

JOURNAL OF THE HOUSE

Fifty-fourth Legislative Assembly

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Bismarck, February 10, 1995

The House convened at 8:00 a.m., with Speaker Martin presiding.

The prayer was offered by the Rev. Greg Smith, Presbyterian Church, Cavalier.

The roll was called and all members were present except Representatives Hanson and Kroeber.

A quorum was declared by the Speaker.

SEVENTH ORDER OF BUSINESS
MOTION

REP. MUTZENBERGER MOVED that the report of the Minority be substituted for the report of the Majority.

REQUEST

REP. MUTZENBERGER REQUESTED a recorded roll call vote on the motion that the report of the Minority be substituted for the report of the Majority, which request was granted.

ROLL CALL

The question being on the motion that the report of the Minority be substituted for the report of the Majority, the roll was called and there were 23 YEAS, 73 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Christenson; Coats; Delmore; Dobrinski; Galvin; Glasheim; Grumbo; Guleson; Kaldor; Kerzman; Laughlin; Mahoney; Maragos; Mutzenberger; Nichols; Oban; Sandvig; Schimke; Schmidt; Sitz; Wilkie

NAYS: Austin; Bateman; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Christopherson; Clark; Clayburgh; Dalrymple; DeKrey; Delzer; DeWitz; Dorso; Drovda; Freier; Froseth; Gerntholz; Gorder; Gorman; Grosz; Gunter; Hagle; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Lloyd; Martinson; Mickelson; Monson; Nicholas; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Shide; Skarphol; Soukup; Stenehjelm; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Speaker Martin

ABSENT AND NOT VOTING: Hanson; Kroeber

The motion that the report of the Minority be substituted for the report of the Majority failed.

RULING BY THE SPEAKER

SPEAKER MARTIN RULED that since the motion to substitute the report of the Minority for the report of the Majority failed, the report of the Majority would place HB 1146 on the Eleventh order for the succeeding legislative day.

MOTION

REP. DORSO MOVED that HB 1146 be placed on the Eleventh order on today's calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1146: A BILL for an Act to amend and reenact sections 23-29.1-15 and 23-29.1-16 of the North Dakota Century Code, relating to mandatory participation in the municipal waste landfill release compensation fund.

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 76 YEAS, 20 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bateman; Belter; Boehm; Boucher; Brown; Carlisle; Christenson; Christopherson; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grosz; Grumbo; Gulleon; Gunter; Hagle; Hausauer; Henegar, D.; Henegar, K.; Howard; Huether; Johnson; Kaldor; Kelsch; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Price; Retzer; Rydell; Sabby; Schimke; Schmidt; Shide; Sitz; Skarphol; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Austin; Berg; Bernstein; Byerly; Carlson; Clark; Dorso; Drovdal; Freier; Gorman; Holm; Jacobs; Keiser; Kempenich; Payne; Poolman; Rennerfeldt; Sandvig; Soukup; Torgerson

ABSENT AND NOT VOTING: Hanson; Kroeber

HB 1146 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. DORSO REQUESTED that the amendments to HB 1217 be voted on as a separate item, which request was granted.

The amendments on the Sixth order of business to HB 1089, HB 1178, HB 1406, HB 1424, HB 1491, and HB 1493 were adopted.

HB 1089, HB 1178, HB 1406, HB 1424, HB 1491, and HB 1493, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SIXTH ORDER OF BUSINESS

HB 1217: REP. KRETSCHMAR (Judiciary Committee) MOVED that the amendments on HJ page 525 be adopted and then be placed on the Eleventh order with **DO PASS**.

REQUEST

REP. KEISER REQUESTED a verification vote on the adoption of the amendments to HB 1217, which request was granted.

The amendments to HB 1217 failed to be adopted on a verification vote.

MOTION

REP. DORSO MOVED that HB 1217 be placed on the Eleventh order of business on today's calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1217: A BILL for an Act to amend and reenact section 65-01-01 of the North Dakota Century Code, relating to the purposes of the workers' compensation law.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 60 YEAS, 36 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Austin; Bateman; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlson; Christopherson; Clark; Clayburgh; Dalrymple; DeKrey; Delzer; Dewitz; Dorso; Drowdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Gorman; Grosz; Gunter; Hagle; Hausauer; Holm; Howard; Jacobs; Johnson; Keiser; Kempenich; Klein; Kliniske; Koppelman; Kunkel; Lloyd; Monson; Nicholas; Nottestad; Olson; Payne; Poolman; Rennerfeldt; Sabby; Schimke; Shide; Skarphol; Soukup; Svedjan; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Speaker Martin

NAYS: Aarsvold; Boucher; Carlisle; Christenson; Coats; Delmore; Dobrinski; Glassheim; Grumbo; Gulleeson; Henegar, D.; Henegar, K.; Huether; Kaldor; Kelsch; Kerzman; Kretschmar; Kroeber; Laughlin; Mahoney; Maragos; Martinson; Mickelson; Mutzenberger; Nichols; Oban; Price; Retzer; Rydell; Sandvig; Schmidt; Sitz; Stenehjem; Thompson; Wentz; Wilkie

ABSENT AND NOT VOTING: Hanson; Sveen

HB 1217 passed and the title was agreed to.

MOTION

REP. DORSO MOVED that HB 1260 and HB 1494 be moved to the foot of the calendar, which motion prevailed.

