

JOURNAL OF THE HOUSE

Fifty-second Legislative Assembly

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Bismarck, January 15, 1991

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

The prayer was offered by Sister Agnes Reinert, Chaplain, St. Alexius Medical Center, Bismarck.

The roll was called and all members were present except Representatives Huether and Wald.

A quorum was declared by the Speaker.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2057, SB 2082, SB 2097, SB 2108, SB 2144, SB 2209, SB 2232.

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 1035, HB 1065, HB 1114, HB 1154, HB 1254, HB 1314.

MOTIONS

REP. KLOUBEC MOVED that the rules be suspended and that the amendments on the Sixth order of business to HB 1031, HB 1091, HB 1106, HB 1133, HB 1140, HB 1142, HB 1192, and HB 1294 be adopted, which motion prevailed.

HB 1031, HB 1091, HB 1106, HB 1133, HB 1140, HB 1142, HB 1192, and HB 1294, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. TIMM MOVED that the House reconsider its action whereby the committee report was accepted and HB 1214 was placed on the Sixth order of business on the calendar, which motion prevailed.

REP. TIMM MOVED that HB 1214 be rereferred to the Committee on Finance and Taxation, which motion prevailed. Pursuant to Rep. Timm's motion, HB 1214 was rereferred.

SIXTH ORDER OF BUSINESS

HB 1117: REP. KRETSCHMAR (Committee on Judiciary) MOVED that the amendments on HJ pages 252-253 be adopted, which motion prevailed on a verification vote.

MOTIONS

REP. KLOUBEC MOVED that the rules be suspended and that HB 1117 be deemed properly engrossed and placed on today's calendar, as amended, for second reading and final passage, which motion prevailed.

REP. KLOUBEC MOVED that the House waive the reading of the title to HB 1117, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1117: A BILL for an Act to amend and reenact subsection 4 of section 57-43.1-01, sections 57-43.1-03 and 57-43.1-06, subsection 3 of section 57-43.1-14, subsection 2 of section 57-43.1-17, section 57-43.1-27, subsection 6 of section 57-43.2-01, sections 57-43.2-05 and 57-43.2-07, subsection 2 of section 57-43.2-14, and section 57-43.2-25 of the North Dakota Century Code, relating to the definition of importer for use, the refund of special fuel or motor fuel tax, motor fuel dealer's bond, the collection of motor fuel tax, the sale of motor vehicle fuel to retail outlets, and the special fuel wholesaler's or dealer's license and bond.

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, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeWitz; Dorso; Enget; Erickson; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Gorder; Gorman; Grosz; Hanson; Hausauer; Henegar; Hokana; Howard; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Porter; Price; Rennerfeldt; Rydell; Scherber; Schimke; Schindler; Schmidt; Shide; Skar; Skjerven; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Boucher; Carlson; DeMers; Flaagan; Goffe; Grumbo; Jacobson; Laughlin; Mutzenberger; Peterson; Pyle; Ring; Ritter; Schneider; Snyder

ABSENT AND NOT VOTING: Huether; Wald

HB 1117 passed and the title was agreed to.

MOTIONS

REP. LARSON MOVED that HB 1031, as amended, be rereferred to the Committee on Appropriations, which motion prevailed. Pursuant to Rep. Larson's motion, HB 1031 was rereferred.

REP. KRETSCHMAR MOVED that HB 1589 be returned to the House floor from the Committee on Judiciary and be rereferred to the Committee on Political Subdivisions, which motion prevailed. Pursuant to Rep. Kretschmar's motion, HB 1589 was rereferred.

REP. MARTIN MOVED that HB 1297 be returned to the House floor from the Committee on Transportation, which motion prevailed.

REQUEST

REP. MARTIN REQUESTED the unanimous consent of the House to withdraw HB 1297. There being no objection, it was so ordered by the Speaker.

MOTION

REP. DALRYMPLE MOVED that the information delivered to the Desk regarding block grants be printed in the Journal, which motion prevailed.

