 and 6 with:

"SECTION 1. AMENDMENT. Subsection 12 of section 57-39.2-04 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

12. Gross receipts from all sales a sale otherwise taxable under this chapter when made to persons a person who are residents is a resident of an adjoining states which do state that does not impose or levy a retail sales tax or are residents is a resident of Canada; provided that such persons are the person is in the state of North Dakota for the express purpose of making such purchases a purchase, and not as tourists a tourist; and provided, further, that any such the person furnished to the North Dakota retailer a certificate signed by him the purchaser in such form as the commissioner may prescribe reciting sufficient facts establishing the exempt status of the sale. Unless such the certificate is furnished it shall be presumed, until the contrary is shown, that such the person was not in the state of North Dakota for the express purpose of making such purchases a purchase; provided, further, that this exemption shall not apply to any sale to any person who is a resident of another state if the sales price is twenty-five dollars or less or to any person who is a resident of Canada if the sales price is twenty-five dollars or less the first fifty dollars of any sale price."

Renumber accordingly

For the Majority: Reps. A. Hausauer, Goetz, R. Anderson, Belter, Gorman, Haugen, Knell, Martin, A. Olson, Timm

MR. SPEAKER: A minority of your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was referred HB 1267 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, replace "repeal" with "amend and reenact"

Page 1, replace lines 5 and 6 with:

"SECTION 1. AMENDMENT. Subsection 12 of section 57-39.2-04 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

12. Gross receipts from all sales a sale otherwise taxable under this chapter when made to persons a person who are residents is a resident of an adjoining states which do state that does not impose or levy a retail sales tax or are residents of Canada; provided that such persons are the person is in the state of North Dakota for the express purpose of making such purchases a purchase, and not as tourists a tourist; and provided, further, that any such the person furnished to the North Dakota retailer a certificate signed by him the purchaser in such form as the commissioner may prescribe reciting sufficient facts establishing the exempt status of the sale. Unless such the certificate is furnished it shall be presumed, until the contrary is shown, that such the person was not in the state of North Dakota for the express purpose of making such purchases a purchase; provided, further, that this exemption shall not apply to any sale to any person who is a resident of another state if the sales price is twenty-five dollars or less or to any person who is a resident of Canada if the sales price is twenty-five dollars or less the first fifty dollars of any sale price."

Renumber accordingly

For the Minority: Reps. G. Berg, J. DeMers, P. DeMers, Hokana, Scherber, Tomac, W. Williams

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

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred HB 1270 has had the same under consideration and recommends by a vote of 12 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 13, replace "meets the qualifications for" with "is a graduate of an accredited law school and holds a current valid license to practice law in at least one"

Page 1, line 14, remove "admission to practice law in this"

Page 1, line 17, after "order" insert "and personal jurisdiction over the parties to the action"

Renumber accordingly

HB 1270 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred HB 1320 has had the same under consideration and recommends by a vote of 9 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 19, remove ", not to"

Page 1, line 20, remove "exceed three days"

Renumber accordingly

HB 1320 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred HB 1363 has had the same under consideration and recommends by a vote of 14 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 16, replace "and" with a comma and after "certified" insert ", and administered"

Page 3, replace Lines 10 through 27 with:

"2. The following building occupancies:

- a. When the occupant load is less than twenty people for the building, building alteration, or building addition. The occupant load must be specified by the owner and verified by the building official in the manner provided in the current edition of the uniform building code as adopted by the state."

Page 4, remove lines 1 through 16

Page 4, line 18, remove "M-1"

Page 4, line 20, remove "M-2"

Page 4, line 22, remove "R-1"

Page 4, line 24, replace "eight" with "fifteen"

Page 4, line 25, remove "R-3"

Page 4, after line 25, insert:

- "d. Alterations or additions to an existing building that will not affect the life, health, safety, or

welfare of the general public or the building's occupants."