MOTION

REP. FREIER MOVED that the House waive the reading of the titles to HB 1454, HB 1431, and HB 1214, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1454: A BILL for an Act to amend and reenact subsection 7 of section 39-06-32, subdivision b of subsection 3.1 of section 39-06.1-10, subsection 7 of section 39-06.1-10, section 39-08-01, subsection 2 of section 39-08-01.2, sections 39-08-01.3, 39-20-03.1, 39-20-03.2, subsection 1 of section 39-20-04, subsection 1 of section 39-20-04.1, subsections 2 and 5 of section 39-20-05, subsection 3 of section 39-20-07, section 39-20-09, and subsection 3 of section 40-18-01 of the North Dakota Century Code, relating to driving while under the influence by persons under twenty-one years of age and the penalties for driving while under the influence or failure to submit to testing.

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 30 YEAS, 67 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Austin; Belter; Boucher; Carlson; Christenson; Clayburgh; Coats; Gerntholz; Gorder; Gulleeson; Henegar, K.; Keiser; Kelsch; Kliniske; Koppelman; Lloyd; Mahoney; Martinson; Mickelson; Price; Retzer; Rydell; Sabby; Sandvig; Schimke; Shide; Stenehjem; Thoreson; Wentz; Speaker Martin

NAYS: Aarsvold; Bateman; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Christopherson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Dewitz; Dobrinski; Dorso; Drowdal; Freier; Froseth; Galvin; Glassheim; Gorman; Grosz; Grumbo; Gunter; Hagle; Hanson; Hausauer; Henegar, D.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Kempenich; Kerzman; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Maragos; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Rennerfeldt;

Schmidt; Sitz; Skarphol; Soukup; Svedjan; Thompson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wilkie

ABSENT AND NOT VOTING: Sveen

Engrossed HB 1454 was declared lost.

SECOND READING OF HOUSE BILL

HB 1045: A BILL for an Act to amend and reenact section 15-65-02 of the North Dakota Century Code, relating to membership of the North Dakota educational telecommunications council.

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

YEAS: Austin; Bateman; Belter; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleon; Gunter; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Aarsvold; Galvin

ABSENT AND NOT VOTING: Berg; Sveen; Timm

Engrossed HB 1045 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1213: A BILL for an Act to amend and reenact section 15-21-04.5 and subsection 2 of section 15-40.1-06 of the North Dakota Century Code, relating to school accreditation standards and the educational support per student.

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 49 YEAS, 48 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Austin; Bateman; Belter; Berg; Bernstein; Boehm; Brown; Carlson; Clark; DeKrey; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Gorman; Grosz; Gunter; Henegar, K.; Holm; Jacobs; Kempenich; Kerzman; Klein; Koppelman; Lloyd; Mahoney; Monson; Olson; Rennerfeldt; Retzer; Sabby; Sandvig; Schimke; Shide; Skarphol; Soukup; Thompson; Timm; Tollefson; Torgerson; Wald; Walker; Wilkie

NAYS: Aarsvold; Boucher; Byerly; Carlisle; Christenson; Christopherson; Clayburgh; Coats; Dalrymple; Delmore; Glassheim; Grumbo; Gulleon; Hagle; Hanson; Hausauer; Henegar, D.; Howard; Huether; Johnson; Kaldor; Keiser; Kelsch; Kliniske; Kretschmar; Kroeber; Kunkel; Laughlin; Maragos; Martinson; Mickelson; Mutzenberger; Nicholas; Nichols;

Nottestad; Oban; Payne; Poolman; Price; Rydell; Schmidt; Sitz; Stenehjelm; Svedjan; Thoreson; Wardner; Wentz; Speaker Martin

ABSENT AND NOT VOTING: Sveen

Engrossed HB 1213 lost for want of a Constitutional majority.

MOTION

REP. RYDELL MOVED that the vote by which HB 1213 failed to pass for want of a Constitutional majority be reconsidered and the motion to reconsider be laid on the table, which motion failed on a verification vote.

SECOND READING OF HOUSE BILL

HB 1325: A BILL for an Act to create and enact a new section to chapter 15-29 and a new section to chapter 15-36 of the North Dakota Century Code, relating to contracts for the provision of classroom instruction; to amend and reenact subsection 10 of section 15-29-08, section 15-36-12, subsection 11 of section 15-39.1-04, sections 15-41-25 and 15-47-42 of the North Dakota Century Code, relating to teacher certification; and to provide 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 NOT PASS, the roll was called and there were 51 YEAS, 45 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Austin; Bateman; Belter; Bernstein; Boehm; Boucher; Brown; Byerly; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Glassheim; Gorder; Gorman; Grosz; Gunter; Hausauer; Holm; Howard; Jacobs; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Lloyd; Maragos; Olson; Rennerfeldt; Retzer; Sandvig; Schimke; Shide; Skarphol; Soukup; Thompson; Timm; Torgerson; Wald; Walker; Wardner; Wilkie

NAYS: Aarsvold; Berg; Carlisle; Christenson; Clayburgh; Coats; Delmore; Dobrinski; Gerntholz; Grumbo; Gullerson; Hagle; Hanson; Henegar, D.; Henegar, K.; Huether; Johnson; Kaldor; Keiser; Kelsch; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Payne; Poolman; Price; Rydell; Sabby; Schmidt; Sitz; Stenehjelm; Svedjan; Thoreson; Wentz; Speaker Martin

ABSENT AND NOT VOTING: Sveen; Tollefson

Engrossed HB 1325 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1342: A BILL for an Act to create and enact a new section to chapter 24-02 of the North Dakota Century Code, relating to agreements between the department of transportation and tribal governments; and to amend and reenact section 54-40.2-02 of the North Dakota Century Code, relating to agreements between public agencies and tribal governments.

