

## JOURNAL OF THE HOUSE

## Fifty-third Legislative Assembly

\* \* \* \* \*

Bismarck, March 15, 1993

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

The prayer was offered by the Rev. Phil Rokke, Free Lutheran Church, Minnewauken.

The roll was called and all members were present except Representative Payne.

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 reexamined the Journal of the 46th Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1070, line 12, replace "SENATE" with "HOUSE"

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

## SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: HB 1025, HB 1041, HB 1042, HB 1067, HB 1077, HB 1078, HB 1082.

## POINT OF PERSONAL PRIVILEGE

REP. HANSON: Mr. Speaker: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

Representatives Kroeber, Howard, Wanzenk, and I, members of the House of Representatives from Districts 29 and 48, wish to congratulate the Jamestown Blue Jays for winning the championship in the North Dakota High School Boys' Class "A" basketball tournament. The Blue Jays' thrilling double overtime victory in the championship game capped an exciting season for Blue Jays' fans.

We want to recognize and commend Coach George Helmstetler and his staff and the Blue Jays' players and fans for again bringing the state championship to Jamestown. Blue Jays' basketball is a source of pride for the Jamestown community, and we are very proud of this group of student athletes for rising to the occasion to capture the 1993 championship.

I know you will join Representatives Kroeber, Howard, Wanzenk, and me in congratulating the Jamestown Blue Jays, 1993 North Dakota High School Boys' Class "A" Basketball Champions.

## HOUSE ENROSSING AND ENROLLING REPORT

The following bills were engrossed and enrolled: HB 1046, HB 1072, HB 1157, HB 1263, HB 1308.

## HOUSE ENROSSING AND ENROLLING REPORT

The following bills were enrolled: HB 1105, HB 1112, HB 1127, HB 1131, HB 1133, HB 1147, HB 1200, HB 1214, HB 1258, HB 1271, HB 1279, HB 1295.

## COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

March 12, 1993

This is to inform you that on March 11, 1993, I signed the following: HB 1047, HB 1076, HB 1083, HB 1093, HB 1101, HB 1143, HB 1145, HB 1148, and HB 1314.

Also, on March 12, 1993, I signed the following: HB 1045, HB 1066, and HB 1132.

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

MR. SPEAKER: The Senate has failed to pass: HB 1370.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1343, HB 1355, HB 1359.

## SIXTH ORDER OF BUSINESS

REP. FREIER MOVED that the rules be suspended and that the House consider and adopt all the amendments on the Sixth order of business in one motion, with the exception of SB 2473, and the inclusion of SB 2004, SB 2016, SB 2060, SB 2074, SB 2096, SB 2201, SB 2227, SB 2254, SB 2255, SB 2264, SB 2265, SB 2279, SB 2287, SB 2306, SB 2374, SB 2394, SB 2397, SB 2403, SB 2486, SB 2527, SB 2534, SCR 4048, SCR 4052, SCR 4060, SCR 4065, and SCR 4070, which motion prevailed.

SCR 4048, SCR 4052, SCR 4060, SCR 4065, and SCR 4070, as amended, were placed on the Tenth order of business on the calendar for the succeeding legislative day.

SB 2004, SB 2016, SB 2060, SB 2074, SB 2096, SB 2201, SB 2227, SB 2254, SB 2255, SB 2264, SB 2265, SB 2279, SB 2287, SB 2306, SB 2374, SB 2394, SB 2397, SB 2403, SB 2486, SB 2527, and SB 2534, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

## MOTION

REP. FREIER MOVED that SB 2201 and SB 2486 be placed at the head of today's Fourteenth order on the calendar, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2201: A BILL for an Act to amend and reenact sections 48-02-02 and 48-02-03 of the North Dakota Century Code, relating to the maximum cost of alterations or improvements to public buildings which may be done without competitive bidding.

## ROLL CALL

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

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dalrymple; Dewitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gertholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Guleson; 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; Monsoñ; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; 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: Clayburgh; Payne

Engrossed SB 2201 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF SENATE BILL**

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

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 51 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Austin; Belter; Bernstein; Brown; Byerly; Carlson, A.; Carlson, C.; Christopherson; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Gorman; Grosz; Hanson; Hausauer; Henegar; Holm; Howard; Jacobs; Keiser; Kempenich; Klein; Kroeber; Martin; Olsen, D.; Porter; Price; Rennerfeldt; Shide; Skarphol; Soukup; St. Aubyn; Stenehjem; Svedjan; Sveen; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Speaker R. Berg

**NAYS:** Aarsvold; Allmaras; Bateman; Berg, J.; Bodine; Boehm; Boucher; Brodshaug; Carlisle; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Glassheim; Goffe; Gorder; Grumbo; Gulleson; Hagle; Hokana; Huether; Johnson; Kaldor; Kelsch; Kerzman; Kilichowski; Kretschmar; Kunkel; Laughlin; Mahoney; Maragos; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olson, A.; Poolman; Pyle; Ring; Rydell; Schindler; Sitz; Stenson; Thorpe; Wentz; Wilkie

**ABSENT AND NOT VOTING:** Clayburgh; Payne

SB 2486 was declared lost.

