

JOURNAL OF THE HOUSE

Fifty-third Legislative Assembly

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Bismarck, March 8, 1993

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

The prayer was offered by the Rev. Eric Christiansen, Immanuel Lutheran Church, Rolla.

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

A quorum was declared by the Speaker.

HOUSE ENROSSING AND ENROLLING REPORT

The following bills were enrolled: HB 1045, HB 1047, HB 1049, HB 1066.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4014.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1031, HB 1043, HB 1051, HB 1068, HB 1069, HB 1107, HB 1128, HB 1141, HB 1150, HB 1151.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1046, HB 1061, HB 1126, HB 1297.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1046

Page 6, line 23, remove "not" and replace "and" with a comma

Page 6, line 24, remove "low pressure boilers and" and after "engines" insert ", and thirty-six months for low pressure boilers"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 401 - INSURANCE COMMISSIONER

SENATE - This amendment extends the period of time for which a boiler inspection certificate may be issued for low pressure boilers by 12 months, from 24 to 36 months.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1061

Page 2, line 5, after "subsection" insert "2 or"

Page 2, line 14, replace "1989" with "1992"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1126

Page 1, line 5, after the semicolon insert "to amend and reenact section 57-38-60.1 of the North Dakota Century Code, relating to corporate officer liability for compliance with income tax laws;"

Page 1, line 10, underscore "An employer, required to file returns under" and remove "subsection 1 of"

Page 1, underscore lines 11 through 16

Page 1, underscore lines 19 through 21

Page 2, underscore lines 1 and 2

Page 2, after line 2, insert:

"SECTION 3. AMENDMENT. Section 57-38-60.1 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

57-38-60.1. Corporate officer liability. If a corporation is an employer and fails for any reason to file the required returns or to pay the tax due, ~~the chairman, president, or chief operating officer, any of its officers~~ jointly or severally charged with the responsibility of supervising the preparation of ~~such the~~ returns and payments ~~shall be~~ are personally liable for ~~such that~~ failure. The dissolution of a corporation ~~shall~~ does not discharge an officer's liability for a prior failure of the corporation to file a return or remit the tax due. The taxes, penalty, and interest may be assessed and collected pursuant to ~~the provisions of~~ this chapter."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1297

Page 1, line 11, after the second underscored comma insert "llama, alpaca,"

Renumber accordingly

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

MR. SPEAKER: The Senate has failed to pass: HB 1223.

MOTION

REP. FREIER MOVED that SB 2422, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

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, with the exception of SB 2422, which motion prevailed.

REP. FREIER MOVED that the rules be suspended and that the amendments on the Sixth order of business to HCR 3012, HCR 3014, HCR 3016, SB 2027, SB 2033, SB 2083, SB 2108, SB 2142, SB 2143, SB 2244, SB 2333, SB 2370, SB 2384, SB 2400, SB 2427, and SB 2479 be adopted, which motion prevailed.

HCR 3012, HCR 3014, and HCR 3016, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SB 2027, SB 2033, SB 2083, SB 2108, SB 2142, SB 2143, SB 2244, SB 2333, SB 2370, SB 2384, SB 2400, SB 2427, and SB 2479, as amended, were placed on the Fourteenth order, of business on the calendar for the succeeding legislative day.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3017: A concurrent resolution for the amendment of sections 12 and 13 of article V of the Constitution of North Dakota, relating to the removal of the requirement that the Superintendent of Public Instruction be chosen by the qualified electors of the state; and to provide an effective date.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 66 YEAS, 30 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Aarsvold; Berg, J.; Bodine; Boucher; Brodshaug; Cleary; Coats; Dobrinski; Glassheim; Goffe; Grumbo; Gulleson; Hanson; Hokana; Huether; Kerzman; Kilichowski; Kroeber; Laughlin; Mahoney; Mutzenberger; Nelson; Ness; Nichols; Oban; Olsen, D.; Pyle; Sitz; Stenson; Thorpe

ABSENT AND NOT VOTING: Allmaras; Howard

HCR 3017 was declared adopted on a roll call vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3032: A concurrent resolution for the amendment of sections 12 and 13 of article V, section 3 of article IX, and subsection 1 of section 12 of article X of the Constitution of North Dakota, relating to the office of state treasurer; to repeal section 15 of article XII of the Constitution of North Dakota, relating to the duties of the state treasurer upon the issuance of legal tender by banks in the state; and to provide an effective date.

