

JOURNAL OF THE HOUSE

Fifty-third Legislative Assembly

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Bismarck, January 27, 1993

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

The prayer was offered by Father Hugo L. Blotsky, St. Joseph Catholic Church, Mandan.

The roll was called and all members were present except Representatives Boucher, Dobrinski, Gorder, Rydell, St. Aubyn, and Stenehjem.

A quorum was declared by the Speaker.

CORRECTION AND REVISION OF THE JOURNAL

MR. SPEAKER: Your Committee on Correction and Revision of the Journal (Rep. DeWitz, Chairman) has carefully examined the Journal of the Sixteenth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 282, line 17, after the word "Wilkie", insert "; Speaker R. Berg."

Page 282, delete line 18

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

REQUEST

REP. DOBRINSKI REQUESTED that the record show that he was present, which request was granted.

SIXTH ORDER OF BUSINESS

REP. FREIER MOVED that the rules be suspended and that the House consider all the amendments on the Sixth order of business in one motion, which motion prevailed.

REP. FREIER MOVED that the rules be suspended and that the amendments on the Sixth order of business to HB 1023, HB 1065, HB 1214, and HB 1297 be adopted, which motion prevailed.

HB 1023, HB 1065, HB 1214, and HB 1297, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2008, SB 2076, SB 2106, SB 2107, SB 2108, SB 2109, SB 2161, SB 2176, SB 2228, SB 2248, SB 2252, SB 2262, SB 2273, SB 2276.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1221.

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1075, HB 1091, HB 1117, HB 1144, HB 1185, HB 1217, HB 1223, HB 1246, HB 1256, HB 1257, HB 1263, HB 1314, HCR 3009.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Adella J. Williams.

HOUSE ENGROSSING AND ENROLLING REPORT

The following bills were engrossed: HB 1011, HB 1072, HB 1082, HB 1122, HB 1183, HB 1289, HB 1291, HB 1325

SECOND READING OF HOUSE BILL

HB 1011: A BILL for an Act making an appropriation for defraying the expenses of the state seed department.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Boucher; Gorder; Rydell; St. Aubyn; Stenehjem

Engrossed HB 1011 passed and the title was agreed to.

MOTION

REP. FREIER MOVED that the House waive the reading of the title to HB 1072 and HB 1183, which motion prevailed.

MOTION

REP. MARTINSON MOVED that HB 1072, which is on the Eleventh order, be rereferred to the **Government and Veterans Affairs Committee**, which motion prevailed. Pursuant to Rep. Martinson's motion, HB 1072 was rereferred.

SECOND READING OF HOUSE BILL

HB 1082: A BILL for an Act to create and enact a new section to chapter 24-02 of the North Dakota Century Code, relating to the department of transportation's responsibilities and obligations with respect to the construction of a bridge over the Oahe Reservoir; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 3 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie;
Speaker R. Berg,

NAYS: Laughlin; Olson, A.; Pyle

ABSENT AND NOT VOTING: Boucher; Gorder; Rydell; St. Aubyn; Stenehjem

Engrossed HB 1082 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1122: A BILL for an Act to amend and reenact section 15-59-10 of the North Dakota Century Code, relating to payment of attorneys' fees to the parent or guardian of a handicapped child or a handicapped adult.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 2 YEAS, 91 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Dorso; Freier

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

ABSENT AND NOT VOTING: Boucher; Gorder; Rydell; St. Aubyn; Stenehjem

Engrossed HB 1122 was declared lost.

SECOND READING OF HOUSE BILL

HB 1183: A BILL for an Act to amend and reenact sections 15-59-01, 15-59-02.1, 15-59-04, 15-59-04.1, 15-59-05, 15-59-05.2, 15-59-06, 15-59-06.2, 15-59-07, 15-59-07.2, 15-59-10, 15-59.3-01, 15-59.3-02, 15-59.3-03, 15-59.3-04, 15-59.3-05, 15-59.3-06, and 15-59.3-07 of the North Dakota Century Code, relating to special education and boarding home care for children with disabilities.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glasshiem; Goffe; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin;

Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Schindler; Shide; Sitz; Skarphol; Soukup; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg,