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, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz;

Dobrinski; Dorso; Drovdal; Freier; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Froseth; Skarphol

ABSENT AND NOT VOTING: Sveen

Engrossed HB 1342 passed and the title was agreed to.

MOTION

REP. DORSO MOVED that the House stand in recess until 10:15 a.m., which motion prevailed.

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

SECOND READING OF HOUSE BILL

HB 1407: A BILL for an Act to create and enact two new sections to chapter 43-11 of the North Dakota Century Code, relating to master esthetician, master manicurist and homebound licenses; and to amend and reenact sections 43-11-01, 43-11-21, subsection 1 of section 43-11-26, and subdivision a of subsection 1 of section 43-11-28 of the North Dakota Century Code, relating to cosmetology licenses and fees.

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 87 YEAS, 2 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

YEAS: Austin; Bateman; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; DeKrey; Delmore; Delzer; Dewitz; Dobrinski; Dorso; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Timm; Wald; Walker; Wardner; Wilkie; Speaker Martin

NAYS: Aarsvold; Kaldor

ABSENT AND NOT VOTING: Belter; Dalrymple; Drovdal; Gorman; Kretschmar; Sveen; Tollefson; Torgerson; Wentz

Engrossed HB 1407 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1456: A BILL for an Act to amend and reenact section 39-02-05 of the North Dakota Century Code, relating to the inspection of motor vehicle records; to provide a penalty; 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 NOT PASS, the roll was called and there were 0 YEAS, 89 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

NAYS: Aarsvold; Austin; Bateman; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grosz; Grumbo; Gulleon; Gunter; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Timm; Torgerson; Wald; Walker; Wardner; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Belter; Coats; Dorso; Gorman; Kretschmar; Mickelson; Sveen; Tollefson; Wentz

Engrossed HB 1456 was declared lost.

SECOND READING OF HOUSE BILL

HB 1473: A BILL for an Act relating to limitations on loans by the Bank of North Dakota and disclosure of interests in loans by members of the industrial 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 83 YEAS, 8 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Berg; Bernstein; Boehm; Boucher; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gerntholz; Glassheim; Gorder; Grumbo; Gulleon; Gunter; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Timm; Torgerson; Wardner; Wilkie; Speaker Martin

NAYS: Brown; Grosz; Howard; Payne; Poolman; Skarphol; Wald; Walker

ABSENT AND NOT VOTING: Belter; Galvin; Gorman; Kretschmar; Sveen; Tollefson; Wentz

Engrossed HB 1473 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1488: A BILL for an Act to amend and reenact sections 15-34.1-06 and 15-34.1-07 of the North Dakota Century Code, relating to home-based instruction.

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 76 YEAS, 16 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Austin; Bateman; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Christopherson; Clark; Clayburgh; Dalrymple; DeKrey; Delzer; DeWitz; Dobrinski; Dorso; Drowdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grosz; Grumbo; Gunter; Hagle; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Nicholas; Nichols; Nottestad; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Timm; Torgerson; Wald; Walker; Wardner; Speaker Martin

NAYS: Aarsvold; Boucher; Christenson; Coats; Delmore; Gulleeson; Hanson; Kaldor; Kroeber; Laughlin; Monson; Mutzenberger; Oban; Olson; Thoreson; Wilkie

ABSENT AND NOT VOTING: Belter; Gorman; Kretschmar; Sveen; Tollefson; Wentz

Engrossed HB 1488 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1489: A BILL for an Act to create and enact five new subsections to section 54-06-25 of the North Dakota Century Code, relating to the election of members, posting of election requirements, and eligibility of candidates for the state employees compensation commission; to amend and reenact subsection 2 of section 54-06-25 of the North Dakota Century Code, relating to eligibility to vote and eligibility of candidates for election to the state employees compensation commission; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drowdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gunter; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Timm; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Gulleeson; Kretschmar; Sveen; Tollefson

Engrossed HB 1489 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1214: A BILL for an Act to amend and reenact sections 4-02-04, 4-02-08, 4-02-26, 4-02-27, 4-02-27.2, 4-02-27.3, 4-02-30, 11-23-09, 53-03-03, 53-04.1-04, 53-05-02, subsections 30 and 31 of section 57-15-06.7, and subsection 1 of section 57-15-06.8 of the North Dakota Century Code,

relating to fairs, fair associations, carnivals, and amusements and property tax levies for fairs; and to repeal sections 4-02-03, 4-02-09, 4-02-11, 4-02-15, 4-02-32, 4-02-33, 4-02-34, and subsection 3 of section 57-15-06.7 of the North Dakota Century Code, relating to fairs.

MOTION

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

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 59 YEAS, 37 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Berg; Bernstein; Boucher; Christenson; Clark; Clayburgh; Coats; DeKrey; Delmore; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grumbo; Gulleston; Gunter; Hagle; Hausauer; Henegar, D.; Henegar, K.; Howard; Jacobs; Johnson; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Laughlin; Mahoney; Maragos; Mickelson; Monson; Mutzenberger; Nicholas; Nottestad; Oban; Olson; Poolman; Price; Rennerfeldt; Retzer; Sabby; Sandvig; Schimke; Schmidt; Shide; Soukup; Svedjan; Thompson; Thoreson; Torgerson; Wald; Walker; Wardner; Wentz; Speaker Martin

NAYS: Aarsvold; Austin; Bateman; Belter; Boehm; Brown; Byerly; Carlisle; Carlson; Christopherson; Dalrymple; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Gorman; Grosz; Hanson; Holm; Huether; Kaldor; Keiser; Kelsch; Kempenich; Kroeber; Lloyd; Martinson; Nichols; Payne; Rydell; Sitz; Skarphol; Stenehjelm; Timm; Wilkie

ABSENT AND NOT VOTING: Sveen; Tollefson

HB 1214 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1322: A BILL for an Act to create and enact a new section to chapter 15-12 of the North Dakota Century Code, relating to creation of a special fund to develop eighteenth street on the campus of North Dakota state university.