ROLL CALL

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

YEAS: Austin; Bateman; Belter; Bernstein; Boehm; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Dalrymple; DeWitz; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Gorman; Grosz; Hausauer; Holm; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Klein; Kretschmar; Kunkel; Maragos; Martinson; Monson; Nicholas; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Ring; Rydell; Schindler; Shide; Skarphol; Soukup; St. Aubyn; Stenehjem; Svedjan; Timm; Tollefson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

NAYS: Aarsvold; Berg, J.; Bodine; Boucher; Brodshaug; Brown; Cleary; Coats; Dobrinski; Glassheim; Goffe; Gorder; Grumbo; Gulleson; Hagle; Hanson; Henegar; Hokana; Huether; Kerzman; Kilichowski; Kroeber; Laughlin; Mahoney; Martin; Mutzenberger; Nelson; Ness; Nichols; Oban; Olsen, D.; Pyle; Sitz; Stenson; Sveen; Thorpe; Torgerson

ABSENT AND NOT VOTING: Allmaras; Howard

HCR 3032 was declared adopted on a roll call vote.

SECOND READING OF SENATE BILL

SB 2163: A BILL for an Act to amend and reenact section 23-16-09 of the North Dakota Century Code, relating to confidentiality of certain

information obtained by the state department of health and consolidated laboratories.

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 4 YEAS, 91 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Brodshaug; Froseth; Pyle; Skarphol

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

ABSENT AND NOT VOTING: Allmaras; Gorder; Howard

SB 2163 was declared lost.

SECOND READING OF SENATE BILL

SB 2184: A BILL for an Act to amend and reenact section 15-27.3-08, subsection 3 of section 15-27.3-11, and subsections 2 and 3 of section 15-27.6-10 of the North Dakota Century Code, relating to the manner of voting to approve a proposal for the reorganization of school districts and school district boundary restructuring; and to repeal section 15-27.3-09 of the North Dakota Century Code, relating to the voting of reorganized school districts as separate voting units when voting on a proposal for the reorganization of school 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 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Allmaras; Gorder; Howard

SB 2184 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2276: A BILL for an Act to amend and reenact sections 40-22-22 and 40-22-30 of the North Dakota Century Code, relating to sureties of bidder's and contractor's bonds for improvements by special assessment.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Allmaras; Gorder; Howard

SB 2276 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2425: A BILL for an Act to create and enact a new subsection to section 41-09-42 of the North Dakota Century Code, relating to including the social security number or the internal revenue service taxpayer identification number of the debtor in a continuation or amendment of a financing statement under the Uniform Commercial Code central filing system.

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

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

NAYS: Brown; DeWitz; Drovdal; Kempenich; Klein; Martin

ABSENT AND NOT VOTING: Allmaras; Gorder; Howard

Engrossed SB 2425 passed and the title was agreed to.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills and resolution: SB 2067, SB 2069, SB 2070, SB 2072, SB 2099, SB 2100, SB 2102, SB 2103, SB 2119, SB 2129, SB 2137, SB 2138, SB 2139, SB 2156, SB 2162, SB 2168, SB 2173, SB 2178, SB 2183, SB 2188, SB 2202, SB 2203, SB 2232, SB 2247, SB 2281, SB 2299, SB 2311, SB 2342, SB 2346, SB 2372, SB 2380, SB 2383, SB 2386, SB 2399, SB 2489, SB 2510, SCR 4029.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2080, SB 2164, SB 2408, SB 2443, SB 2454, SB 2456, SB 2463.

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

MADAM PRESIDENT: The House has failed to pass: SB 2039.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2042, SB 2093, SB 2095, SB 2470.

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

MADAM PRESIDENT: The House has amended and subsequently failed to pass: SB 2105.

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

MADAM PRESIDENT: The Speaker has signed: SB 2067, SB 2069, SB 2070, SB 2072, SB 2099, SB 2100, SB 2102, SB 2103, SB 2119, SB 2129, SB 2137, SB 2138, SB 2139, SB 2156, SB 2162, SB 2168, SB 2173, SB 2178, SB 2183, SB 2188, SB 2202, SB 2203, SB 2232, SB 2247, SB 2281, SB 2299, SB 2311, SB 2342, SB 2346, SB 2372, SB 2380, SB 2383, SB 2386, SB 2399, SB 2489, SB 2510, SCR 4029.