ABSENT AND NOT VOTING: Boucher; Gorder; Rydell; St. Aubyn; Stenehjem

Engrossed HB 1183 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1289: A BILL for an Act to create and enact a new section to chapter 15-40.1 of the North Dakota Century Code, relating to foundation aid payments for summer school programs; and to amend and reenact sections 15-40.1-07 and 15-40.1-09 of the North Dakota Century Code, relating to foundation aid payments for high school summer programs.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 19 YEAS, 73 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Berg, J.; Bodine; Dalrymple; Grumbo; Gulletson; Hagle; Hokana; Huether; Kaldor; Kerzman; Kroeber; Laughlin; Mutzenberger; Ness; Nichols; Wilkie

NAYS: Bateman; Belter; Bernstein; Boehm; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glasheim; Goffe; Gorman; Grosz; Hanson; Henegar; Holm; Howard; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kilichowski; Klein; Kretschmar; Kunkel; Mahoney; Maragos; Martin; Martinson; Monson; Nelson; Nicholas; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Schindler; Shide; Sitz; Skarphol; Soukup; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Speaker R. Berg,

ABSENT AND NOT VOTING: Boucher; Gorder; Hausauer; Rydell; St. Aubyn; Stenehjem

Engrossed HB 1289 was declared lost.

SECOND READING OF HOUSE BILL

HB 1291: A BILL for an Act to amend and reenact section 15-40.2-03 of the North Dakota Century Code, relating to the tuition calculations for school districts educating pupils in other districts.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 3 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glasheim; Goffe; Gorman; Grosz; Grumbo; Gulletson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne;

Poolman; Porter; Price; Rennerfeldt; Ring; Schindler; Shide; Sitz; Skarphol; Soukup; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Speaker R. Berg,

NAYS: Brodshaug; Pyle; Wilkie

ABSENT AND NOT VOTING: Boucher; Gorder; Rydell; St. Aubyn; Stenehjelm

Engrossed HB 1291 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1325: A BILL for an Act to require written motor vehicle pursuit policies by law enforcement agencies and provide for immunity for law enforcement officers who pursue motor vehicles.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 3 YEAS, 90 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Brodshaug; Hausauer; Pyle

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

ABSENT AND NOT VOTING: Boucher; Gorder; Rydell; St. Aubyn; Stenehjelm

Engrossed HB 1325 was declared lost.

SECOND READING OF HOUSE BILL

HB 1087: A BILL for an Act to amend and reenact section 65-05-07.2 of the North Dakota Century Code, relating to reimbursement to the workers compensation bureau for certain employee medical expenses.

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 0 YEAS, 92 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie;
Speaker R. Berg,

ABSENT AND NOT VOTING: Boehm; Boucher; Gorder; Rydell; St. Aubyn; Stenehjem

HB 1087 was declared lost.

SECOND READING OF HOUSE BILL

HB 1096: A BILL for an Act to amend and reenact subsections 7, 11, and 16 of section 50-24.4-01 and subsection 4 of section 50-24.4-10 of the North Dakota Century Code, relating to nursing home rates.

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 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Boucher; Gorder; Rydell; St. Aubyn; Stenehjem

HB 1096 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1121: A BILL for an Act to amend and reenact section 15-40.1-09 of the North Dakota Century Code, relating to the computation of foundation aid payments.

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 7 YEAS, 86 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Brodshaug; Gates; Hausauer; Holm; Nelson; Oban; Ring

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

ABSENT AND NOT VOTING: Boucher; Gorder; Rydell; St. Aubyn; Stenehjem

HB 1121 was declared lost.

SECOND READING OF HOUSE BILL

HB 1123: A BILL for an Act to create and enact a new subsection to section 15-40.1-08 of the North Dakota Century Code, relating to elementary per-pupil payments for certain students receiving home-based instruction.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 11 YEAS, 82 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Allmaras; Bodine; Gorman; Gulleson; Hanson; Huether; Kroeber; Monson; Nelson; Ness; Stenson

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

ABSENT AND NOT VOTING: Boucher; Gorder; Rydell; St. Aubyn; Stenehjerm

HB 1123 was declared lost.

SECOND READING OF HOUSE BILL

HB 1124: A BILL for an Act to amend and reenact section 15-40.1-07 of the North Dakota Century Code, relating to the amount of high school per-pupil payment for students receiving home-based instruction.