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; Bernstein; Boehm; Boucher; Brown; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjelm; Svedjan; Thompson; Thoreson; Timm; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Byerly; Hagle; Sveen; Tollefson

HB 1322 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1378: A BILL for an Act to create and enact a new section to chapter 25-16 of the North Dakota Century Code, relating to residential care and services for the developmentally disabled.

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; Bernstein; Boehm; Boucher; Brown; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Galvin; Gerntholz; Glasheim; Gorder; Gorman; Grosz; Grumbo; Gulleeson; Gunter; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Timm; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Byerly; Hagle; Sveen; Tollefson

HB 1378 passed and the title was agreed to.

MOTION

REP. DORSO MOVED that the House reconsider its action whereby HB 1378 passed, which motion prevailed.

MOTION

REP. DORSO MOVED that HB 1378 be rereferred to the Appropriations Committee, which motion prevailed. Pursuant to Rep. Dorso's motion, HB 1378 was rereferred.

SECOND READING OF HOUSE BILL

HB 1422: A BILL for an Act to repeal chapter 40-58 of the North Dakota Century Code, relating to urban renewal; and to provide for transition.

ROLL CALL

The question being on the passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 4 YEAS, 90 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Boehm; Delzer; Grosz; Schimke

NAYS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boucher; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Galvin; Gerntholz; Glasheim; Gorder; Gorman; Grumbo; Gulleeson; Gunter; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Timm; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Brown; Hagle; Sveen; Tollefson

HB 1422 was declared lost.

SECOND READING OF HOUSE BILL

HB 1425: A BILL for an Act to create and enact a new section to chapter 6-05 of the North Dakota Century Code, relating to deposit of trust funds awaiting investment or distribution in affiliates.

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; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Drovdal; Freier; Froseth; Galvin; Gertholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Timm; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Dorso; Hagle; Sveen; Tollefson

HB 1425 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1429: A BILL for an Act to amend and reenact subsection 5 of section 57-38-30.3 of the North Dakota Century Code, relating to child care credits on the short-form individual income tax return; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 33 YEAS, 62 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bateman; Boehm; Boucher; Christenson; Coats; Delmore; Delzer; Dobrinski; Galvin; Glassheim; Grosz; Grumbo; Gulleon; Johnson; Kaldor; Keiser; Kelsch; Kerzman; Klein; Kretschmar; Kroeber; Laughlin; Mutzenberger; Nichols; Oban; Retzer; Rydell; Sandvig; Schimke; Schmidt; Sitz; Wilkie

NAYS: Austin; Belter; Berg; Bernstein; Brown; Byerly; Carlisle; Carlson; Christopherson; Clark; Clayburgh; Dalrymple; DeKrey; DeWitz; Dorso; Drovdal; Freier; Froseth; Gertholz; Gorder; Gorman; Gunter; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Kempenich; Kliniske; Koppelman; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Nicholas; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Sabby; Shide; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Timm; Torgerson; Wald; Walker; Wardner; Wentz; Speaker Martin

ABSENT AND NOT VOTING: Hagle; Sveen; Tollefson

HB 1429 was declared lost.

SECOND READING OF HOUSE BILL

HB 1431: A BILL for an Act to amend and reenact sections 4-22-17, 15-28-03, 16.1-01-07, 16.1-04-03, 16.1-06-16, 16.1-07-03, 16.1-07-04, 16.1-11-01, 16.1-11-05, 16.1-11-06, 16.1-11-11, 16.1-11-17, 16.1-11-18, 16.1-11-19, 16.1-11-20, 16.1-11-30, 16.1-11.1-02, 16.1-12-04, 16.1-12-05, 16.1-12-07, 16.1-12-09, 16.1-13-03, 16.1-15-17, 16.1-15-22, 16.1-15-25, 16.1-15-35, 23-04-01, 40-04.1-05, 40-08-06, 40-08-10, 40-10-02, 40-13-02, 40-14-03, 40-14-05, 40-15-03, 40-15-06, 40-21-02, 40-21-03, 40-21-07, 40-38.1-02, 46-06-03, 61-24-03, 61-24-03.1, 61-24.5-06, and 61-24.5-07 of the North Dakota Century Code, relating to the date of the primary election and election filing deadlines.

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 16 YEAS, 79 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Coats; Dobrinski; Gulleeson; Hanson; Jacobs; Kaldor; Kerzman; Laughlin; Mahoney; Maragos; Nichols; Oban; Olson; Rydell; Timm; Wentz

NAYS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gunter; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Johnson; Keiser; Kelsch; Kempenich; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Lloyd; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nottestad; Payne; Poolman; Price; Rennerfeldt; Retzer; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Torgerson; Wald; Walker; Wardner; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Hagle; Sveen; Tollefson

HB 1431 was declared lost.

SECOND READING OF HOUSE BILL

HB 1433: A BILL for an Act to amend and reenact section 15-10-14.2 of the North Dakota Century Code, relating to the higher education system long-term plan.

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; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleeson; Gunter; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Timm; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Hagle; Sveen; Tollefson

HB 1433 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1434: A BILL for an Act to create and enact a new section to chapter 25-04 of the North Dakota Century Code, relating to debts at the developmental center.