Page 11, line 24, after "counsel" insert ", pursuant to section 54-12-01,"

ReNUMBER accordingly

HB 1363 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred HB 1364 has had the same under consideration and recommends by a vote of 17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 11, replace "~~sixty-five~~" with "sixty"

Page 1, line 14, remove "five"

ReNUMBER accordingly

HB 1364 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred HB 1370 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 13, replace "twenty-five" with "fifty" and replace "40.23" with "80.47"

Page 1, line 17, replace "twenty-five" with "fifty"

Page 1, line 18, replace "40.23" with "80.47"

Page 1, line 21, after "cost" insert "or less"

Page 2, line 8, replace "twenty-five" with "fifty"

Page 2, line 9, replace "40.23" with "80.47"

Page 2, line 12, replace "twenty-five" with "fifty" and replace "40.23" with "80.47"

Page 2, line 16, after "cost" insert "or less"

ReNUMBER accordingly

HB 1370 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred HB 1406 has had the same under consideration and recommends by a vote of 9 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1406 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation (Rep. Timm, Chairman) to which was referred HB 1422 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, after "to" insert "create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to special number plates for farm vehicles; to"

Page 1, line 3, after the semicolon insert "to provide a penalty;"

Page 2, line 2, after the period insert "In addition to the penalty provided in section 39-04-41, any person violating this subsection shall license for the entire license period the farm vehicle at the higher commercial vehicle rate in accordance with the weight carried by the farm vehicle at the time of the violation."

Page 3, replace lines 9 through 20 with:

"82,001- 84,000	556.00	481.00	406.00	327.00
84,001- 86,000	576.00	499.00	422.00	341.00
86,001- 88,000	596.00	517.00	438.00	355.00
88,001- 90,000	616.00	535.00	454.00	369.00
90,001- 92,000	636.00	553.00	470.00	383.00
92,001- 94,000	656.00	571.00	486.00	397.00
94,001- 96,000	676.00	589.00	502.00	411.00
96,001- 98,000	696.00	607.00	518.00	425.00
98,001-100,000	716.00	625.00	534.00	439.00
100,001-102,000	736.00	643.00	550.00	453.00
102,001-104,000	756.00	661.00	566.00	467.00
104,001-105,500	776.00	679.00	582.00	481.00"

Page 3, after line 20, insert:

"SECTION 2. A new section to chapter 39-04 of the North Dakota Century Code is hereby created and enacted to read as follows:

Special number plates for farm vehicles. The registrar of motor vehicles shall issue, without an additional charge, upon application and payment of the registration fee, special number plates or validation decals making them distinctly different from other number plates, to any person registering a truck or combination of trucks and trailers as a farm vehicle under section 39-04-19. The registrar shall determine the form and size of the special number plates or validation decals and shall adopt rules governing the issuance of these special number plates or validation decals."

Renumber accordingly

HB 1422 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs (Rep. Haugland, Chairman) to which was referred HB 1439 has had the same under consideration and recommends by a vote of 15 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1439 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs (Rep. Haugland, Chairman) to which was referred HB 1445 has had the same under consideration and recommends by a vote of 12 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1445 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was referred HB 1479 has had the same under consideration and recommends by a vote of 10 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 5, line 6, remove "; provided, however, that the rate of"

Page 5, remove line 7

Page 5, line 8, remove "one-half percent on July 1, 1992"

Page 5, replace lines 9 through 13 with:

"3. The rate of tax, imposed against the gross value at the well of all oil included in class VI production, is as follows:

a. Eleven and one-half percent through June 30, 1991.

b. Eleven percent from July 1, 1991, through June 30, 1992.

c. Ten and one-half percent from July 1, 1992, through June 30, 1993.

d. Ten percent from July 1, 1993, through June 30, 1994.

e. Nine and one-half percent from July 1, 1994, through June 30, 1995.

f. Nine percent after June 30, 1995."

Renumber accordingly

HB 1479 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was referred HB 1530 has had the same under consideration and recommends by a vote of 17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

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

Page 2, line 8, overstrike "Five" and insert immediately thereafter "Six"

Page 2, line 16, after the underscored period insert "This credit carryover is not allowed to the extent that the liability computed under

subsection 2 would result if the only adjustments and items of tax preference taken into account to arrive at federal alternative minimum taxable income were exclusion preferences as defined in section 53(d)(1)(B) of the Internal Revenue Code."

Page 2, after line 21, insert:

"SECTION 2. EFFECTIVE DATE. This Act is effective for taxable years beginning after December 31, 1988."

Renumber accordingly

HB 1530 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred HB 1543 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 12, after the period insert "Each absentee ballot precinct is a separate precinct for the purpose of ballot arrangement rotation."