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 8 YEAS, 85 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Allmaras; Bodine; Gorman; Hanson; Huether; Mahoney; Monson; Nelson

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

ABSENT AND NOT VOTING: Boucher; Gorder; Rydell; St. Aubyn; Stenehjerm

HB 1124 was declared lost.

SECOND READING OF HOUSE BILL

HB 1135: A BILL for an Act to amend and reenact section 65-10-03 of the North Dakota Century Code, relating to attorney's fees and costs in workers' compensation cases in district and supreme court appeals; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 91 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Belter; Boucher; Gorder; Olsen, D.; Rydell; St. Aubyn; Stenehjelm

HB 1135 was declared lost.

SECOND READING OF HOUSE BILL

HB 1140: A BILL for an Act to amend and reenact section 65-04-26 of the North Dakota Century Code, relating to workers' compensation delinquent premium lien priority and filing; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Boucher; Gorder; Olsen, D.; Rydell; St. Aubyn; Stenehjelm

HB 1140 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1141: A BILL for an Act to repeal section 32 of chapter 714 of the 1991 Session Laws of North Dakota, relating to workers' compensation premium rate changes and payments; to provide an effective date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Boucher; Gorder; Olsen, D.; Rydell; St. Aubyn; Stenehjem

HB 1141 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1165: A BILL for an Act to amend and reenact subsection 7 of section 65-01-14 of the North Dakota Century Code, relating to workers' compensation informal decisions; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 81 YEAS, 11 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

NAYS: Bodine; Brodshaug; Coats; Goffe; Mahoney; Oban; Pyle; Ring; Sitz; Stenson; Thorpe

ABSENT AND NOT VOTING: Boucher; Gorder; Olsen, D.; Rydell; St. Aubyn; Stenehjem

HB 1165 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1184: A BILL for an Act to amend and reenact sections 15-27.3-10, 15-34.2-01, 15-34.2-03, 15-40.1-16, and 15-47-02.1 of the North Dakota Century Code, relating to state aid and school district payments for family-type transportation; and to repeal sections 15-40.1-16.2 and 15-40.1-16.3 of the North Dakota Century Code, relating to state aid to school districts for family-type transportation.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Boucher; Christopherson; Dorso; Gorder; Rydell; St. Aubyn; Stenehjem

HB 1184 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1208: A BILL for an Act to create and enact a new section to chapter 54-27.2 of the North Dakota Century Code, relating to transfers from the budget stabilization fund on the order of the governor; and to amend and reenact section 54-27.2-03 of the North Dakota Century Code, relating to transfers from the budget stabilization fund to avoid a negative general fund balance during the biennium.

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 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Boucher; Gorder; Rydell; St. Aubyn; Stenehjem

HB 1208 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1209: A BILL for an Act to repeal chapter 15-64 of the North Dakota Century Code, relating to withdrawing from the compact for education; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Boucher; Gorder; Rydell; St. Aubyn; Stenehjem

HB 1209 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1245: A BILL for an Act to create and enact a new subsection to section 57-02-08 of the North Dakota Century Code, relating to taxation of certain otherwise exempt property for the cost of fire, police, and emergency dispatch services.

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 14 YEAS, 79 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Austin; Carlson, A.; Christopherson; Dorso; Gates; Gorman; Holm; Keiser; Laughlin; Mutzenberger; Oban; Payne; Soukup; Tollefson

NAYS: Aarsvold; Allmaras; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Brodshaug; Brown; Byerly; Carlisle; Carlson, C.; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Drowdal; Freier; Froseth; Gerntholz; Glassheim; Goffe; Grosz; Grumbo; Gulleon; Hagle; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobs; Johnson; Kaldor; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Mahoney; Maragos; Martin; Martinson; Monson; Nelson; Ness; Nicholas; Nichols; Olsen, D.; Olson, A.; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Schindler; Shide; Sitz; Skarphol; Stenson; Svedjan; Sveen; Thorpe; Timm; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg,

ABSENT AND NOT VOTING: Boucher; Gorder; Rydell; St. Aubyn; Stenehjem

HB 1245 was declared lost.