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

YEAS: Kretschmar

NAYS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glasheim; Gorder; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Timm; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Hagle; Sveen; Tollefson

HB 1434 was declared lost.

SECOND READING OF HOUSE BILL

HB 1435: A BILL for an Act to create and enact a new section to chapter 54-35 of the North Dakota Century Code, relating to the authority of the legislative council; and to amend and reenact sections 54-03-02 and 54-03-02.1 of the North Dakota Century Code, relating to reconvened sessions of the legislative assembly.

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

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Dorso; Freier; Froseth; Galvin; Gerntholz; Glasheim; Gorder; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Timm; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Delzer; DeWitz; Dobrinski; Drovdal; Olson; Shide

ABSENT AND NOT VOTING: Hagle; Sveen; Tollefson

HB 1435 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1436: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 12.1-23-05 of the North Dakota Century Code, relating to theft offenses that are class C felonies.

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; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gullerson; Gunter; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Timm; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Hagle; Sveen; Tollefson

HB 1436 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1437: A BILL for an Act to create and enact a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to driving record points for following too closely.

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 25 YEAS, 70 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Boucher; Christenson; Delmore; Galvin; Gorder; Gunter; Kaldor; Klein; Kliniske; Kretschmar; Lloyd; Maragos; Mickelson; Mutzenberger; Nottestad; Oban; Poolman; Price; Sabby; Sandvig; Sitz; Stenehjem; Thompson; Torgerson; Wentz

NAYS: Aarsvold; Austin; Bateman; Belter; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gerntholz; Glassheim; Gorman; Grosz; Grumbo; Gullerson; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kerzman; Koppelman; Kroeber; Kunkel; Laughlin; Mahoney; Martinson; Monson; Nicholas; Nichols; Olson; Payne; Rennerfeldt; Retzer; Rydell; Schimke; Schmidt; Shide; Skarphol; Soukup; Svedjan; Thoreson; Timm; Wald; Walker; Wardner; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Berg; Sveen; Tollefson

HB 1437 was declared lost.

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1004, HB 1010, HB 1057, HB 1110, HB 1129, HB 1177, HB 1187, HB 1193, HB 1215, HB 1232, HB 1235, HB 1237, HB 1238, HB 1239, HB 1242, HB 1264, HB 1268, HB 1269, HB 1270, HB 1271, HB 1272, HB 1273, HB 1277, HB 1279, HB 1283, HB 1285, HB 1292, HB 1298, HB 1299, HB 1302, HB 1309, HB 1313, HB 1314, HB 1319, HB 1321, HB 1327, HB 1328, HB 1330, HB 1331, HB 1332.

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1333, HB 1336, HB 1337, HB 1338, HB 1346, HB 1349, HB 1351, HB 1356, HB 1359, HB 1367, HB 1372, HB 1386, HB 1427.

SECOND READING OF HOUSE BILL

HB 1438: A BILL for an Act to amend and reenact section 6-08-16.1 of the North Dakota Century Code, relating to issuing a check or draft without an account; 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 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gordner; Gorman; Grosz; Grumbo; Guleson; Gunter; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Timm; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Sveen; Tollefson

HB 1438 passed and the title was agreed to.

MOTION

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

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

HOUSE ENGROSSING REPORT

The following bills were engrossed: HB 1089, HB 1178, HB 1406, HB 1424, HB 1491, HB 1493.

SECOND READING OF HOUSE BILL

HB 1440: A BILL for an Act to amend and reenact section 57-38-03, subsection 4 of section 57-38-04, and section 57-38-05 of the North Dakota Century Code, relating to the application of income taxes to gaming income; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and

has committee recommendation of DO PASS, the roll was called and there were 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; Dewitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Henegar, D.; Sveen

HB 1440 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1446: A BILL for an Act to create and enact a new subdivision of subsection 7 of section 26.1-04-03 of the North Dakota Century Code, relating to prohibited practices in the insurance business.

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 29 YEAS, 67 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Christenson; Coats; Delmore; Dobrinski; Glassheim; Gorder; Grumbo; Gulleston; Hanson; Huether; Kaldor; Kerzman; Kliniske; Kretschmar; Kroeber; Laughlin; Lloyd; Maragos; Mutzenberger; Nichols; Oban; Sandvig; Schmidt; Sitz; Wentz; Wilkie; Speaker Martin

NAYS: Austin; Bateman; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Christopherson; Clark; Clayburgh; Dalrymple; DeKrey; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorman; Grosz; Gunter; Hagle; Hausauer; Henegar, K.; Holm; Howard; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Koppelman; Kunkel; Mahoney; Martinson; Mickelson; Monson; Nicholas; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Schimke; Shide; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner

ABSENT AND NOT VOTING: Henegar, D.; Sveen

HB 1446 was declared lost.

MOTION

REP. HOWARD MOVED that the House reconsider its action whereby HB 1213 failed to pass for want of a Constitutional majority.

REQUEST

REP. BYERLY REQUESTED a recorded roll call vote on the motion to reconsider the action whereby HB 1213 failed to pass for want of a Constitutional majority, which request was granted.