Mr. Speaker: On Wednesday, January 23, 1991, the House Committee on Appropriations held a hearing on the Preventive Health and Health Services Block Grant moneys anticipated by the State Department of Health and Consolidated Laboratories Services during the period beginning October 1, 1991, and ending September 30, 1993. If any member of the Legislative Assembly desires copies of the minutes and testimony presented to the House Committee on Appropriations during the block grant hearing, the House Committee on Appropriations Clerk will make copies available to you. I inform you about the availability of the information at this time, since your approval or disapproval of the appropriation for the State Department of Health and Consolidated Laboratories Services includes the legislative action regarding the use of the federal block grant funds.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Kloubec, Schneider and Sens. Heigaard, Nelson introduced:

HCR 3028: A concurrent resolution urging Congress to extend veterans' benefits to National Guard and other reserve component personnel who have been ordered to active federal duty for Operation Desert Shield and Operation Desert Storm.

Was read the first time.

MOTION

REP. KLOUBEC MOVED that the rules be suspended, that HCR 3028 not be printed, not be referred to committee, but be read in its entirety, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Reps. Kloubec, Schneider and Sens. Heigaard, Nelson introduced:

HOUSE CONCURRENT RESOLUTION NO. 3028

A concurrent resolution urging Congress to extend veterans' benefits to National Guard and other reserve component personnel who have been ordered to active federal duty for Operation Desert Shield and Operation Desert Storm.

WHEREAS, the President of the United States, with the consent of the Congress, has engaged armed forces of the United States in Operation Desert Storm to liberate Kuwait and counter the threat of invasion to Saudi Arabia by Iraq; and

WHEREAS, units and personnel of the North Dakota National Guard along with other reserve component units and personnel have been ordered to active duty for an indefinite period for Operation Desert Shield and Operation Desert Storm; and

WHEREAS, additional National Guard and other reserve component units and personnel may be ordered to active duty for Operation Desert Storm; and

WHEREAS, National Guard and other reserve component personnel who have been ordered to active duty for Operation Desert Shield and Operation Desert Storm will be separated from families for an indefinite period, will incur business losses, will be absent from college study for one or more semesters, will suffer other personal hardships, and will be "in harm's way"; and

WHEREAS, all National Guard and other reserve component personnel should be commended for their voluntary membership in the armed forces of the United States; and

WHEREAS, this nation must properly and fairly assist all military personnel who have been ordered to active duty for Operation Desert Shield and Operation Desert Storm to return to civilian life when they are released from active duty; and

WHEREAS, many members of the National Guard and other reserve components may not be considered "veterans" upon their release from active duty for Operation Desert Shield and Operation Desert Storm and may be denied veterans' benefits because of discriminatory and outdated federal laws; and

WHEREAS, all members of the National Guard and other reserve components who have been ordered to active federal duty for Operation Desert Shield and Operation Desert Storm should be considered "veterans" for all veterans' benefit purposes; and

WHEREAS, the Legislative Assembly fully supports all military personnel serving in the Persian Gulf area;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Fifty-second Legislative Assembly urges Congress to amend all appropriate federal laws to extend veterans' benefits to all members of the National Guard and other reserve components who are ordered to active federal duty for Operation Desert Shield and Operation Desert Storm; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the Secretary of Defense, the chairmen of the Senate and House Armed Services Committees, and each member of the North Dakota Congressional Delegation.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3028: A concurrent resolution urging Congress to extend veterans' benefits to National Guard and other reserve component personnel who have been ordered to active federal duty for Operation Desert Shield and Operation Desert Storm.

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

HCR 3028 was declared adopted on a voice vote.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Pat DeMers

SECOND READING OF HOUSE BILL

HB 1049: A BILL for an Act to create and enact a new section to chapter 57-02 of the North Dakota Century Code, relating to payment of a license fee in lieu of property taxes on leasehold interests and improvements on state-owned property when used for tourism or concession purposes; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 104 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Huether; Waid

HB 1049 passed and the title was agreed to.

MOTION

REP. TOLLEFSON MOVED that the House waive the reading of the title to HB 1242, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1242: A BILL for an Act to create and enact chapter 26.1-06.1, sections 26.1-10-03.1 and 26.1-10-10.1, chapters 26.1-26.2, 26.1-26.3, 26.1-31.1, and 26.1-31.2 of the North Dakota Century Code, relating to rehabilitation and liquidation of insurance companies, insurance broker-controlled property and casualty insurance companies, managing general agents, reinsurance intermediaries, and credit for reinsurance; to amend and reenact subsections 2 and 4 of section 26.1-10-02, subsections 4 and 5 of section 26.1-10-03, sections 26.1-10-04, 26.1-10-05, and 26.1-10-11, relating to insurance holding company systems; and to repeal sections 26.1-07-08, 26.1-07-09, 26.1-07-10, 26.1-07-11, 26.1-07-12, 26.1-07-13, 26.1-07-14, 26.1-07-15, 26.1-07-16,

26.1-07-17, 26.1-07-18, 26.1-07-19, and 26.1-07-20, relating to rehabilitation and liquidation of insurance companies.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 104 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Huether; Wald

HB 1242 passed and the title was agreed to.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Don Lloyd

MOTION

REP. KLOUBEC MOVED that HB 1010 be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1012: A BILL for an Act making an appropriation for defraying the expenses of the milk stabilization board.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Huether; Miller; Wald; Whalen

HB 1012 passed and the title was agreed to.