SECOND READING OF SENATE BILL

SB 2187: A BILL for an Act to amend and reenact sections 15-40.2-01, 15-40.2-02, and 15-40.2-04 of the North Dakota Century Code, relating to when school districts may admit nonresident students without the payment of tuition from the district of residence.

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

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

NAYS: Bateman; Boehm; Dobrinski; Kerzman; Kilichowski; Monson; Olson, A.; Wanzek

ABSENT AND NOT VOTING: Allmaras; Howard

SB 2187 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2215: A BILL for an Act to create and enact a new section to chapter 15-22 of the North Dakota Century Code, relating to the rulemaking authority of the superintendent of public instruction; and to amend and reenact section 15-22-25 and subdivision q of subsection 1 of section 28-32-01 of the North Dakota Century Code, relating to counties sharing a common county superintendent of schools and rulemaking authority.

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

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

ABSENT AND NOT VOTING: Allmaras; Bateman; Howard

Engrossed SB 2215 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2240: A BILL for an Act to amend and reenact section 44-02-05 of the North Dakota Century Code, relating to calling of a special county election to fill a vacancy in the board of county commissioners.

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 9 YEAS, 86 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Byerly; Glassheim; Gorder; Grosz; Henegar; Poolman; Porter; Ring; Skarphol

NAYS: Aarsvold; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Goffe; Gorman; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Hokana; Holm; 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; Price; Pyle; Rennerfeldt; Rydell; Schindler; Shide; Sitz; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Allmaras; Howard; Nicholas

Engrossed SB 2240 was declared lost.

SECOND READING OF SENATE BILL

SB 2242: A BILL for an Act to amend and reenact subsection 2 of section 53-06.1-01.1 of the North Dakota Century Code, relating to the qualifications of members of the gaming commission; 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 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Allmaras; Howard; Nicholas

Engrossed SB 2242 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2253: A BILL for an Act to create and enact a new section to chapter 12.1-20 of the North Dakota Century Code, relating to the admissibility of evidence regarding a victim's manner of dress in sex offense cases.

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

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

ABSENT AND NOT VOTING: Allmaras; Howard; Nicholas; Wald

Engrossed SB 2253 passed and the title was agreed to.

SECOND READING OF SENATE BILL

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.

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

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

ABSENT AND NOT VOTING: Allmaras; Howard

Engrossed SB 2257 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2273: A BILL for an Act to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to an exception to the open records law for certain examinations.

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 83 YEAS, 13 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Bernstein; Brown; Drovda; Froseth; Gorder; Grosz; Kempenich; Kilichowski; Klein; Laughlin; Skarphol; Timm; Wanzek

ABSENT AND NOT VOTING: Allmaras; Howard

SB 2273 passed and the title was agreed to.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: HB 1045, HB 1047, HB 1049, HB 1066, HB 1076, HB 1083, HB 1093, HB 1101, HB 1132, HB 1143, HB 1145, HB 1148, HB 1243, HB 1314.

SECOND READING OF SENATE BILL

SB 2284: A BILL for an Act to authorize special agents of the federal bureau of investigation to make arrests.

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 72 YEAS, 23 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Belter; Berg, J.; Bodine; Boucher; Brodshaug; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; Dobrinski; Dorso; Freier; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Huether; Jacobs; Kaldor; Keiser; Kelsch; Kerzman; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Payne; Porter; Price; Pyle; Rennerfeldt; Rydell; Shide; Sitz; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Wanzek; Wentz; Wilkie

NAYS: Bateman; Bernstein; Boehm; Brown; DeWitz; Drovdal; Froseth; Grosz; Johnson; Kempenich; Kilichowski; Martin; Olsen, D.; Olson, A.; Ring; Schindler; Skarphol; Timm; Tollefson; Torgerson; Wald; Wardner; Speaker R. Berg

ABSENT AND NOT VOTING: Allmaras; Howard; Poolman

SB 2284 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2308: A BILL for an Act to amend and reenact section 50-25.1-05.4 of the North Dakota Century Code, relating to rules to resolve complaints of suspected child abuse or neglect.