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

Page 2, line 13, replace "immediately upon the close" with "at the same time as any precinct within the absentee ballot precinct opens its"

Page 2, line 14, remove "of the" and after the second "the" insert "polls close and the"

Renumber accordingly

HB 1543 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred HB 1580 has had the same under consideration and recommends by a vote of 13 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 6, overstrike "The" and insert immediately thereafter:

"1. Except as provided in subsection 2, the"

Page 1, line 7, after "that" insert "part of"

Page 1, after line 11, insert:

"2. The wages of a debtor are exempt from process or levy to enforce any order for child support or child support combined with spousal support only to the extent provided in section 32-09.1-03."

Renumber accordingly

HB 1580 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred HB 1603 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 3, line 4, replace "one" with "two" and after "miles" insert "[321.87 kilometers]"

Page 3, line 6, replace "one" with "two" and after "miles" insert "[321.87 kilometers]"

Renumber accordingly

HB 1603 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred HB 1607 has had the same under consideration and recommends by a vote of 10 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 12, replace "agreement" with "interest"

Page 1, line 13, replace "financing statement" with "security agreement" and remove "Any lender"

Page 1, remove lines 14 and 15

Page 1, line 16, remove "occurrence. The civil penalty must be adjudicated through the courts."

Page 1, line 17, after the first "a" insert "willful"

Renumber accordingly

HB 1607 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred HB 1617 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, after "an Act" replace the remainder of the bill with "to create and enact four new sections to chapter 54-44.3 of the North Dakota Century Code, relating to duties of the state personnel board and ethical violations by state employees; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 54-44.3 of the North Dakota Century Code is hereby created and enacted to read as follows:

Duties of state personnel board. The state personnel board shall:

1. Develop ethical guidelines relating to acceptance of gifts and favors, use of confidential information, use of state

property, conflicts of interest, and other ethical matters for state employees and officers, elected state officials, and members of the legislative assembly.

2. Review the implementation of guidelines by state agencies, institutions, and branches of government.
3. Investigate complaints of and conduct hearings to review violations of guidelines by state employees and officers, elected state officials, and members of the legislative assembly.
4. Report annually to the governor and biennially to the legislative assembly concerning the number of violations of guidelines reported and the resolution of those reported violations.

SECTION 2. A new section to chapter 54-44.3 of the North Dakota Century Code is hereby created and enacted to read as follows:

Application of ethical guidelines - Reports of violations - Hearings - Disciplinary measures. The ethical guidelines developed by the board apply to every state employee or officer, elected state official, and member of the legislative assembly, without regard to whether the employing agency, institution, or branch of government has adopted the guidelines. The state personnel board shall investigate any report of a violation of an ethical guideline which is filed with the board and verified by affidavit of the complainant. If the board determines from its investigation that there is probable cause to believe that a violation has occurred, the board shall either enter into a conciliation agreement between the affected employee or officer, elected state official, or member of the legislative assembly and the person who filed the report or, within ninety days of the filing of the complaint, conduct a public hearing concerning the complaint. The board may extend the deadline for action on any written complaint. The board may not make a finding of probable cause without first notifying the employee or officer, elected state official, or member of the legislative assembly of the allegations and affording the affected person an opportunity to answer those allegations. If the board determines that a hearing is necessary or if either the person who filed the complaint or the employee or officer, elected state official, or member of the legislative assembly affected requests a hearing, the board shall provide a hearing on the complaint. If the board determines by hearing or conciliation agreement that an ethical violation has occurred, it may recommend an appropriate disciplinary measure to the employing unit or branch of government or may impose appropriate discipline.

SECTION 3. A new section to chapter 54-44.3 of the North Dakota Century Code is hereby created and enacted to read as follows:

Hearings on complaints. The state personnel board shall hold public hearings at least four times each year to review and determine complaints alleging violations of ethical guidelines by state employees or officers, elected state officials, or members of the legislative assembly. The board shall attempt to locate these hearings in various parts of the state and shall provide notification of the time and the date of each hearing by at least one publication in one or more

newspapers of general circulation in the locality where the hearing will be held.

SECTION 4. A new section to chapter 54-44.3 of the North Dakota Century Code is hereby created and enacted to read as follows:

Penalty for false complaint. A person who files a complaint with the state personnel board under this Act without having good cause to believe the material allegations of the complaint is guilty of a class B misdemeanor."