HB 1054: A BILL for an Act to establish a demonstration program for the treatment and rehabilitation of compulsive gamblers; to provide an appropriation; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 38 YEAS, 64 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Berg, G.; Bodine; Brokaw; Carlson; Clayburgh; Dalrymple; DeMers; Enget; Gabrielson; Gerntholz; Gorder; Hanson; Hokana; Jacobson; Kaldor; Kerzman; Kolbo; Kretschmar; Kroeber; Mahoney; Mutzenberger; Nelson; Oban; Peterson; Pyle; Ring; Ritter; Rydell; Scherber; Schneider; Skar; Snyder; Stofferahn; Trautman; Wentz; Wilkie; Williams

NAYS: Anderson, B.; Bateman; Belter; Berg, R.; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Cleary; Coats; Delzer; DeWitz; Dorso; Erickson; Flaagan; Freier; Gates; Gilmore; Goffe; Gorman; Grosz; Grumbo; Hausauer; Henegar; Howard; Jensen; Kelsch; Kunkel; Larson; Laughlin; Linderman; Martin; Meyer; Miller; Muhs; Myrdal; Nicholas; Nichols; Nowatzki; Olsen, D.; Olson, A.; Payne; Porter; Price; Rennerfeldt; Schimke; Schindler; Schmidt; Shide; Skjerven; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Thorpe; Timm; Tollefson; Urlacher; Wardner; Whalen; Speaker R. Anderson

ABSENT AND NOT VOTING: Huether; Kloubec; Martinson; Wald

HB 1054 was declared lost.

HB 1083: A BILL for an Act to amend and reenact section 40-08-03 of the North Dakota Century Code, relating to the number of aldermen on a city council.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Gerntholz; Huether; Kloubec; Wald

HB 1083 passed and the title was agreed to.

MOTION

REP. GATES MOVED that HB 1085, be laid over one day legislative day, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1131: A BILL for an Act to amend and reenact section 23-27-04.2 of the North Dakota Century Code, relating to state financial assistance to licensed ambulance services.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Huether; Meyer; Wald

HB 1131 passed and the title was agreed to.

HB 1160: A BILL for an Act to amend and reenact section 50-01-10 of the North Dakota Century Code, relating to the removal of members of county social service boards.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Huether; Meyer; Wald

HB 1160 passed and the title was agreed to.

MOTION

REP. KLOUBEC MOVED that HB 1185, HB 1186, HB 1187, HB 1188, HB 1189, and HB 1190 be laid over three legislative days, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1223: 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 bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 21 YEAS, 83 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Berg, R.; Bernstein; Boucher; Cleary; Coats; Dorso; Flaagan; Gorder; Gorman; Kunkel; Martinson; Miller; Muhs; Mutzenberger; Oban; Payne; Ritter; Rydell; Scherber; Svedjan; Wilkie

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Bodine; Boehm; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Dalrymple; Delzer; DeMers; DeWitz; Enget; Erickson; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Larson; Laughlin; Linderman; Mahoney; Martin; Meyer; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Olsen, D.; Olson, A.; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wardner; Wentz; Whalen; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Huether; Wald

HB 1223 was declared lost.

HB 1268: A BILL for an Act to amend and reenact section 54-10-14 of the North Dakota Century Code, relating to political subdivision audits.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 104 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Huether; Wald

HB 1268 passed and the title was agreed to.