ROLL CALL

The question being on the motion to reconsider the action whereby HB 1213

failed to pass for want of a Constitutional majority, the roll was called and there were 40 YEAS, 56 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bateman; Belter; Bernstein; Boehm; Brown; Carlisle; Carlson; Christopherson; Clark; DeKrey; Delzer; DeWitz; Drovdal; Freier; Froseth; Galvin; Gorder; Gorman; Grosz; Gunter; Holm; Howard; Jacobs; Kempenich; Koppelman; Kretschmar; Lloyd; Mahoney; Monson; Olson; Payne; Retzer; Schimke; Shide; Soukup; Thompson; Timm; Tollefson; Torgerson; Wald

NAYS: Aarsvold; Austin; Berg; Boucher; Byerly; Christenson; Clayburgh; Coats; Dalrymple; Delmore; Dobrinski; Dorso; Gerntholz; Glassheim; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar, K.; Huether; Johnson; Kaldor; Keiser; Kelsch; Kerzman; Klein; Kliniske; Kroeber; Kunkel; Laughlin; Maragos; Martinson; Mickelson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Poolman; Price; Rennerfeldt; Rydell; Sabby; Sandvig; Schmidt; Sitz; Skarphol; Stenehjem; Svedjan; Thoreson; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Henegar, D.; Sveen

So the motion to reconsider the action whereby HB 1213 failed to pass for want of a Constitutional majority failed.

MOTION

REP. DORSO MOVED that HB 1402, which is on the Eleventh order, be rereferred to the Human Services Committee, which motion prevailed. Pursuant to Rep. Dorso's motion, HB 1402 was rereferred.

MOTION

REP. BELTER MOVED that HCR 3032 be returned to the House floor from the Transportation Committee for the purpose of withdrawal, which motion prevailed.

REQUEST

REP. TOLLEFSON REQUESTED the unanimous consent of the House to withdraw HCR 3032. There being no objection, it was so ordered by the Speaker.

SECOND READING OF HOUSE BILL

HB 1447: A BILL for an Act to amend and reenact subsections 1 and 2 of section 52-06-04 and section 52-06-05 of the North Dakota Century Code, relating to determining weekly unemployment compensation benefits and maximum potential unemployment compensation benefits.

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 23 YEAS, 71 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Christenson; Coats; Delmore; Dobrinski; Galvin; Glassheim; Grosz; Hanson; Kaldor; Kerzman; Kretschmar; Kroeber; Laughlin; Mahoney; Maragos; Mutzenberger; Nichols; Oban; Sandvig; Sitz; Wilkie

NAYS: Austin; Bateman; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Christopherson; Clark; Clayburgh; Dalrymple; DeKrey; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Gerntholz; Gorder; Gorman; Grumbo; Gulleson; Gunter; Hagle; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kliniske; Koppelman; Kunkel; Lloyd; Martinson; Mickelson; Monson; Nicholas; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Schimke; Schmidt; Shide; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Timm; Tollefson; Torgerson; Walker; Wardner; Speaker Martin

ABSENT AND NOT VOTING: Henegar, D.; Sveen; Wald; Wentz

HB 1447 was declared lost.

SECOND READING OF HOUSE BILL

HB 1448: A BILL for an Act to prohibit the sale of beverages in glass containers; 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 NOT PASS, the roll was called and there were 6 YEAS, 89 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Boucher; Christenson; Kaldor; Nichols; Sandvig; Wilkie

NAYS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Byerly; Carlisle; Carlson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleon; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Speaker Martin

ABSENT AND NOT VOTING: Brown; Henegar, D.; Sveen

HB 1448 was declared lost.

SECOND READING OF HOUSE BILL

HB 1449: A BILL for an Act to provide an appropriation for defraying the expenses of maintaining, developing, and interpreting Fort Totten state historic site, Fort Buford state historic site, the Chateau de Mores, and Gingras trading post and to provide field services for county, local, and tribal historical societies.

ROLL CALL

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

YEAS: Coats; Schmidt

NAYS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleon; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Brown; Henegar, D.; Sveen

HB 1449 was declared lost.

SECOND READING OF HOUSE BILL

HB 1450: A BILL for an Act to amend and reenact subsection 14 of section 57-01-02 of the North Dakota Century Code, relating to authority of the tax commissioner to reduce tax liability based on a federal offer and compromise.

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; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grumbo; Gullerson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Grosz; Henegar, D.; Sveen

HB 1450 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1451: A BILL for an Act to amend and reenact sections 27-08.1-01 and 27-08.1-02 of the North Dakota Century Code, relating to actions in small claims court.

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; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gullerson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Henegar, D.; Sveen

HB 1451 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1457: A BILL for an Act to create and enact a new chapter to title 35 of the North Dakota Century Code, relating to authorizing title insurance companies to execute certificates of release of mortgages; and to amend and reenact section 35-03-18 of the North Dakota Century Code, relating to requests for information concerning loan payoffs and escrow amounts.

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 10 YEAS, 85 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bateman; Boucher; Carlson; Christenson; Grosz; Klein; Koppelman; Kretschmar; Schimke; Thoreson

NAYS: Aarsvold; Austin; Belter; Berg; Bernstein; Boehm; Brown; Carlisle; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grumbo; Gullerson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kliniske; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Byerly; Henegar, D.; Sveen

HB 1457 was declared lost.

SECOND READING OF HOUSE BILL

HB 1458: A BILL for an Act to amend and reenact subsection 1 of section 27-08.1-01 and section 27-08.1-03 of the North Dakota Century Code, relating to small claims court.