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 83 YEAS, 13 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Berg, J.; Brodshaug; Brown; Cleary; Dobrinski; Kaldor; Mutzenberger; Nichols; Oban; Pyle; Thorpe; Wald; Wardner

ABSENT AND NOT VOTING: Allmaras; Howard

SB 2308 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2324: A BILL for an Act to create and enact a new subsection to section 58-03-07 of the North Dakota Century Code, relating to powers of

township electors to transfer funds to rural fire protection districts; and to amend and reenact section 58-04-02 of the North Dakota Century Code, relating to calling of a special township meeting.

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, 1 NAY, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Porter

ABSENT AND NOT VOTING: Allmaras; Gorman; Howard; Svedjan

Engrossed SB 2324 passed and the title was agreed to.

REQUEST

REP. PORTER REQUESTED that the record show that he intended to vote "Yea" on SB 2324, which request was granted.

SECOND READING OF SENATE BILL

SB 2341: A BILL for an Act to amend and reenact sections 6-06-10 and 6-06-21 of the North Dakota Century Code, relating to voting by mail by credit union members and reserve requirements for corporate central credit unions.

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

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

ABSENT AND NOT VOTING: Allmaras; Howard

Engrossed SB 2341 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2357: A BILL for an Act to create and enact a new subsection to section 54-35.2-02.1 of the North Dakota Century Code, relating to redeposit of returned funds from local government efficiency planning grants in the state aid distribution fund; 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 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Allmaras; Howard; Maragos; Timm

SB 2357 passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

REP. MARTINSON MOVED that SB 2387, which is on the Fourteenth order, be rereferred to the Appropriations Committee, which motion prevailed. Pursuant to Rep. Martinson's motion, SB 2387 was rereferred.

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

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1045, HB 1047, HB 1049, HB 1066, HB 1076, HB 1083, HB 1093, HB 1101, HB 1132, HB 1143, HB 1145, HB 1148, HB 1243, HB 1314.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills and resolutions: HB 1034, HB 1035, HB 1036, HB 1037, HB 1053, HB 1059, HB 1074, HB 1095, HB 1098, HB 1117, HB 1130, HB 1146, HB 1159, HB 1244, HB 1288, HB 1358, HB 1385, HB 1493, HCR 3004, HCR 3005, HCR 3020, HCR 3023, HCR 3033.

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

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1034, HB 1035, HB 1036, HB 1037, HB 1053, HB 1059, HB 1074, HB 1095, HB 1098, HB 1117, HB 1130, HB 1146, HB 1159, HB 1244, HB 1288, HB 1358, HB 1385, HB 1493, HCR 3004, HCR 3005, HCR 3020, HCR 3023, HCR 3033.

SECOND READING OF SENATE BILL

SB 2388: A BILL for an Act to amend and reenact section 15-62.2-03.2 of the North Dakota Century Code, relating to eligibility to reapply for scholarships under the student financial assistance and scholars program.

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, 4 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Bateman; Berg, J.; Boehm; Skarphol

ABSENT AND NOT VOTING: Allmaras; Howard; Wardner

Engrossed SB 2388 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2407: A BILL for an Act to amend and reenact section 12.1-30-02 of the North Dakota Century Code, relating to items prohibited from sale or rental on Sunday.

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 1 YEA, 93 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Maragos

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

ABSENT AND NOT VOTING: Allmaras; Gates; Howard; Wardner

SB 2407 was declared lost.

SECOND READING OF SENATE BILL

SB 2414: A BILL for an Act to amend and reenact section 4-14.2-01 and subsection 1 of section 4-14.2-02 of the North Dakota Century Code, relating to the northern crops institute and the northern crops 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 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gerntholz; Glasheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Hokana; Holm; 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; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Allmaras; Gates; Howard; Nicholas; Wardner

SB 2414 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2436: A BILL for an Act to create and enact a new section to chapter 4-35 of the North Dakota Century Code, relating to a state preemption of local regulation of pesticides.

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, 2 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Glasheim; Ring

ABSENT AND NOT VOTING: Allmaras; Gates; Howard; Wardner

Engrossed SB 2436 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2437: A BILL for an Act to amend and reenact section 46-04-18 of the North Dakota Century Code, relating to charges for and disposal of session laws volumes.