HB 1272: A BILL for an Act to amend and reenact section 13 of chapter 404 of the 1987 Session Laws of North Dakota, relating to the repeal of North Dakota Century Code sections 9-10-07 and 32-03-07 concerning

comparative negligence and exemplary damages; and to repeal section 15 of chapter 404 of the 1987 Session Laws of North Dakota, relating to the expiration date of legislation concerning tort liability.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 50 YEAS, 54 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bateman; Belter; Berg, R.; Bernstein; Boehm; Brown; Byerly; Carlisle; Clayburgh; Dalrymple; Delzer; DeWitz; Dorso; Enget; Freier; Gerntholz; Gorder; Gorman; Grosz; Hausauer; Henegar; Howard; Jensen; Kelsch; Kloubec; Kunkel; Larson; Martinson; Miller; Myrdal; Nicholas; Olsen, D.; Olson, A.; Payne; Porter; Rennerfeldt; Rydell; Schimke; Schindler; Shide; Skjervan; Soukup; Svedjan; Thompson; Timm; Tollefson; Trautman; Wardner; Whalen; Speaker R. Anderson

NAYS: Aarsvold; Anderson, B.; Berg, G.; Bodine; Boucher; Brokaw; Carlson; Cleary; Coats; DeMers; Erickson; Flaagan; Gabrielson; Gates; Gilmore; Goffe; Grumbo; Hanson; Hokana; Jacobson; Kaldor; Kerzman; Kolbo; Kretschmar; Kroeber; Laughlin; Linderman; Mahoney; Martin; Meyer; Muhs; Mutzenberger; Nelson; Nichols; Nowatzki; Oban; Peterson; Price; Pyle; Ring; Ritter; Scherber; Schmidt; Schneider; Skar; Snyder; St. Aubyn; Starke; Stofferahn; Thorpe; Urlacher; Wentz; Wilkie; Williams

ABSENT AND NOT VOTING: Huether; Wald

HB 1272 was declared lost.

HB 1277: A BILL for an Act to repeal sections 50-24.3-04 and 50-24.3-05 of the North Dakota Century Code, relating to preadmission assessment of persons prior to admission to a skilled nursing facility, intermediate care facility, or a hospital swing-bed facility.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Huether; Ritter; Wald; Whalen

HB 1277 passed and the title was agreed to.

HB 1278: A BILL for an Act to amend and reenact subsection 2 of section 57-19-06 of the North Dakota Century Code as created by section 1 of chapter 701 of the 1989 Session Laws of North Dakota, relating to special reserve funds; and to repeal section 2 of chapter 701 of the 1989 Session Laws of North Dakota, relating to an expiration date.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 6 YEAS, 97 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Gates; Kaldor; Kretschmar; Larson; Pyle; Scherber

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Enget; Erickson; Flaagan; Freier; Gabrielson; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Jacobson; Jensen; Kelsch; Kerzman; Kloubec; Kolbo; Kroeber; Kunkel; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Rennerfeldt; Ring; Ritter; Rydell; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Uriacher; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Dorso; Huether; Wald

HB 1278 was declared lost.

HB 1282: A BILL for an Act to amend and reenact section 15-41-26 of the North Dakota Century Code, relating to the waiver of conditions for accreditation.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 60 YEAS, 42 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Brown; Byerly; Clayburgh; Coats; DeMers; Gabrielson; Gates; Gerntholz; Gilmore; Gorman; Henegar; Hokana; Jensen; Kaldor; Kelsch; Kloubec; Kretschmar; Larson; Meyer; Mutzenberger; Myrdal; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Snyder; Soukup; St. Aubyn; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Wentz; Whalen; Wilkie; Speaker R. Anderson

NAYS: Aarsvold; Anderson, B.; Bodine; Boehm; Boucher; Carlisle; Carlson; Cleary; Dalrymple; Delzer; DeWitz; Enget; Erickson; Flaagan; Freier; Goffe; Gorder; Grosz; Grumbo; Hanson; Howard; Jacobson; Kerzman; Kolbo; Kroeber; Kunkel; Laughlin; Linderman; Mahoney; Martin; Martinson; Miller; Muhs; Nelson; Ritter; Skjerven; Starke; Tollefson; Trautman; Uriacher; Wardner; Williams

ABSENT AND NOT VOTING: Dorso; Hausauer; Huether; Wald

HB 1282 passed and the title was agreed to.

HB 1283: A BILL for an Act to amend and reenact section 43-11-35 of the North Dakota Century Code to provide a civil penalty for violation of the laws relating to the practice of cosmetology.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 5 YEAS, 98 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Hokana; Kelsch; Miller; Rydell; Schneider

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Howard; Jacobson; Jensen; Kaldor; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Scherber; Schimke; Schindler; Schmidt; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Huether; Starke; Wald

HB 1283 was declared lost.