\*\*\*\*\*

**MOTION**

**REP. FREIER MOVED** that SB 2473, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2007:** A BILL for an Act to provide an appropriation for defraying the expenses of the Indian affairs commission.

**ROLL CALL**

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

**YEAS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; 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.; 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:** Clayburgh; Payne

SB 2007 passed and the title was agreed to.

\*\*\*\*\*

**MOTION**

REP. KRETSCHMAR MOVED that SB 2285, which is on the Fourteenth order, be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Rep. Kretschmar's motion, SB 2285 was rereferred.

**MOTION**

REP. KRETSCHMAR MOVED that the House reconsider its action whereby Engrossed SB 2447 passed, which motion lost for lack of a majority of the members elect on a verification vote.

**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 1025, HB 1041, HB 1042, HB 1067, HB 1077, HB 1078, HB 1082.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2052, SB 2229, SB 2294, SB 2298, SB 2303, SB 2336, SB 2337, SB 2354, SB 2355, SB 2356, SB 2474, SB 2484, SB 2506, SB 2513, SB 2514, SB 2520, SB 2521, SB 2533.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2148, SB 2228, SB 2360.

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

MADAM PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2144.

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

MADAM PRESIDENT: The House has failed to pass: SB 2029, SB 2170, SB 2181, SB 2322, SB 2459, SB 2496, SB 2507.

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

MADAM PRESIDENT: The House has amended and subsequently failed to pass: SB 2335.

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1188 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1188: Reps. Freier; Skarphol; Dobrinski

**SECOND READING OF SENATE BILL**

SB 2011: A BILL for an Act to provide an appropriation for defraying the expenses of the state fair association.

**ROLL CALL**

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

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleeson; 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.; 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:** Clayburgh; Payne

Engrossed SB 2011 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF SENATE BILL**

**SB 2012:** A BILL for an Act to provide an appropriation for defraying the expenses of the council on the arts; and providing for an appropriation of funds from the cultural endowment fund.

**ROLL CALL**

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

**YEAS:** Aarsvold; Allmaras; Austin; Bateman; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dalrymple; Dobrinski; Dorso; Drovdal; Freier; Froeth; Gates; Gerntholz; Glassheim; Goffe; Gorder; 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.; 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:** Belter; Brown; DeWitz

**ABSENT AND NOT VOTING:** Clayburgh; Payne

Reengrossed SB 2012 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF SENATE BILL**

**SB 2024:** A BILL for an Act providing optional property tax levy increase authority for political subdivisions and providing limitations on that authority; and to provide an effective date and an expiration date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 81 YEAS, 15 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Aarsvold; Bateman; Bodine; Boehm; Grosz; Kaldor; Kerzman; Kilichowski; Kretschmar; Laughlin; Mahoney; Ness; Thorpe; Wanzek; Wilkie

**ABSENT AND NOT VOTING:** Clayburgh; Payne

Engrossed SB 2024 passed and the title was agreed to.

\*\*\*\*\*

#### SECOND READING OF SENATE BILL

**SB 2101:** A BILL for an Act to create and enact a new section to chapter 47-30.1 of the North Dakota Century Code, relating to making confidential the audit records under the uniform abandoned property act; and to provide a civil penalty.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 1 NAY, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; 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.; Poolman; Porter; Price; Pyle; Rennerfeldt; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Speaker R. Berg

**NAYS:** Ring

**ABSENT AND NOT VOTING:** Clayburgh; Payne; Wilkie

Engrossed SB 2101 passed and the title was agreed to.

\*\*\*\*\*

#### SECOND READING OF SENATE BILL

**SB 2328:** A BILL for an Act to create and enact a new subsection to section 26.1-34-01 of the North Dakota Century Code, relating to required annuity contract provisions.

#### ROLL CALL

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

**YEAS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; 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.; 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: Clayburgh; Payne

SB 2328 passed and the title was agreed to.

\*\*\*\*\*

SECOND READING OF SENATE BILL

SB 2362: A BILL for an Act relating to consumer credit counseling services; and providing a penalty.

ROLL CALL

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

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glasheim; Goffe; Gorder; 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.; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjelm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Clayburgh; Payne

Engrossed SB 2362 passed and the title was agreed to.

\*\*\*\*\*

SECOND READING OF SENATE BILL

SB 2449: A BILL for an Act to create and enact a new subsection to section 6-03-47.2 of the North Dakota Century Code, relating to investments by banks; to amend and reenact sections 6-03-38, 10-30.2-11, 10-30.2-12, 10-30.2-13, 10-30.2-13.1, 10-30.2-13.2, subsection 4.2 of section 57-38-01, subdivision s of subsection 1 of section 57-38-01.2, and subsections 3 and 4 of section 57-38-30.3 of the North Dakota Century Code, relating to investments by banks, tax credits for investments in small business investment companies, the definition of a qualified investment fund, an exemption from income tax liability for distribution of a qualified investment fund, an exclusion from computation of income tax liability of distributions from a qualified investment fund; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glasheim; Goffe; Gorder; Gorman; 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; 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; Stenehjelm; Stenson; Svedjan; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**YAYS:** Bateman; Brown; Grosz; Martin; Sveen

**ABSENT AND NOT VOTING:** Clayburgh

Engrossed SB 2449 passed and the title was agreed to.