Renumber accordingly

HB 1617 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred HB 1624 has had the same under consideration and recommends by a vote of 9 YEAS, 8 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 1, line 18, replace "must" with "may not" and replace "the gross" with "premium wages in excess of the sum of sixteen thousand dollars"

Page 1, line 19, remove "salary"

Renumber accordingly

HB 1624 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred HB 1642 has had the same under consideration and recommends by a vote of 12 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, replace "section" with "sections 14-02.2-01 and"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 14-02.2-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

14-02.2-01. Live fetal experimentation - Penalty.

1. No A person ~~shall~~ may not use any live human fetus, whether before or after expulsion from its mother's womb, for scientific, laboratory, research, or other kind of experimentation. This section ~~shall~~ does not prohibit procedures incident to the study of a human fetus while it is in its mother's womb, provided that in the best medical judgment of the physician, made at the time of the study, ~~said~~ the procedures do not substantially jeopardize the life or health of the fetus, and provided ~~said~~ the fetus is not the subject of a planned abortion. In any criminal proceeding the fetus ~~shall be~~ is conclusively presumed not to be the subject of a planned abortion if the mother signed a

written statement at the time of the study, that she was not planning an abortion.

2. A person may not use a fetus or newborn child, or any tissue or organ thereof, resulting from an induced abortion in animal or human research, experimentation, or study, or for animal or human transplantation.

3. This section ~~shall~~ does not prohibit or regulate diagnostic or remedial procedures, the purpose of which is to determine the life or health of the fetus involved or to preserve the life or health of the fetus involved, or of the mother involved.

3- 4. A fetus is a live fetus for the purposes of this section when, in the best medical judgment of a physician, it shows evidence of life as determined by the same medical standards as are used in determining evidence of life in a spontaneously aborted fetus at approximately the same stage of gestational development.

4- 5. Any person violating this section ~~shall be~~ is guilty of a class A felony."

Page 1, line 11, after "fetus" insert "resulting from an occurrence other than an induced abortion"

Page 2, line 1, replace "the" with "a fetus or"

Page 2, line 2, replace "for medical transplantation, experimentation, or" with "in animal or human research, experimentation, or study, or for animal or human transplantation except for diagnostic or remedial procedures, the purpose of which is to determine the life or health of the fetus or to preserve the life or health of the fetus or mother, or pathological study"

Page 2, line 3, remove "research or study"

Page 2, line 6, replace "medical" with "animal or human"

Page 2, line 9, overstrike "or"

Page 2, line 10, after "away" insert ", accept, use, or attempt to use"

Re-number accordingly

HB 1642 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred HB 1660 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, replace "section" with "sections 54-03-10 and"

Page 1, line 2, after "to" insert "compensation of assistant leaders and"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Section 54-03-10 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-03-10. Compensation of speaker, majority and minority leaders, assistant majority and minority leaders, committee chairmen, and employees. The speaker of the house, the house majority leader, the senate majority leader, the house minority leader, and the senate minority leader shall each receive as compensation, in addition to any other compensation or expense reimbursement provided by law, the sum of ten dollars per day for each calendar day during any regular, special, or organizational session. Chairmen of the substantive standing committees, the house assistant majority leader, the senate assistant majority leader, the house assistant minority leader, and the senate assistant minority leader shall receive additional compensation of five dollars for each calendar day during any regular, special, or organizational session. The additional compensation provided by this section shall be paid in the manner provided in section 54-03-20. The legislative assembly, by concurrent resolution, shall fix the compensation of the other officers and employees elected or appointed. ~~The provisions of this section shall be retroactive to January 1, 1985.~~"

Renumber accordingly

HB 1660 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs (Rep. Haugland, Chairman) to which was referred HCR 3003 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 3, after "program" insert "; to study the budgeting, auditing, and management of the existing reimbursement system for private providers of mental health services; to review plans to expand the state's partnership with private mental health providers;"

Page 1, line 6, after "providers" insert "and private providers of mental health services"

Page 1, line 12, replace "frequent" with "timely"

Page 2, line 2, after the semicolon insert "and"

Page 2, after line 2, insert:

"WHEREAS, the committee received testimony that inequities exist between the reimbursement system of the Department of Human Services available to developmental disability providers and private providers of mental health services; and

WHEREAS, a detailed review of the policies and management of the reimbursement system available to private providers of mental health services is necessary to properly plan for an orderly development of a

working partnership between the public and private mental health delivery systems;"

Page 2, line 8, after the semicolon insert "study the budgeting, auditing, and management of the existing reimbursement system for private providers of mental health services; and review plans to expand the state's partnership with private mental health providers;"

Page 2, line 14, after the second "the" insert "private mental health providers and"

Renumber accordingly

HCR 3003 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs (Rep. Haugland, Chairman) to which was referred HCR 3054 has had the same under consideration and recommends by a vote of 10 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

HCR 3054 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs (Rep. Haugland, Chairman) to which was referred HCR 3055 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

HCR 3055 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture (Rep. Nicholas, Chairman) to which was referred HCR 3057 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

HCR 3057 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred HCR 3058 has had the same under consideration and recommends by a vote of 15 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same DO PASS.