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

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

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

ABSENT AND NOT VOTING: Allmaras; Gates; Howard; Wardner

SB 2437 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2438: A BILL for an Act to amend and reenact section 41-09-28.1 of the North Dakota Century Code, relating to refiling of security documents.

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

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

ABSENT AND NOT VOTING: Allmaras; Gates; Howard; Wardner

SB 2438 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2446: A BILL for an Act to amend and reenact section 2-06-06 of the North Dakota Century Code, relating to compensation paid to commissioners of an airport authority.

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 86 YEAS, 9 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Belter; Berg, J.; Bernstein; Bodine; Boucher; Brodshaug; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring;

Rydell; Schindler; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wentz; Wilkie; Speaker R. Berg

NAYS: Bateman; Boehm; Brown; Byerly; Dobrinski; Kempenich; Olson, A.; Shide; Wald

ABSENT AND NOT VOTING: Allmaras; Howard; Wardner

SB 2446 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2461: A BILL for an Act to create and enact a new section to chapter 15-47 of the North Dakota Century Code, relating to nonrenewal of superintendents' contracts; and to amend and reenact section 15-47-26 and subsections 2 and 5 of section 15-47-38 of the North Dakota Century Code, relating to the definition of a teacher and nonrenewal or discharge of a teacher.

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, 4 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Dorso; Holm; Skarphol; Wald

ABSENT AND NOT VOTING: Allmaras; Howard; Wardner

Engrossed SB 2461 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2464: A BILL for an Act to amend and reenact section 35-01-05.2 of the North Dakota Century Code, relating to the priority of liens securing future advances.

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

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

Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

NAYS: Boehm; Brown; Kretschmar; Payne; Poolman; Wald

ABSENT AND NOT VOTING: Allmaras; Howard

SB 2464 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2469: A BILL for an Act to amend and reenact section 10-19.1-14 of the North Dakota Century Code, relating to reserved corporate name requirements.

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

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

ABSENT AND NOT VOTING: Allmaras; Howard

SB 2469 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. BELTER MOVED that the House do not concur in the Senate amendments to Engrossed HB 1188 as printed on HJ page 936, and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1188: Reps. Freier, Skarphol, Dobrinski.

MOTION

REP. FREIER MOVED that 500 copies of Engrossed HB 1193 be reprinted, which motion prevailed.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2032, SB 2081, SB 2107, SB 2248, SB 2338, SB 2404, SB 2416, SB 2420, SB 2455, SB 2477, SB 2509, SB 2517, SCR 4002, SCR 4003, SCR 4004, SCR 4036, SCR 4043.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2368.

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

MR. SPEAKER: The President has signed: HB 1045, HB 1047, HB 1049, HB 1066, HB 1076, HB 1083, HB 1093, HB 1101, HB 1132, HB 1143, HB 1145, HB 1148, HB 1243, HB 1314.

MOTION

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

MOTION

REP. FREIER MOVED that the House be on the Fifth and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Tuesday, March 9, 1993, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2068: Government and Veterans Affairs Committee (Rep. D. Olsen, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2068 was placed on the Sixth order on the calendar.

Page 3, line 1, after "assembly" insert "or that person's surviving spouse"

Page 3, line 5, replace "and" with "or, for a surviving spouse, upon the death of the member or former member of the legislative assembly. The member or former member of the legislative assembly or that person's surviving spouse"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2174: Transportation Committee (Rep. Belter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2174 was placed on the Sixth order on the calendar.

Page 3, remove lines 19 through 27

Page 3, line 28, remove "3."

Page 5, line 20, remove "any measurable or detectable amount of alcohol in the person's system"

Page 5, line 21, remove "or"

Page 5, remove lines 25 through 29

Page 6, line 1, replace "2." with "1."

Page 6, line 11, replace "3." with "2."

Page 6, line 17, replace "2" with "1"

Page 6, line 27, replace "4." with "3."

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

Page 7, line 2, replace "3" with "2"

Page 7, line 21, remove "a measurable or detectable amount of"

Page 7, line 22, remove "alcohol in the driver's system, or"

Page 7, remove lines 24 through 27

Page 7, line 28, replace "2." with "1."

Page 8, line 6, replace "3." with "2."

Page 8, line 12, replace "4." with "3."