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; Bernstein; Boehm; Boucher; Brown; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gullerson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Byerly; Henegar, D.; Sveen

HB 1458 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1463: A BILL for an Act to create and enact a new section to title 12.1 of the North Dakota Century Code, relating to willful failure to pay child support; to amend and reenact section 14-07-15 of the North Dakota Century Code, relating to abandonment or nonsupport of a child; 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 93 YEAS, 2 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleon; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Rydell; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Gerntholz; Sabby

ABSENT AND NOT VOTING: Henegar, D.; Retzer; Sveen

HB 1463 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1467: A BILL for an Act to provide for preemptive jurisdiction of administrative agencies and political subdivisions.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 7 YEAS, 89 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Berg; Brown; Carlson; Clark; Gorman; Keiser; Wald

NAYS: Aarsvold; Austin; Bateman; Belter; Bernstein; Boehm; Boucher; Byerly; Carlisle; Christenson; Christopherson; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grosz; Grumbo; Gulleon; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Timm; Tollefson; Torgerson; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Henegar, D.; Sveen

HB 1467 was declared lost.

SECOND READING OF HOUSE BILL

HB 1470: A BILL for an Act to provide for the distribution of property tax relief funds; to amend and reenact sections 57-15-14, 57-38-29, and subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to school district mill levies and income tax rates; to provide an appropriation; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 20 YEAS, 76 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Christenson; Coats; Delmore; Dobrinski; Glasheim; Gulleston; Hagle; Hanson; Huether; Kaldor; Kroeber; Laughlin; Mutzenberger; Nichols; Oban; Schmidt; Sitz; Wilkie

NAYS: Austin; Bateman; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Christopherson; Clark; Clayburgh; Dalrymple; DeKrey; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gordier; Gorman; Grosz; Grumbo; Gunter; Hausauer; Henegar, K.; Holm; Howard; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Nicholas; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Shide; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Speaker Martin

ABSENT AND NOT VOTING: Henegar, D.; Sveen

HB 1470 was declared lost.

SECOND READING OF HOUSE BILL

HB 1472: A BILL for an Act to amend and reenact subsections 10, 11, and 12 of section 52-06-02 of the North Dakota Century Code, relating to individuals disqualified for unemployment compensation benefits.

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 18 YEAS, 76 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Christenson; Glasheim; Grosz; Grumbo; Gulleston; Hanson; Kaldor; Kerzman; Kroeber; Laughlin; Maragos; Mutzenberger; Oban; Schmidt; Wentz; Wilkie

NAYS: Austin; Bateman; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gordier; Gorman; Gunter; Hagle; Hausauer; Henegar, K.; Howard; Huether; Jacobs; Johnson; Keiser; Kelsch; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Lloyd; Mahoney; Martinson; Mickelson; Monson; Nicholas; Nichols; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Speaker Martin

ABSENT AND NOT VOTING: Henegar, D.; Holm; Kempenich; Sveen

HB 1472 was declared lost.

SECOND READING OF HOUSE BILL

HB 1474: A BILL for an Act to amend and reenact section 5-01-05.1 of the North Dakota Century Code, relating to public intoxication.

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

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glasheim; Gorder; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Martinson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wilkie; Speaker Martin

NAYS: Brown; Delzer

ABSENT AND NOT VOTING: Henegar, D.; Kempenich; Maragos; Mickelson; Sveen; Wentz

HB 1474 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1475: A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to a surtax based on income tax liability of individuals, estates, or trusts; to provide an appropriation; and to provide an effective date and an expiration date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 13 YEAS, 78 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Christenson; Delmore; Galvin; Glasheim; Grumbo; Hanson; Kaldor; Kerzman; Mutzenberger; Oban; Schmidt

NAYS: Austin; Bateman; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Christopherson; Clark; Clayburgh; Dalrymple; DeKrey; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gerntholz; Gorder; Gorman; Grosz; Gulleston; Gunter; Hagle; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Keiser; Kelsch; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Martinson; Mickelson; Monson; Nicholas; Nichols; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Schimke; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Coats; Henegar, D.; Kempenich; Maragos; Sandvig; Sveen; Wentz

HB 1475 was declared lost.

REQUEST

REP. CHRISTENSON REQUESTED that the remarks of Rep. Glasheim be printed in the Journal, which request was granted.

REMARKS OF REPRESENTATIVE GLASSHEIM

Mr. Speaker: Ladies and gentlemen of the Assembly, we know that the federal Republicans are considering a massive tax cut at the same time they say they want a balanced budget amendment. They also say they want to decrease government "interference" in our lives. Now, how are Republicans in Washington going to cut taxes, cut the deficit, and shrink government? This is a taboo subject and nobody really wants to talk about it. The only way to cut taxes, cut deficit, and cut government is to reduce the amount of money sent to the states. If the Republicans in Washington are likely to cut state funds when the federal fiscal year starts October 1, 1995, what are the Republicans in Bismarck planning to do about it? The Department of Human Services relies perhaps the most on federal funding. The executive budget anticipates \$651 million in federal funds for the biennium for AFDC, food stamps, fuel assistance, child support enforcement, child care assistance, reimbursement to counties for administering programs; Medicaid payments to doctors, hospitals, long-term care, etc. - \$651 million in federal funds.

Now, what if the Republicans in Washington cut human service programs by ten percent, an amount that will put only a small dent in the deficit? We will be scrambling for \$65 million in cuts to a number of people; to the weakest people in our society; cuts to our counties for administering programs; and cuts to institutions that depend on federal and state support. What if the cuts are only five percent? We still are \$32 million short.