SECOND READING OF HOUSE BILLS

HB 1290: A BILL for an Act to provide for refund of city sales taxes to nonresidents of a city under certain circumstances; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 15 YEAS, 78 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Bateman; Boehm; DeWitz; Grosz; Gulleson; Hagle; Hokana; Kaldor; Kerzman; Kretschmar; Laughlin; Ness; Wilkie

NAYS: Austin; Belter; Berg, J.; Bernstein; Bodine; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorman; Grumbo; Hanson; Hausauer; Henegar; Holm; Howard; Huether; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kilichowski; Klein; Kroeber; Kunkel; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Schindler; Shide; Sitz; Skarphol; Soukup; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Speaker R. Berg,

ABSENT AND NOT VOTING: Boucher; Gorder; Rydell; St. Aubyn; Stenehjerm

HB 1290 was declared lost.

SECOND READING OF HOUSE BILL

HB 1306: A BILL for an Act to amend and reenact section 14-03-20 of the North Dakota Century Code, relating to names on marriage licenses and certificates.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Boucher; Gorder; Holm; Rydell; St. Aubyn; Stenehjerm; Wald

HB 1306 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1309: A BILL for an Act to amend and reenact sections 53-06.1-03.2 and

53-06.1-03.3 of the North Dakota Century Code, relating to the rent limits for the game of twenty-one and charitable gaming ticket sites.

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 66 YEAS, 25 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Allmaras; Austin; Bateman; Belter; Bernstein; Boehm; Brown; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Coats; Dalrymple; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Goffe; Gorman; Grosz; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Johnson; Keiser; Kelsch; Kempenich; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Mutzenberger; Nicholas; Nichols; Oban; Payne; Poolman; Porter; Price; Rennerfeldt; Sitz; Skarphol; Stenson; Svedjan; Sveen; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Speaker R. Berg,

NAYS: Aarsvold; Berg, J.; Bodine; Byerly; Clayburgh; Cleary; DeWitz; Glassheim; Grumbo; Gulleeson; Jacobs; Kaldor; Kerzman; Monson; Nelson; Ness; Olsen, D.; Olson, A.; Pyle; Ring; Schindler; Shide; Thorpe; Wentz; Wilkie

ABSENT AND NOT VOTING: Boucher; Brodshaug; Gorder; Rydell; Soukup; St. Aubyn; Stenehjem

HB 1309 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1362: A BILL for an Act to create and enact a new section to chapter 57-61 of the North Dakota Century Code, relating to a severance tax reduction for coal mined for shipment out of state and to provide for allocation of the remaining tax revenues.

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 88 YEAS, 2 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

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

NAYS: Laughlin; Wilkie

ABSENT AND NOT VOTING: Boucher; Gorder; Nicholas; Rydell; Soukup; St. Aubyn; Stenehjem; Tollefson

HB 1362 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1394: A BILL for an Act relating to authentication of medical records by electronic signature.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 0 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Boucher; Gorder; Nicholas; Rydell; Soukup; St. Aubyn; Stenehjem; Svedjan

HB 1394 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1403: A BILL for an Act to amend and reenact section 57-39.2-04.2 of the North Dakota Century Code, relating to the sales tax exemption available during the first five years of production from a new electrical generating plant.

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, 88 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Drovdal; Laughlin; Tollefson

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

ABSENT AND NOT VOTING: Boucher; Gorder; Nicholas; Rydell; Soukup; St. Aubyn; Stenehjem

HB 1403 was declared lost.

SECOND READING OF HOUSE BILL

HB 1441: A BILL for an Act to provide for establishment, operation, and

purposes of the state homeless coordinating committee and the state homeless fund; and to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to an optional income tax checkoff for contributions to the homeless fund; to provide an appropriation; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 32 YEAS, 60 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Boucher; Gorder; Rydell; Soukup; St. Aubyn; Stenehjem

HB 1441 was declared lost.

MOTION

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

MOTION

REP. FREIER MOVED that the House be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Thursday, January 28, 1993, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1019: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1019 was placed on the Sixth order on the calendar.