HB 1293: A BILL for an Act to amend and reenact subsection 1 of section 15-10-18.2 of the North Dakota Century Code, relating to the definition of dependents of certain veterans for purposes of receiving free tuition.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 103 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Berg, R.

ABSENT AND NOT VOTING: Huether; Wald

HB 1293 passed and the title was agreed to.

HB 1307: A BILL for an Act to amend and reenact section 55-01-01 of the North Dakota Century Code, relating to the state historical board.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 54 YEAS, 50 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Bodine; Boucher; Brokaw; Carlson; Cleary; Coats; DeMers; Enget; Erickson; Flaagan; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grumbo; Hokana; Jacobson; Jensen; Kaldor; Kerzman; Kolbo; Kroeber; Larson; Laughlin; Linderman; Mahoney;

Martin; Meyer; Mutzenberger; Myrdal; Nelson; Nichols; Nowatzki; Oban; Peterson; Pyle; Ring; Ritter; Rydell; Scherber; Schneider; Snyder; Stofferahn; Thorpe; Urlacher; Wardner; Whalen; Wilkie; Williams

NAYS: Bateman; Belter; Berg, R.; Bernstein; Boehm; Brown; Byerly; Carlisle; Clayburgh; Dalrymple; Delzer; DeWitz; Dorso; Freier; Gorman; Grosz; Hanson; Hausauer; Henegar; Howard; Kelsch; Kloubec; Kretschmar; Kunkel; Martinson; Miller; Muhs; Nicholas; Olsen, D.; Olson, A.; Payne; Porter; Price; Rennerfeldt; Schimke; Schindler; Schmidt; Shide; Skar; Skjerven; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Wentz; Speaker R. Anderson

ABSENT AND NOT VOTING: Huether; Wald

HB 1307 passed and the title was agreed to.

HB 1311: A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to medical assistance claims.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 2 YEAS, 101 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Kaldor; Wilkie

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Jacobson; Jensen; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wardner; Wentz; Whalen; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Bernstein; Huether; Wald

HB 1311 was declared lost.

HB 1312: A BILL for an Act to amend and reenact section 23-01-04.2 of the North Dakota Century Code, relating to the regulation of vaccine charges by the department of health and consolidated laboratories.

ROLL CALL

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

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal;

Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Bernstein; Huether; Urlacher; Wald

HB 1312 passed and the title was agreed to.

HB 1316: A BILL for an Act to amend and reenact section 15-39.1-05 of the North Dakota Century Code, relating to the appointment of members of the board of trustees of the teachers' fund for retirement; and to provide for application of this Act.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Anderson, B.; Bernstein; Huether; Wald

HB 1316 passed and the title was agreed to.

HB 1317: A BILL for an Act to amend and reenact sections 51-18-02 and 51-18-04 of the North Dakota Century Code, relating to the time period for cancellation of a home solicitation sale agreement by a person sixty-five years of age or older.

ROLL CALL

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

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan;

Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Bernstein; Huether; Wald

HB 1317 passed and the title was agreed to.

HB 1342: A BILL for an Act to amend and reenact section 40-01-09 of the North Dakota Century Code, relating to the manner of choosing the official newspaper of a city.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 3 YEAS, 99 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Berg, R.; Dorso; Scherber

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschnar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Bernstein; Huether; Wald; Whalen

HB 1342 was declared lost.

HB 1344: A BILL for an Act to designate the square dance as the American folk dance of North Dakota.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 53 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Bateman; Belter; Berg, G.; Berg, R.; Bodine; Byerly; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeWitz; Erickson; Flaagan; Freier; Gabrielson; Gorder; Grumbo; Howard; Kelsch; Kolbo; Kretschnar; Kunkel; Laughlin; Martinson; Miller; Muhs; Mutzenberger; Myrdal; Nicholas; Nowatzki; Olson, A.; Peterson; Porter; Price; Pyle; Rennerfeldt; Ritter; Scherber; Schindler; Schmidt; St. Aubyn; Starke; Stofferahn; Thompson; Timm; Wentz; Speaker R. Anderson

NAYS: Aarsvold; Anderson, B.; Boehm; Boucher; Brokaw; Brown; Carlisle; Carlson; DeMers; Enget; Gates; Gerntholz; Gilmore; Goffe; Gorman; Grosz; Hanson; Hausauer; Henegar; Hokana; Jacobson; Jensen; Kaldor; Kerzman; Kloubec; Kroeber; Larson; Linderman; Mahoney; Martin; Meyer; Nelson; Nichols; Oban; Olsen, D.; Payne; Ring; Rydell; Schimke; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; Svedjan; Thorpe; Tollefson; Urlacher; Wardner; Whalen; Wilkie; Williams

ABSENT AND NOT VOTING: Bernstein; Dorso; Huether; Trautman; Wald

HB 1344 was declared lost.