Page 11, line 16, replace "4" with "3"

Page 15, line 2, replace "a" with "an alcohol concentration of at least four one-hundredths of one percent by weight"

Page 15, line 3, remove "measurable or detectable amount of alcohol in the person's system"

Reumber accordingly

REPORT OF STANDING COMMITTEE

SB 2289: Political Subdivisions Committee (Rep. Martin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2289 was placed on the Sixth order on the calendar.

Page 2, line 1, replace "fifty" with "twenty"

Reumber accordingly

REPORT OF STANDING COMMITTEE

SB 2305: Natural Resources Committee (Rep. A. Olson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (9 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). SB 2305 was placed on the Sixth order on the calendar.

Page 1, line 10, after "by" insert "setting a time and place for a public hearing, publishing at least ten days before the hearing notice of the hearing in the official newspaper of the county, and after the public hearing, approving establishment of the authority by"

Page 1, line 11, replace "such vote, the water resource district designated by" with "approval,"

Page 1, line 12, replace "act" with "designate a water resource district to serve" and replace "with" with ". The designated district has"

Reumber accordingly

REPORT OF STANDING COMMITTEE

SB 2315, as engrossed: Human Services Committee (Rep. Rydell, Chairman) recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2315 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2327, as engrossed: Political Subdivisions Committee (Rep. Martin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2327 was placed on the Sixth order on the calendar.

Page 1, replace lines 7 through 15 with:

"**Special election costs - Reimbursement.** The state shall reimburse each county for the costs incurred by the county for conducting a statewide special election that is not held on the date of a statewide primary or general election. Each county shall submit a detailed statement to the office of the budget which lists all expenses

incurred by the county in conducting the special election within forty-five days after the special election. The office of the budget shall submit a request for an appropriation to reimburse the counties to the next regular or special session of the legislative assembly. The legislative assembly shall appropriate the funds necessary for the payment of the special election costs."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2359, as engrossed: Government and Veterans Affairs Committee (Rep. D. Olsen, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2359 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "provide an expiration" with "create and enact a new subsection to section 43-25-04 of the North Dakota Century Code, relating to massage therapist licensure exemptions"

Page 1, line 3, remove "date"

Page 3, line 19, replace "may" with "shall"

Page 6, line 2, replace "EXPIRATION DATE. This Act is effective through August 1," with "A new subsection to section 43-25-04 of the 1991 Supplement to the North Dakota Century Code is created and enacted as follows:

Reflexologists licensed under sections 1 through 13 of this Act."

Page 6, remove line 4

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2415: Political Subdivisions Committee (Rep. Martin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2415 was placed on the Sixth order on the calendar.

Page 2, line 5, replace "requirments" with "requirements"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2417, as engrossed: Human Services Committee (Rep. Rydell, Chairman) recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2417 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2472, as engrossed: Political Subdivisions Committee (Rep. Martin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2472 was placed on the Sixth order on the calendar.

Page 1, line 16, remove "with a population of more than five thousand"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2476: Natural Resources Committee (Rep. A. Olson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2476 was placed on the Sixth order on the calendar.

Page 1, line 18, replace "two" with "one"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2494, as engrossed: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2494 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2497: Education Committee (Rep. Gates, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2497 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2514: Education Committee (Rep. Gates, Chairman) recommends DO PASS (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2514 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2537: Finance and Taxation Committee (Rep. Timm, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2537 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4012: Education Committee (Rep. Gates, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4012 was placed on the Tenth order on the calendar.

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4014: A concurrent resolution for the amendment of section 21 of article X of the Constitution of North Dakota, relating to expenditures from the permanent coal trust fund for clean coal demonstration projects. Was read the first time and referred to the Joint Constitutional Revision Committee.

REPORT OF STANDING COMMITTEE

SCR 4014: Joint Constitutional Revision Committee (Rep. Brown, Chairman) recommends DO PASS (9 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4014 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4031: Agriculture Committee (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4031 was placed on the Sixth order on the calendar.

Page 1, line 17, after "ranchers" insert "to persons other than public warehousemen licensed under chapter 60-02"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4042: Human Services Committee (Rep. Rydell, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SCR 4042 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4049: Human Services Committee (Rep. Rydell, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SCR 4049 was placed on the Tenth order on the calendar.

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

ROY GILBREATH, Chief Clerk