Page 1, line 15, replace "\$650,000" with "\$600,000"

Page 1, after line 15, insert:

"Operating expenses 50,000"

Page 2, line 10, replace "\$50,865" with "\$9,747"

Page 2, line 11, replace "\$50,865" with "\$9,747"

Page 2, remove lines 12 through 15

Page 2, line 16, replace "7" with "6"

Page 3, line 4, replace "7" with "6"

Page 3, line 5, replace "7" with "6"

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

Page 3, line 7, replace "8" with "7"

Page 3, remove lines 11 through 16

Page 3, line 17, replace "10" with "8"

Page 3, line 19, replace "\$42,672" with "\$37,392"

Page 3, remove line 20

Page 3, line 21, replace "inprovements" with "improvements"

Page 3, line 22, replace "general fund appropriation" with "all funds" and replace "\$79,937" with "\$45,877"

Page 3, after line 22, insert:

"Less estimated income	<u>8,485</u>
Total general fund appropriation	\$37,392

Page 3, remove lines 23 through 26

Page 3, line 27, replace "12" with "9"

Page 4, line 3, replace "13" with "10"

Page 4, remove line 5

Page 4, line 6, replace "70,000" with "\$70,000"

Page 4, line 7, replace "\$85,808" with "\$70,000"

Page 4, line 8, replace "\$4,625,754" with "\$2,310,516"

Page 4, line 9, replace "\$10,146,688" with "\$886,641"

Page 4, line 10, replace "\$14,772,442" with "\$3,197,157"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 108 - SECRETARY OF STATE

HOUSE - The breakdown of the \$650,000 appropriation is changed to provide \$50,000 to operating expenses and \$600,000 to information services rather than all \$650,000 to information services.

DEPARTMENT 617 - BOARD OF ANIMAL HEALTH

HOUSE - The amount provided is reduced by \$41,118 from the general fund to remove funding for retroactive salary increases for three veterinarians.

DEPARTMENT 140 - OFFICE OF ADMINISTRATIVE HEARINGS

HOUSE - Subdivision 6 is removed to delete funding of \$31,575 from the general fund for operating expenses of the Administrative Hearings office.

DEPARTMENT 325 - DEPARTMENT OF HUMAN SERVICES

HOUSE - The request of \$11,104,741, \$2,200,000 from the general fund and \$8,904,741 from other funds, is no longer necessary and therefor removed from the bill.

DEPARTMENT 313 - VETERANS' HOME

HOUSE - The funding source for the \$8,485 request for automatic lobby door openers is changed from the general fund to other funds. The Veterans' Home is to access other funds to finance the project. The amount for salaries and wages is reduced by \$5,280 from the general fund relating to funding for employee health insurance. The operating expenses line of \$28,780 from the general fund is deleted.

DEPARTMENT 085 - PAYMENTS TO POLITICAL SUBDIVISIONS

HOUSE - Subdivision 11 is deleted which provided \$347,983 of state aid to political subdivisions from other funds. This funding can be made available during the 1993-95 biennium.

DEPARTMENT 512 - DIVISION OF EMERGENCY MANAGEMENT

HOUSE - The amount of \$15,800 from other funds for equipment is deleted.

The amendments reduce the total appropriation by \$11,575,285 of which \$2,315,238 is from the general fund and \$9,260,047 from other funds.

REPORT OF STANDING COMMITTEE

HB 1022: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO NOT PASS** (15 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1022 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1027: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1027 was placed on the Sixth order on the calendar.

Page 3, line 15, overstrike "Governing" and insert immediately thereafter "State agencies and governing"

Page 3, line 16, overstrike "the" and insert immediately thereafter "any" and overstrike "or persons"

Page 3, line 18, after "that" insert ", in the professional judgment of that person,"

Page 4, line 6, replace "Public buildings" with "State and political subdivision entities"

Page 4, line 7, remove "and facilities, including those leased by the state,"

Page 4, line 12, after "existing" insert "state or political subdivision"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1083: Natural Resources Committee (Rep. A. Olson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1083 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "two" with "a" and replace "subsections" with "subsection"

Page 1, line 3, remove "hunt or"

Page 1, line 7, replace "Two" with "A" and replace "subsections" with "subsection"

Page 1, line 8, replace "are" with "is"

Page 1, remove lines 13 through 15

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1116: Natural Resources Committee (Rep. A. Olson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1116 was placed on the Sixth order on the calendar.

Page 2, line 9, overstrike the comma

Page 2, line 21, after "materials" insert "or nonfriable asbestos materials that become friable during abatement."

Page 3, line 14, after the overstruck period insert "For nonpublic employees performing asbestos abatement in facilities or on facility components owned or leased by their employer, only the provisions of rules adopted in accordance with the Federal Asbestos Hazard Emergency Response Act of 1986 [Pub. L. 99-519; 100 Stat. 2970; 15 U.S.C. 2641 et seq.], as amended, or the Federal Clean Air Act [Pub. L. 95-95; 91 Stat. 685; 42 U.S.C. 7401 et seq.], as amended, apply to this section. This does not include ownership that was acquired solely to effect a demolition or renovation."