REQUESTS

REP. GERNTHOLZ REQUESTED that the record show that he intended to vote "Nay" on HB 1054, which request was granted.

REP. SOUKUP REQUESTED that the record show that he intended to vote "Yea" on HB 1223, which request was granted.

REP. GORDER REQUESTED that the record show that he intended to vote "Nay" on HB 1054, which request was granted.

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 be on the Sixteenth order of business, and at the conclusion of the Sixteenth order, the House stand adjourned until 1:00 p.m., Monday, January 28, 1991, which motion prevailed.

REPORTS OF STANDING COMMITTEES

HB 1022: Committee on Appropriations (Rep. Thompson, Chairman) recommends DO PASS (20 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1022 was placed on the Eleventh order on the calendar.

HB 1038: Committee on Natural Resources (Rep. A. Olson, Chairman) recommends DO NOT PASS (14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1038 was placed on the Eleventh order on the calendar.

HB 1050: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 2, remove "not controlled"

Page 2, line 3, remove "or managed by the contributing organization"

Page 2, remove lines 14 and 15

Page 2, line 16, replace "(8)" with "(7)"

Page 2, line 20, replace "(9)" with "(8)"

Page 5, line 13, after the period insert "In addition, the licensing authority may adopt rules to limit or restrict eligible use disbursements to ensure that funds are best utilized for educational, charitable, fraternal, religious, patriotic, or other public-spirited purposes."

Re-number accordingly

HB 1051: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 25, after "subsection" insert "unless that organization conducts gaming determined to be in violation of chapter 12.1-28 or subsection 1 of section 53-06.1-07"

Re-number accordingly

HB 1053: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 14, overstrike "and" and insert immediately thereafter "The licensee or eligible organization may also set any minimum limit per wager less than or equal to the maximum limit, but at least one-half of the tables at each authorized site must accept" and overstrike "must be accepted"

Page 2, line 4, replace "require" with "allow"

Renumber accordingly

HB 1070: Committee on Transportation (Rep. Belter, Chairman) recommends DO PASS (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1070 was placed on the Eleventh order on the calendar.

HB 1086: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 11, after "individual" insert "injured while"

Renumber accordingly

HB 1132: Committee on Transportation (Rep. Belter, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1132 was placed on the Eleventh order on the calendar.

HB 1134: Committee on Transportation (Rep. Belter, Chairman) recommends DO PASS (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1134 was placed on the Eleventh order on the calendar.

HB 1145: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

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

Page 1, line 4, replace "AMENDMENT" with "REPEAL"

Page 1, line 5, replace "amended and reenacted as follows:" with "repealed."

Page 1, remove lines 6 through 22

Page 2, remove lines 1 through 13

Renumber accordingly

HB 1171: Committee on Transportation (Rep. Belter, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1171 was placed on the Eleventh order on the calendar.

HB 1182: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends DO PASS (15 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1182 was placed on the Eleventh order on the calendar.

HB 1224: Committee on Transportation (Rep. Belter, Chairman) recommends DO NOT PASS (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1224 was placed on the Eleventh order on the calendar.

HB 1237: Committee on Transportation (Rep. Belter, Chairman) recommends DO NOT PASS (12 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1237 was placed on the Eleventh order on the calendar.

HB 1245: Committee on Judiciary (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 11, replace "twenty-four" with "seventy-two" and after "physically" insert ", sexually, or mentally"

Renumber accordingly

HB 1247: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends DO PASS (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1247 was placed on the Eleventh order on the calendar.

HB 1325: Committee on Finance and Taxation (Rep. Timm, Chairman) recommends DO PASS (10 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1325 was placed on the Eleventh order on the calendar.

HB 1345: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (15 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, remove "; and to provide a penalty"

Page 2, line 15, replace "unless" with "that is refundable when"

Page 2, line 16, after "days" insert "of the purchase"

Page 2, line 19, replace "unless" with "refundable when"

Page 2, line 20, after "returned" insert "within thirty days of the purchase of a new battery"

Page 2, remove line 21

Renumber accordingly

HB 1351: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1351 was placed on the Eleventh order on the calendar.