\*\*\*\*\*

#### SECOND READING OF SENATE BILL

**SB 2519:** A BILL for an Act to create and enact two new sections to chapter 15-27.6 of the 1991 Supplement to the North Dakota Century Code, relating to employment recall rights of teachers whose contracts have not been renewed because of reorganizations.

#### 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 53 YEAS, 44 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Austin; Berg, J.; Bodine; Boucher; Brodshaug; Carlson, A.; Carlson, C.; Cleary; Coats; Dobrinski; Froseth; Gerntholz; Glassheim; Goffe; Grumbo; Gulleason; Hagle; Hanson; Hausauer; Hokana; Jacobs; Kaldor; Kelsch; Kerzman; Kilichowski; Kretschmar; Kroeber; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olson, A.; Poolman; Porter; Pyle; Ring; Sitz; Stenehjelm; Stenson; Thorpe; Torgerson; Wardner; Wilkie

**NAYS:** Bateman; Belter; Bernstein; Boehm; Brown; Byerly; Carlisle; Christopherson; Dalrymple; Dewitz; Dorso; Drovdal; Freier; Gates; Gorder; Gorman; Grosz; Henegar; Holm; Howard; Huether; Johnson; Keiser; Kempenich; Klein; Kunkel; Olsen, D.; Payne; Price; Rennerfeldt; Rydell; Schindler; Shide; Skarphol; Soukup; St. Aubyn; Svedjan; Sveen; Timm; Tollefson; Wald; Wanzek; Wentz; Speaker R. Berg

**ABSENT AND NOT VOTING:** Clayburgh

Engrossed SB 2519 passed and the title was agreed to.

\*\*\*\*\*

#### SECOND READING OF SENATE BILL

**SB 2524:** A BILL for an Act to create and enact a new subsection to section 11-17-04 of the North Dakota Century Code, relating to fees charged by clerks of district and county courts.

#### ROLL CALL

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

**YEAS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dalrymple; Dewitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleason; 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; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjelm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzenek; Wardner; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Clayburgh; Wald

Engrossed SB 2524 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF SENATE BILL**

**SB 2171:** A BILL for an Act to amend and reenact subsection 2 of section 12.1-05-11 of the North Dakota Century Code, relating to the entrapment defense.

**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; Bodine; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorsø; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gordner; Gorman; Grosz; Grumbo; Hagle; Hanson; Hausauer; Henegar; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Nelson; Nicholas; Nichols; Payne; Porter; Price; Pyle; Rennerfeldt; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjelm; Stenson; Svedjan; Sveen; Timm; Tollefson; Torgerson; Wald; Wanzenek; Wardner; Wentz; Wilkie; Speaker R. Berg

**NAYS:** Allmaras; Berg, J.; Bernstein; Brodshaug; Gulleston; Hokana; Mutzenberger; Ness; Oban; Olson, A.; Poolman; Ring; Thorpe

**ABSENT AND NOT VOTING:** Clayburgh; Olsen, D.

SB 2171 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF SENATE BILL**

**SB 2175:** A BILL for an Act to create and enact a new section to chapter 4-14.1 and a new section to chapter 6-09.10 of the North Dakota Century Code, relating to duties of the agricultural products utilization commission and the North Dakota credit review board; and to amend and reenact sections 4-14.1-03, 6-09.10-02, subsections 2, 3, and 6 of section 10-30.3-01, sections 10-30.3-03, 10-30.3-10, subsection 1 of section 10-30.3-11, subsection 2 of section 10-30.4-01, sections 10-30.4-03, 54-34.3-03, 54-34.3-05, 54-34.3-06, and 54-34.3-08 of the North Dakota Century Code, relating to composition of the credit review board, references to North Dakota Future Fund, Incorporated, definitions, composition of North Dakota Future Fund, Incorporated board, composition of the Technology Transfer, Incorporated board, hiring of the division director for finance for economic development and finance, and restructuring of the department of economic development and finance.

**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 9 YEAS, 88 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bernstein; Boucher; Dobrinski; Kaldor; Nelson; Oban; Pyle; Ring; Wilkie

**NAYS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bodine; Boehm; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dalrymple; DeWitz; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleon; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; 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; Rennerfeldt; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjøm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Speaker R. Berg

**ABSENT AND NOT VOTING:** Clayburgh

Engrossed SB 2175 was declared lost.