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1139: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1139 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1164: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends **DO PASS** (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1164 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1192: Education Committee (Rep. Gates, Chairman) recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1192 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1237: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1237 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "individual" with "person"

Page 1, line 15, replace "individual" with "person"

Page 1, line 17, replace "individual" with "person"

Page 1, line 19, replace the first "individual" with "person" and replace the second "individual" with "person"

Page 1, line 21, replace "individual charged" with "actor" and replace the second "individual" with "person"

Page 1, line 22, after "not" insert "want the actor to contact or follow the person; nor is it a defense that the actor did not" and replace "individual" with "person"

Page 2, remove line 1

Page 2, line 2, remove "individual to contact or follow the victim"

Page 2, line 3, replace "an individual" with "a person" and replace the second "that" with "the"

Page 2, line 4, replace "individual" with "person"

Page 2, line 5, replace "individual" with "actor" and replace "the other individual" with "that person"

Page 2, line 10, replace "an individual" with "a person"

Page 2, line 14, replace "An individual" with "A person"

Page 2, line 16, replace "individual" with "person"

Page 2, line 22, replace "individual" with "person"

Page 2, line 23, replace "individual" with "person"

Page 2, line 25, replace "an individual" with "a person"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1252: Finance and Taxation Committee (Rep. Timm, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). HB 1252 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsections 35 and 36 of section 57-02-08 of the North Dakota Century Code, relating to the authority of political subdivisions to grant property tax exemptions for new single-family residential property and condominiums and townhouses; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsections 35 and 36 of section 57-02-08 of the 1992 Special Supplement to the North Dakota Century Code are amended and reenacted to read as follows:

35. Up to seventy-five thousand dollars of the true and full value of all new single-family residential property, exclusive of the land on which it is situated, is exempt from taxation for the first two taxable years after the taxable year in which construction is begun if all of the following conditions are met:

a. ~~The governing body of the city, for property within city limits, or the governing body of the county, for property outside city limits, has approved the exemption of the property by resolution~~ any taxing district in which the property is located may grant an exemption, by resolution, from any or all taxes levied by that taxing district against the property. A resolution adopted under this subsection may be rescinded or amended at any time. The governing body of the ~~city or county~~ taxing

district may limit or impose conditions upon exemptions under this subsection, including limitations on the time during which an exemption is allowed.

- b. Special assessments and taxes on the property upon which the residence is situated are not delinquent.
- c. The first owner after the builder resides on the property, or the builder still owns the property. For purposes of this subsection, "builder" includes a person who builds that person's own residence.

For purposes of this subsection, "single-family residential property" does not include condominium or townhouse property.

- 36. Up to seventy-five thousand dollars of the true and full value of each unit of all new condominium and townhouse residential property, exclusive of the land on which it is situated, is exempt from taxation for the first two taxable years after the taxable year in which construction is begun if all of the following conditions are met:
 - a. ~~The governing body of the city, for property within city limits, or the governing body of the county, for property outside city limits, has approved the exemption of the property by resolution~~ any taxing district in which the property is located may grant an exemption, by resolution, from any or all taxes levied by that taxing district against the property. A resolution adopted under this subsection may be rescinded or amended at any time. The governing body of the ~~city or county~~ taxing district may limit or impose conditions upon exemptions under this subsection, including limitations on the time during which an exemption is allowed.
 - b. Special assessments and taxes on the property upon which the condominium or townhouse is situated are not delinquent.
 - c. The first owner, after the builder, who resides in the condominium or townhouse unit still owns the property.

SECTION 2. EFFECTIVE DATE. This Act is effective for taxable years beginning after December 31, 1993. However, any property tax exemption granted for a property on which construction was begun prior to January 1, 1994, under the provisions of subsections 35 and 36 of section 57-02-08 as those subsections existed prior to the effective date of this Act is valid for the duration for which it was granted."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1261: Human Services Committee (Rep. Rydell, Chairman) recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1261 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1316: Education Committee (Rep. Gates, Chairman) recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1316 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1317: Education Committee (Rep. Gates, Chairman) recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1317 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1339: Appropriations Committee (Rep. Dalrymple, Chairman) recommends DO NOT PASS (19 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1339 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1341: Appropriations Committee (Rep. Dalrymple, Chairman) recommends DO NOT PASS (16 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1341 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1368: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends DO NOT PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1368 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1448: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (8 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1448 was placed on the Sixth order on the calendar.