HCR 3058 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs (Rep. Haugland, Chairman) to which was referred HCR 3059 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HCR 3059 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture (Rep. Nicholas, Chairman) to which was referred SB 2325 has had the same under consideration and

recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SB 2325 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred SB 2394 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, replace "section" with "sections" and after "43-11-03" insert "and 43-11-04"

Page 1, line 9, after the period insert "A member may not be appointed to more than two consecutive three-year terms. A person may not be appointed to the board if that person's spouse is a board member, nor may a person be appointed to succeed that person's spouse on the board."

Page 1, after line 15, insert:

"SECTION 2. AMENDMENT. Section 43-11-04 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-11-04. Members of board - Executive director - Qualifications. Each member of the board shall must be a citizen of this state and a licensed cosmetologist who has had at least three years practical experience in the occupation. No two members of the board shall may be members of or affiliated with any school of cosmetology, nor shall may any two members of the board be graduates of the same school of cosmetology. A member, the executive director of the board, or an immediate family member of a board member or the executive director may not be affiliated with a manufacturer, wholesaler, or distributor of cosmetology supplies, or own a school of cosmetology."

ReNUMBER accordingly

SB 2394 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Kingsbury, Peterson introduced:

HCR 3063: A concurrent resolution directing the Legislative Council to study the cost effectiveness of maintaining a central management system for state motor vehicles.

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

FIRST READING OF SENATE BILLS

SB 2010: A BILL for an Act making an appropriation for defraying the expenses of the department of banking and financial institutions of the state of North Dakota.

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

SB 2019: A BILL for an Act making an appropriation for defraying the expenses of the children's services coordinating committee of the state of North Dakota.

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

SB 2023: A BILL for an Act making an appropriation for defraying the expenses of job service North Dakota of the state of North Dakota.

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

SB 2026: A BILL for an Act making an appropriation for defraying the expenses of various departments and institutions of the state of North Dakota; to provide for an appropriation and transfer from the fund for unemployment compensation claims; and declaring an emergency.

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

SB 2036: A BILL for an Act to create and enact sections 54-17.2-01.1 and 54-17.2-03.1 of the North Dakota Century Code, relating to composition, staff services, and duties of the North Dakota building authority committee; to amend and reenact subdivision 1 of subsection 1 of section 28-32-01, sections 54-17.2-01, 54-17.2-02, 54-17.2-05, 54-17.2-08, 54-44.1-03, 54-44.1-06, and 54-44.1-08 of the North Dakota Century Code, relating to the Administrative Agencies Practice Act, the North Dakota building authority, the North Dakota building authority committee, the office of the budget, and preparation of budget reports for submission to the legislative assembly.

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

SB 2114: A BILL for an Act providing an appropriation for the North Dakota forest service to increase tree seedling production and promote tree planting for the North Dakota centennial tree program.

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

SB 2321: A BILL for an Act to amend and reenact section 22-01-14 of the North Dakota Century Code, relating to revocation of a continuing guaranty.

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

SB 2392: A BILL for an Act to create and enact a new section to chapter 15-47 of the North Dakota Century Code, relating to employment recall rights for teachers whose contracts are not renewed due to a reduction in force.

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

SB 2434: A BILL for an Act to amend and reenact section 30.1-18-21 of the North Dakota Century Code, relating to attorneys' fees payable from a decedent's estate.

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

SB 2471: A BILL for an Act to create and enact a new section to chapter 15-38.2 of the North Dakota Century Code, to prohibit the placing of certain materials in a teacher's personnel file.

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

SB 2483: A BILL for an Act to adopt the Uniform Determination of Death Act, relating to the legal requirements for determination of death, and to provide notice in case of imminent death.

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

32nd DAY

THURSDAY, FEBRUARY 16, 1989.

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

ROY GILBREATH, Chief Clerk