\*\*\*\*\*

#### SECOND READING OF SENATE BILL

**SB 2213:** A BILL for an Act to create and enact five new subsections to section 43-15-01, and a new subsection to section 43-15-10 of the North Dakota Century Code, relating to definitions, confidentiality, and a patient bill of rights under pharmacist laws; and to amend and reenact subsections 14 and 16 of section 43-15-01, sections 43-15-03, 43-15-06, 43-15-09, subsections 1, 2, and 3 of section 43-15-10, subsections 1 and 2 of section 43-15-13.2, sections 43-15-13.3, 43-15-13.4, subsection 1 of section 43-15-14, sections 43-15-15, 43-15-16, 43-15-18, 43-15-18.1, 43-15-19, 43-15-20, 43-15-21, 43-15-22, 43-15-25, subsections 1 and 2 of section 43-15-25.1, sections 43-15-26, 43-15-27, subsections 1 and 3 of section 43-15-28.1, sections 43-15-29, 43-15-30, 43-15-31, 43-15-31.2, 43-15-31.3, 43-15-33, subsections 4 and 5 of section 43-15-35, and subsections 1 and 2 of section 43-15-42.1 of the North Dakota Century Code, relating to the practice of pharmacy, the board of pharmacy, and licensing of pharmacists.

#### 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 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; 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; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjøm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Clayburgh

Engrossed SB 2213 passed and the title was agreed to.

\*\*\*\*\*

#### SECOND READING OF SENATE BILL

**SB 2230:** A BILL for an Act to create and enact a new section to chapter 38-08 of the North Dakota Century Code, relating to testing of oil and

gas meter and measuring devices; to amend and reenact subdivision h of subsection 1 of section 38-08-04, sections 38-08-20, and 64-02-13 of the North Dakota Century Code, relating to the authority of the industrial commission to test and approve oil and gas meters and measuring devices; and to repeal section 64-02-15.1 of the North Dakota Century Code, relating to the duty of the public service commission to test and certify oil and gas production meters.

#### 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 84 YEAS, 13 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Aarsvold; Allmaras; Brodshaug; Brown; Cleary; Drovda; Goffe; Kempenich; Kroeber; Martin; Martinson; Mutzenberger; Ring

**ABSENT AND NOT VOTING:** Clayburgh

Engrossed SB 2230 passed and the title was agreed to.

\*\*\*\*\*

#### SECOND READING OF SENATE BILL

**SB 2260:** A BILL for an Act to amend and reenact sections 54-03-02 and 54-03-02.1 of the North Dakota Century Code, relating to reconvened regular sessions of the legislative assembly in even-numbered years for budget adjustment purposes.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 38 YEAS, 59 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Berg, J.; Boucher; Brodshaug; Cleary; Coats; Glassheim; Goffe; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Hokana; Huether; Johnson; Kaldor; Keiser; Kelsch; Kerzman; Kilichowski; Kretschmar; Kroeber; Kunkel; Laughlin; Mutzenberger; Nicholas; Oban; Porter; Price; Pyle; Ring; Rydell; Stenehjem; Stenson; Svedjan; Thorpe; Wentz

**NAYS:** Allmaras; Austin; Bateman; Belter; Bernstein; Bodine; Boehm; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Dalrymple; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Gates; Gerntholz; Gorder; Gorman; Grosz; Henegar; Holm; Howard; Jacobs; Kempenich; Klein; Mahoney; Maragos; Martin; Martinson; Monson; Nelson; Ness; Nicholas; Olsen, D.; Olson, A.; Payne; Poolman; Rennerfeldt; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Sveen; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Clayburgh

SB 2260 was declared lost.

\*\*\*\*\*

**SECOND READING OF SENATE BILL**

**SB 2266:** A BILL for an Act to create and enact a new subsection to section 39-06.1-06 and two new sections to chapter 39-21 of the North Dakota Century Code, relating to the required use of safety belts in certain motor vehicles and providing for secondary enforcement; and to provide a penalty.

**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 56 YEAS, 39 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bernstein; Boucher; Brodshaug; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Cleary; Dalrymple; Dorso; Drovdal; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorman; Gulleston; Hagle; Hausauer; Henegar; Huether; Johnson; Kaldor; Keiser; Kelsch; Kroeber; Kunkel; Laughlin; Martinson; Monson; Mutzenberger; Nelson; Nicholas; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Sitz; Soukup; St. Aubyn; Stenson; Svedjan; Sveen; Tollefson; Wentz; Wilkie

**NAYS:** Bateman; Bodine; Boehm; Brown; Byerly; Coats; Dobrinski; Freier; Gorder; Grosz; Grumbo; Hanson; Hokana; Holm; Howard; Jacobs; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Maragos; Martin; Ness; Nichols; Oban; Olsen, D.; Olson, A.; Schindler; Shide; Skarphol; Stenehjem; Thorpe; Timm; Torgerson; Wald; Wanzek; Wardner; Speaker R. Berg

**ABSENT AND NOT VOTING:** Clayburgh; DeWitz; Mahoney

SB 2266 passed and the title was agreed to.

\*\*\*\*\*

**MOTION**

**REP. RYDELL MOVED** that the vote by which SB 2266 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed on a verification vote.