Page 1, line 19, replace "fourteen" with "twenty-one"

Page 1, line 22, replace "fourteen" with "twenty-one"

Page 2, line 6, replace "thirty" with "forty-five"

Page 2, line 7, after "certificate" insert "unless the claimant is not in compliance with requests for information from the bureau"

Renumber accordingly

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Reps. Dobrinski, Freier and Sen. Jerome introduced:

HCR 3025: A concurrent resolution urging Congress to replace Four Bears Bridge on the Fort Berthold Indian Reservation and to build two bridges to connect the Fort Berthold communities of Twin Buttes, White Shield, and Mandaree, North Dakota.

Was read the first time and referred to the Transportation Committee.

Reps. Boucher, Nelson introduced:

HCR 3026: A concurrent resolution directing the Legislative Council to study the loss of employment by teachers as a result of the cooperative education enhancement program and other reorganizational, cooperative, and restructuring programs.

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

Reps. Kerzman, Kretschmar and Sen. Maxson introduced:

HCR 3027: A concurrent resolution to amend and reenact sections 7 and 13 of article VI of the Constitution of North Dakota, relating to selection of Supreme Court justices; and to provide for application of the amendment.

Was read the first time and referred to the Joint Constitutional Revision Committee.

FIRST READING OF SENATE BILLS

SB 2044: A BILL for an Act to amend and reenact subsection 5 of section 47-02-27.1 of the North Dakota Century Code, relating to the invalidity of certain contingent property interests, general powers of appointment, special powers of appointment, and general testamentary powers of appointment under the uniform statutory rule against perpetuities.

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

SB 2048: A BILL for an Act to create and enact two new sections to chapter 50-11 of the North Dakota Century Code, relating to the licensure of foster care homes; and to amend and reenact section 50-11-04 of the North Dakota Century Code, relating to inspections of foster homes.
Was read the first time and referred to the **Human Services Committee.**

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

SB 2105: A BILL for an Act to amend and reenact subsection 1 of section 52-04-06.1 of the North Dakota Century Code, relating to incremental bonding of impact projects for unemployment compensation purposes.
Was read the first time and referred to the **Industry, Business and Labor Committee.**

SB 2185: A BILL for an Act to amend and reenact section 15-27.1-11 of the North Dakota Century Code, relating to the time within which a school district not operating a school must reorganize, annex, or dissolve.
Was read the first time and referred to the **Education Committee.**

SB 2189: A BILL for an Act to create and enact two new sections to chapter 57-36, two new sections to chapter 57-43.1, and two new sections to chapter 57-43.2 of the North Dakota Century Code, relating to corporate officer liability and tax liens; and to amend and reenact subsection 3 of section 57-36-26, sections 57-43.1-21, and 57-43.2-15 of the North Dakota Century Code, relating to the refusal to file cigarette, motor fuel, and special fuel tax returns, filing of late returns and late payments.
Was read the first time and referred to the **Finance and Taxation Committee.**

SB 2257: A BILL for an Act to create and enact three new sections to chapter 12.1-35 and a new subsection to section 12.1-35-02 of the North Dakota Century Code, relating to testimony and proceedings involving a witness or victim who is a minor; and to amend and reenact sections 12.1-35-01 and 12.1-35-04 of the North Dakota Century Code, relating to victim and witness standards.
Was read the first time and referred to the **Judiciary Committee.**

SB 2258: A BILL for an Act to create and enact a new section to chapter 5-02, a new section to chapter 14-03, and a new section to chapter 23-01 of the North Dakota Century Code, relating to information about the effects of alcohol on fetal health.
Was read the first time and referred to the **Industry, Business and Labor Committee.**

SB 2280: A BILL for an Act to create and enact a new subsection to section 57-38.3-04 of the North Dakota Century Code, relating to priority of income tax refund setoff; and to amend and reenact subsection 1 of section 57-38.3-02 of the North Dakota Century Code, relating to the definition of claimant agency.
Was read the first time and referred to the **Finance and Taxation Committee.**

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

ROY GILBREATH, Chief Clerk