HB 1389: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1389 was placed on the Eleventh order on the calendar.

HB 1411: Committee on Industry, Business and Labor (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DD PASS (14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, after "number" insert "; and to provide a penalty"

Page 1, line 7, after "number" insert "; nor may the person accepting the check of other draft record the credit card number"

Page 1, after line 11, insert:

"SECTION 2. Use of credit card where issuer guarantees cardholder checks allowed. This act does not prohibit a person from recording a credit card number as a condition for cashing the check of other draft where that person has agreed with the card issuer to cash checks or other drafts as a service to the issuer's cardholders and the issuer

guarantees cardholder checks or other drafts cashed by that person. However, the person may not record the credit card number on the check of other draft in any event.

SECTION 3. Penalty. Any person who violates any provision of this act is guilty of an infraction."

Renumber accordingly

HCR 3012: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 3, replace "is" with "seems to be" and replace "emerging" with "striving to emerge"

Page 1, line 22, replace "presents" with "presented"

Page 2, line 7, after "his" insert "Test Ban Treaty Conference" and remove "at the Test Ban Treaty"

Page 2, line 8, remove "Conference" and after "to" insert "continue to"

Renumber accordingly

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Flaagan, R. Anderson, Nichols and Sens. Vosper, Langley, Wogsland introduced:

HCR 3029: A concurrent resolution urging the President and the Congress of the United States to develop expeditiously a sound and comprehensive national energy policy based upon and utilizing renewable agricultural commodities, such as ethanol, in the production of energy and lubrication products.

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

FIRST READING OF SENATE BILLS

SB 2043: A BILL for an Act to amend and reenact subsection 11 of section 20.1-01-02 and section 20.1-07-04 of the North Dakota Century Code, relating to the definition of fur-bearers for game and fish purposes and depredating fur-bearing animals; and to declare an emergency.

Was read the first time and referred to the Committee on Natural Resources.

SB 2081: A BILL for an Act to create and enact a new subsection to section 9-06-04 of the North Dakota Century Code, relating to contracts that must be written to be valid.

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

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

Was read the first time and referred to the Committee on Industry, Business and Labor.

SB 2138: A BILL for an Act to amend and reenact subsection 2 of section 43-06-01 of the North Dakota Century Code, relating to the definition of the practice of chiropractic.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

SB 2159: A BILL for an Act to create and enact a new subsection to section 61-28.1-10 of the North Dakota Century Code, relating to enforcement and penalties under the safe drinking water act; and to amend and reenact subsection 2 of section 61-28.1-10 of the North Dakota Century

Code, relating to enforcement and penalties under the safe drinking water act.

Was read the first time and referred to the Committee on Natural Resources.

SB 2171: A BILL for an Act to amend and reenact subsection 16 of section 43-15-01 of the North Dakota Century Code, relating to the definition of "practice of pharmacy".

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

SB 2195: A BILL for an Act to create and enact a new section to chapter 15-29 of the North Dakota Century Code, relating to in-service training for newly elected school board members.

Was read the first time and referred to the Committee on Political Subdivisions.

SB 2203: A BILL for an Act to create and enact three new sections to chapter 14-09 of the North Dakota Century Code, relating to representation in child support matters; to amend and reenact sections 14-09-08.4, 14-09-09.12, 14-09-09.13, 14-09-09.16, 14-09-09.17, 14-09-09.24, subsection 3 of section 14-09-09.25, sections 14-12.1-12, 14-12.1-18, 14-12.1-24, 14-12.1-27, and 14-12.1-38 of the North Dakota Century Code, and section 16 of chapter 148 of the 1989 Session Laws of North Dakota, relating to the establishment and enforcement of child support obligations; and to provide a contingent effective date.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

SB 2269: A BILL for an Act to amend and reenact section 14-09-08.2 of the North Dakota Century Code, relating to support for children after majority.

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

SB 2270: A BILL for an Act to amend and reenact section 14-09-07 of the North Dakota Century Code, relating to an exemption to the requirement of a court order to change the residence of a child.

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

SIGNING of BILLS and RESOLUTIONS

The Speaker signed the following enrolled resolution: HCR 3018.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HCR 3018.

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

ROY GILBREATH, Chief Clerk