**SECOND READING OF SENATE BILL**

**SB 2286:** A BILL for an Act to repeal section 14-03-07 of the North Dakota Century Code, relating to prohibited marriages of persons institutionalized as severely retarded.

**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, 11 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Austin; Berg, J.; Bernstein; Bodine; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, C.; Christopherson; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorman; Grumbo; Gulleston; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; 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; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wentz; Wilkie; Speaker R. Berg

**NAYS:** Bateman; Belter; Boehm; Carlson, A.; Freier; Gorder; Grosz; Kilichowski; Rennerfeldt; Wald; Wardner

**ABSENT AND NOT VOTING:** Clayburgh

SB 2286 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF SENATE BILL**

**SB 2317:** A BILL for an Act to amend and reenact section 49-02-01.1 of the North Dakota Century Code, relating to jurisdiction of the public service commission.

**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 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froeth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Guleson; 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; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzenk; Wardner; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Clayburgh

SB 2317 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF SENATE BILL**

**SB 2318:** A BILL for an Act to amend and reenact section 16.1-03-08 of the North Dakota Century Code, relating to the membership of the state committee of a political party.

**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, 82 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Boucher; Brodshaug; Coats; Dorso; Grosz; Guleson; Johnson; Kunkel; Mutzenberger; Nelson; Ness; Nicholas; Oban; Poolman; Ring

**NAYS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Cleary; Dalrymple; DeWitz; Dobrinski; Drovda; Freier; Froeth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grumbo; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Nichols; Olsen, D.; Olson, A.; Payne; Porter; Price; Pyle; Rennerfeldt; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzenk; Wardner; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Clayburgh

SB 2318 was declared lost.

\*\*\*\*\*

**SECOND READING OF SENATE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR**

- SCR 4005:** A concurrent resolution directing the Legislative Council to study the problems associated with the unification of the state's judicial system into a single trial court of general jurisdiction.
- SCR 4013:** A concurrent resolution directing the Legislative Council to study the establishment of a state repository for living wills, durable powers of attorney for health care, and other medical documents.
- SCR 4015:** A concurrent resolution directing the Legislative Council to study methods for providing civil legal representation and dispute resolution services for poor citizens.
- SCR 4018:** A concurrent resolution directing the Legislative Council to study means of gathering data on sentencing in all felony cases and in all misdemeanor cases involving violations of North Dakota Century Code Chapters 12.1-17, 12.1-20, and 14-07.1.
- SCR 4025:** A concurrent resolution directing the Legislative Council to study the North Dakota Educational Telecommunications Council.
- SCR 4027:** A concurrent resolution directing the Legislative Council to study methods to improve the development of biennial revenue estimates.
- SCR 4031:** A concurrent resolution directing the Legislative Council to study problems relating to the use of contracts for the sale of agricultural commodities.
- SCR 4037:** A concurrent resolution urging the President and Congress to institute policies encouraging fair trade between nations, and expressing opposition to the General Agreement on Tariffs and Trade and the North American Free Trade Agreement.
- SCR 4039:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of implementing programs to assist first-year teachers.
- SCR 4046:** A concurrent resolution directing the Legislative Council to study geographical boundaries defining educational service areas.
- SCR 4047:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of requiring real estate licensing for auctioneers selling or offering to sell real property at public auction.
- SCR 4050:** A concurrent resolution directing the Legislative Council to study the placement of students with developmental disabilities in regular classroom settings and the teacher training curricula or specific study courses designed to assist teachers in accepting and teaching students with mental retardation and other developmental disabilities.
- SCR 4051:** A concurrent resolution directing the Legislative Council to study the various forms of education and the environments in which education is provided and the flexibility of legislative and administrative systems for reviewing and evaluating different methods of providing education.
- SCR 4053:** A concurrent resolution directing the Legislative Council to study the application of federal law prohibiting discrimination against the handicapped to school districts.

- SCR 4055: A concurrent resolution directing the Legislative Council to study the provision of services for children, including services related to child care, education, health, corrections, and foster care.
- SCR 4056: A concurrent resolution directing the Legislative Council to study tax, regulatory, marketing, and other business incentives that can be enacted by the state of North Dakota to maintain and encourage development of our state's abundant lignite resources.
- SCR 4057: A concurrent resolution directing the Legislative Council to study the Uniform Interstate Family Support Act and its relationship to existing North Dakota law to determine the desirability of adopting it.
- SCR 4058: A concurrent resolution directing the Legislative Council to study the programming offered at the North Dakota State Hospital at Jamestown and the relationship of the programming to the community-based services offered throughout the state, and to include in the study an audit of the admissions procedures of the North Dakota State Hospital.
- SCR 4061: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of pooling all sources of funding for health care benefits in conjunction with the study by the North Dakota Health Task Force in exploring the control of costs and the redistribution of dollars toward improved access to services through a health care reimbursement system.
- SCR 4062: A concurrent resolution directing the Legislative Council to study the adequacy of current noxious weed laws, regulations, and control efforts.
- SCR 4063: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a women's correctional facility off the State Penitentiary grounds.
- SCR 4064: A concurrent resolution directing the Legislative Council to study the desirability and necessity of requiring various state agencies to prepare and publish annual or biennial reports, including an analysis of the cost of preparing, printing, and distributing the reports.
- SCR 4066: A concurrent resolution directing the Legislative Council to study the impact on the state's economy of parity prices for various agricultural commodities.
- SCR 4071: A concurrent resolution directing the Legislative Council to study and monitor the social economic impact of defense-related downsizing, closures, and loss of federal contracts.

The question being on the final adoption of the resolutions, which have been read.

SCR 4005, SCR 4013, SCR 4015, SCR 4018, SCR 4025, SCR 4027, SCR 4031, SCR 4037, SCR 4039, SCR 4046, SCR 4047, SCR 4050, SCR 4051, SCR 4053, SCR 4055, SCR 4056, SCR 4057, SCR 4058, SCR 4061, SCR 4062, SCR 4063, SCR 4064, SCR 4066, and SCR 4071 were declared adopted on a voice vote.

\*\*\*\*\*

#### CONSIDERATION OF MESSAGE FROM THE SENATE

REP. BELTER MOVED that the House do not concur in the Senate amendments to Engrossed HB 1089 as printed on HJ pages 1015-1016, 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 1089: Reps. Belter, Monson, Allmaras.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. RYDELL MOVED** that the House do not concur in the Senate amendments to HB 1096 as printed on HJ page 1016, 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 HB 1096: Reps. Price, Austin, Cleary.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. TIMM MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1126 as printed on HJ pages 971-972, 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 1126: Reps. A. Carlson, A. Olson, Hokana.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. GATES MOVED** that the House do not concur in the Senate amendments to HB 1300 as printed on HJ page 1041, 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 HB 1300: Reps. Porter, Torgerson, Hanson.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. RYDELL MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1344 as printed on HJ page 994, 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 1344: Reps. Svedjan, Stenehjem, Kerzman.

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

**MADAM PRESIDENT:** The House does not concur in the Senate amendments to HB 1089, HB 1096, HB 1126, HB 1300, and HB 1344 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1089:** Reps. Belter; Monson; Allmaras  
**HB 1096:** Reps. Price; Austin; Cleary  
**HB 1126:** Reps. A. Carlson; A. Olson; Hokana  
**HB 1300:** Reps. Porter; Torgerson; Hanson  
**HB 1344:** Reps. Svedjan; Stenehjem; Kerzman

**MOTION**

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

**MOTION**

**REP. FREIER MOVED** that the House be on the Fifth order of business and at the conclusion of that order, the House stand adjourned until 1:00 p.m., Tuesday, March 16, 1993, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2019, as engrossed: 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). Engrossed SB 2019 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "31,649,611" with "30,811,346"

Page 1, line 11, replace "7,691,072" with "8,078,952"

Page 1, line 14, replace "10,179,750" with "10,154,750"

Page 1, remove line 15

Page 1, line 16, replace "50,927,034" with "50,151,649"

Page 2, line 1, replace "\$200,000" with "\$175,000"

Page 2, after line 5, insert:

**"SECTION 4. APPROPRIATION.** In addition to the amount appropriated to job service North Dakota in section 1 of this Act, for the North Dakota work force 2000 program, there is hereby appropriated any additional income for the program from other funds which may become available to the agency for the biennium beginning July 1, 1993, and ending June 30, 1995."

Re-number accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 480 - JOB SERVICE NORTH DAKOTA

HOUSE - This amendment makes the following changes to Governor Sinner's executive budget recommendation to reflect Governor Schafer's recommended appropriations:

- The salaries and wages line item is decreased by \$859,232 from other funds, of which \$151,334 is for reduced employee health insurance costs, \$707,898 is to reflect the Schafer salary increase recommendation, and increased by \$20,967 from other funds to correct the Sinner compensation package, for a net decrease of \$838,265.
- The operating expenses line item is increased by \$300,000 from other funds and the interagency legal fees line item of \$300,000 is deleted to reflect Governor Schafer's recommendation regarding legal fees charged by the Attorney General.

In addition to the changes made to reflect Governor Schafer's recommended appropriations, this amendment makes the following changes:

- The operating expenses line item is increased by \$87,880 of other funds, of which \$42,971 is for Merit System payments to the Central Personnel Division of the Office of Management and Budget and \$44,909 is for indirect cost allocation payments to the Office of Management and Budget.
- The grants line item is decreased by \$25,000 of other funds to reflect a reduction of funds to be received from the Future Fund for the Work Force 2000 program.

This amendment also adds a section appropriating any additional other funds received by Job Service for the Work Force 2000 program for the biennium beginning July 1, 1993, and ending June 30, 1995.

In total, this amendment decreases the appropriation to Job Service North Dakota by \$775,385 of other funds.

## REPORT OF STANDING COMMITTEE

SB 2097, as engrossed: 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). Engrossed SB 2097 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to require the commissioner of labor to convene a wage conference committee;"

Page 1, line 12, replace "protection" with "fighting" and after "or" insert "sworn"

Page 1, line 13, replace "duties" with "officers"

Page 1, line 15, after the comma insert "the state and political subdivisions of the state,"

Page 1, line 16, remove "The term does"

Page 1, remove line 17

Page 2, after line 4, insert:

"SECTION 3. COMMISSIONER OF LABOR TO CONVENE WAGE CONFERENCE COMMITTEE. The commissioner of labor shall convene a wage conference committee by August 1, 1993."

Re-number accordingly

## REPORT OF STANDING COMMITTEE

SB 2192, as engrossed: Natural Resources Committee (Rep. A. Olson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (8 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2192 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subsection 7 of section 49-02-02 and" and replace "49-06-23" with "49-06-22"

Page 1, line 2, replace "expenses of siting" with "the authority of the public service commission to set compensation rates for public utility" and replace "paid" with ", reports on"

Page 1, line 3, remove "into" and after "fund" insert a comma

Page 1, replace lines 6 through 15 with:

"SECTION 1. AMENDMENT. Subsection 7 of section 49-02-02 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

7. Employ, and fix the compensation of, rate experts, engineers, auditors, attorneys, and all other ~~expert~~ help and assistance for ~~rate increase application~~ applications, hearings, investigations, and proceedings relating to gas- and electric- or telecommunications public utilities. The expense of any hearings, investigations, and proceedings, and the compensation and actual expenses of any employees of the commission while engaged upon any such hearing, investigation, or proceeding, shall upon the order of the commission be paid by the public utility being investigated or involved in such hearing or proceeding. The commission shall ascertain such costs and expenditures. After giving the public utility notice and opportunity to demand a hearing, and after a hearing, if any, is held, the commission shall render a bill and make an order for payment by

certified mail or by personal delivery to one of the managing officers of the public utility. The billing and order may be made from time to time during the hearing, investigation, or proceeding, or at the conclusion thereof, as the commission shall determine. Upon receipt of the bill and order for payment, as evidenced by return receipt or other proof, the public utility, within ten days after receipt, shall pay to the commission the amount billed. All amounts not paid within thirty days after receipt of the order for payment shall draw interest at the rate of six percent per annum from the date of receipt of the order. All costs and expenses collected by the commission under this subsection shall be paid into the ~~general~~ public utility valuation revolving fund of the state treasury. All moneys deposited in the public utility valuation revolving fund under this subsection are appropriated. The fund is not subject to the provisions of section 54-44.1-11.

**SECTION 2. AMENDMENT.** Section 49-06-22 of the North Dakota Century Code is amended and reenacted as follows:

**49-06-22. Public utility valuation fund - Use.** There is hereby created a special fund in the office of the state treasury, to be known as the "public utility valuation fund", which fund shall be used by the ~~public utility division of the public service commission as provided in section 49-06-18 by law.~~ Using the records of the state accounting system, the commission shall biennially report the activity of the fund to the legislative assembly."

Page 1, line 21, remove the overstrike over "five" and remove "two"

Page 2, line 5, remove the overstrike over "five" and remove "two"

Page 2, line 16, remove the overstrike over "five" and remove "two"

Page 3, line 10, remove "expert"

Page 3, line 29, after the underscored period insert "All moneys deposited in the public utility valuation revolving fund under this subsection are appropriated. The fund is not subject to the provisions of section 54-44.1-11."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

SB 2206, as engrossed: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2206 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

SB 2245, as engrossed: Agriculture Committee (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2245 was placed on the Sixth order on the calendar.

Page 1, line 4, replace "an" with "a continuing"

Page 6, line 10, remove "North Dakota stockmen's"

Page 6, line 11, remove "association, and approved by the" and after "health" insert ", upon the recommendation of the North Dakota stockmen's association, and may not exceed fifteen dollars"

Page 7, line 21, after the period insert "Performance bond -"

Page 7, line 22, after "~~agriculture~~" insert "- Continuing appropriation - Discrimination prohibited" and after "All" insert "The North Dakota stockmen's association shall file with the secretary of state a performance bond in the amount of forty thousand dollars, payable to the state of North Dakota and conditioned upon the faithful performance of the requirements of this chapter."

Page 7, line 25, replace "and may be spent only pursuant to legislative appropriations" with ". The fees deposited under this chapter and section 36-22-03 are appropriated as a continuing appropriation to the North Dakota stockmen's association. The North Dakota stockmen's association may not discriminate between or among members of the association and persons who are not members of the association with respect to fees, recordings, complaints, requests for assistance, and any other services to be provided under this chapter"

Page 7, remove lines 26 through 28

Page 8, remove lines 1 and 2

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

SB 2277, as engrossed: Government and Veterans Affairs Committee (Rep. D. Olsen, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2277 was placed on the Sixth order on the calendar.

Page 1, line 16, remove "cause of death or"

Page 1, line 18, remove the overstrike over "~~as provided by regulation or~~"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

SB 2320, as engrossed: Agriculture Committee (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2320 was placed on the Sixth order on the calendar.

Page 1, line 4, remove "4-12.2-15,"

Page 1, line 5, after the fourth comma insert "and" and remove ", and 4-12.2-25"

Page 2, after line 6, insert:

"4. "Certificate of health" means a certificate issued upon the request of a beekeeper to verify normal standards of health set by the destination state."

Page 2, line 7, replace "4." with "5."

Page 2, line 12, replace "5." with "6."

Page 2, line 15, replace "6." with "7."

Page 2, line 17, replace "7." with "8."

Page 2, line 19, replace "8." with "9."

Page 2, line 21, replace "9." with "10."

Page 2, line 25, replace "10." with "11."

Page 2, after line 27, insert:

"12. "Normal standards of health" include the percentages of American foulbrood and varroasis incidents."

Page 2, line 28, replace "11." with "13."

Page 4, line 8, remove the overstrike over "; ~~where the registrant is not the property owner, a copy~~"

Page 4, remove the overstrike over lines 9 through 13

Page 4, line 16, overstrike the period

Page 4, line 19, overstrike "3."

Page 4, line 21, remove "Before establishing and maintaining an apiary on"

Page 4, remove lines 22 through 29

Page 5, remove lines 1 through 4

Page 6, line 4, replace "The" with "Upon request, the"

Page 6, line 5, replace "provide" with "certification of breeding stock as European, and"

Page 6, line 6, after the first underscored comma insert "and shall"

Page 9, remove lines 22 through 26

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

SB 2334, as engrossed: Agriculture Committee (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2334 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subsection 1 of section 4-10.4-08, section 4-28-07," and after "60-02-01" insert a comma

Page 1, line 3, after "to" insert "levies on certain agricultural commodities and to"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Subsection 1 of section 4-10.4-08 of the North Dakota Century Code is amended and reenacted as follows:

1. ~~Effective July 1, 1993, a~~ A tax at the rate of five mills per bushel [35.24 liters] must be levied and imposed upon all barley grown in the state ~~and~~ or sold to a first purchaser. This tax is due upon any identifiable lot or quantity of barley.

SECTION 2. AMENDMENT. Section 4-28-07 of the North Dakota Century Code is amended and reenacted as follows:

4-28-07. ~~Wheat tax levy. There is hereby levied and imposed, effective July 1, 1993, a~~ A tax of five mills per bushel [35.24 liters] by weight must be levied and imposed upon all wheat grown in this state ~~and~~ or sold through commercial channels by a producer to a

first purchaser, ~~such~~. The tax ~~to~~ must be levied and assessed at the time of sale and deducted by the purchaser from the price paid, or in the case of a lien, pledge, or mortgage, deducted from the proceeds of the loan or claim secured, subject to adjustment at the time of settlement in the event the number of bushels [liters] are not accurately determined at the time of the lien, pledge, or mortgage. At the time of sale, the purchaser shall issue and deliver to the producer a record of the transaction in such manner as the commission may prescribe.

Any producer subject to the deduction provided in this chapter may, within sixty days following such deduction or final settlement, make application by personal letter to the wheat commission for a refund application blank. Upon the return of ~~said~~ the blank, properly executed by the producer, accompanied by a record of the deduction by the purchaser, the producer must be refunded the net amount of the deduction collected. If no request for refund has been made within the period prescribed above, then the producer is presumed to have agreed to such deduction. However, a producer, for any reason, having paid the tax more than once on the same wheat, upon furnishing proof of this to the commission, is entitled to a refund of the overpayment.

The commission, to inform the producer, shall develop and disseminate information and instructions relating to the purpose of the wheat tax and manner in which refunds may be claimed, and to this extent shall cooperate with governmental agencies, state and federal, and private businesses engaged in the purchase of wheat."

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

SB 2364, as engrossed: Agriculture Committee (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (9 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2364 was placed on the Sixth order on the calendar.

Page 1, line 18, remove "requires", overstrike "such a" and insert immediately thereafter "requires the"

Page 2, line 9, after "erected" insert "on agricultural property"

Page 2, line 15, after "occupant" insert "of agricultural property"

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

SB 2392, as engrossed: Government and Veterans Affairs Committee (Rep. D. Olsen, Chairman) recommends DO NOT PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2392 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

SB 2430, as engrossed: Natural Resources Committee (Rep. A. Olson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (9 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2430 was placed on the Sixth order on the calendar.

Page 2, line 4, remove ", provided the state"

Page 2, remove line 5

Page 2, line 6, remove "residents of this state"

Re-number accordingly

## REPORT OF STANDING COMMITTEE

SCR 4054: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4054 was placed on the Tenth order on the calendar.

## REPORT OF STANDING COMMITTEE

SCR 4067, as engrossed: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SCR 4067 was placed on the Tenth order on the calendar.

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

ROY GILBREATH, Chief Clerk