Ladies and gentlemen of the Assembly, HB 1475 sets a mechanism to prepare the people of North Dakota for the likelihood that there will be federal cuts. If you do not like the specific figures, leadership can change the trigger percentage and the amount of the income tax surcharge, but surely we have to do something now to protect ourselves against \$60, \$40, or \$20 million of shortages. If I am wrong, and Lord knows it's happened occasionally, and there are no such major cuts, then there is no trigger, there is no surcharge, there are no taxes, and nothing happens. But, if I am right, that the Republicans in Washington must make cuts in spending or lose credibility, then we at the state level must have a trigger to take up at least some of the slack. I hope you will give me a well-deserved birthday present by keeping this trigger alive.

SECOND READING OF HOUSE BILL

HB 1477: A BILL for an Act to amend and reenact sections 54-03-02, 54-03-02.1, and 54-44.1-04 of the North Dakota Century Code, relating to regular sessions of the legislative assembly in even-numbered years; to provide for transition; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 28 YEAS, 63 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Berg; Boucher; Christenson; Clark; Coats; Delmore; Drovdal; Glasheim; Grosz; Grumbo; Gulleeson; Hagle; Holm; Kaldor; Kerzman; Kliniske; Kretschmar; Kroeber; Laughlin; Mahoney; Mutzenberger; Oban; Poolman; Sandvig; Schimke; Schmidt; Wilkie

NAYS: Austin; Belter; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Christopherson; Clayburgh; Dalrymple; DeKrey; Delzer; DeWitz; Dobrinski; Dorso; Freier; Froseth; Galvin; Gerntholz; Gorder; Gorman; Gunter; Hanson; Hausauer; Henegar, K.; Howard; Huether; Jacobs; Johnson; Keiser; Kelsch; Klein; Koppelman; Kunkel; Lloyd; Martinson; Monson; Nicholas; Nichols; Nottestad; Olson; Payne; Price; Rennerfeldt; Retzer; Rydell; Sabby; Shide; Sitz; Skarphol; Soukup; Stenehjem;

Svedjan; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Speaker Martin

ABSENT AND NOT VOTING: Bateman; Henegar, D.; Kempenich; Maragos; Mickelson; Sveen; Wentz

HB 1477 was declared lost.

SECOND READING OF HOUSE BILL

HB 1483: A BILL for an Act to amend and reenact section 40-18-15.1 of the North Dakota Century Code, relating to the transfer of municipal court cases to district court.

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

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Martinson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjelm; Svedjan; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wilkie; Speaker Martin

NAYS: Byerly; Howard; Retzer

ABSENT AND NOT VOTING: Henegar, D.; Kempenich; Maragos; Mickelson; Sveen; Wentz

HB 1483 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1484: A BILL for an Act to create and enact two new subsections to section 43-41-10 of the North Dakota Century Code, relating to disciplinary actions of the North Dakota board of social work examiners.

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

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Martinson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjelm;

Svedjan; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wilkie; Speaker Martin

NAYS: Delzer; Froseth; Grosz

ABSENT AND NOT VOTING: Henegar, D.; Kempenich; Maragos; Mickelson; Sveen; Wentz

HB 1484 passed and the title was agreed to.

MOTION

REP. DORSO MOVED that HB 1485 and HB 1495, which are on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1490: A BILL for an Act to create and enact a new section to chapter 13-02.1 of the North Dakota Century Code, relating to limiting fraudulent transfers of assets to avoid medical creditors.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 2 YEAS, 90 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Austin; Payne

NAYS: Aarsvold; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gordner; Gorman; Grosz; Grumbo; Gulleon; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Martinson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Henegar, D.; Kempenich; Maragos; Mickelson; Sveen; Wentz

HB 1490 was declared lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3007: A concurrent resolution urging the institutions of higher education and the Education Standards and Practices Board to integrate regular and special education within teacher preparation programs.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS.

HCR 3007 was declared lost on a verification vote requested by the Speaker.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3014: A concurrent resolution designating Knife River flint as the official state rock.

MOTION

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

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3014 was declared lost on a verification vote requested by the Speaker.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3017: A concurrent resolution urging Congress and the President to reject federal mandates that violate the spirit of the Tenth Amendment to the Constitution of the United States.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3017 was declared adopted on a verification vote requested by the Speaker.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3019: A concurrent resolution urging all public and private institutions of higher education in the state to take action with respect to assisting rape victims and publicizing rapes that occur on college or university campuses.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3019 was declared adopted on a verification vote requested by the Speaker.

SECOND READING OF HOUSE BILL

HB 1060: A BILL for an Act to amend and reenact subsection 3 of section 23-29-06 of the North Dakota Century Code, relating to the membership of solid waste management district governing boards.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 6 YEAS, 85 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Boucher; Mutzenberger; Nichols; Oban; Schmidt; Wilkie

NAYS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Droydal; Freier; Froseth; Galvin; Gerntholz; Glasheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Martinson; Monson; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Shide; Sitz; Skarphol; Soukup; Stenhjem; Svedjan; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Speaker Martin

ABSENT AND NOT VOTING: Henegar, D.; Kempenich; Maragos; Mickelson; Nicholas; Sveen; Wentz

HB 1060 was declared lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR

- HCR 3013:** A concurrent resolution urging Congress to repeal those sections of a recently passed federal mandate requiring a percentage of federal highway funds be transferred from states that do not enact statutes requiring the use of helmets by motorcyclists.
- HCR 3016:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of providing a community notification process by which communities would be informed of the release of a convicted sexual offender and of persons charged with or convicted of sexual offenses.
- HCR 3020:** A concurrent resolution urging the Governor to recognize the North Dakota Interagency Coordinating Council's concerns relating to the health care needs of children and that any health care reform should ensure that children and families with special needs have access to physical and emotional health care.
- HCR 3021:** A concurrent resolution directing the Legislative Council to study the issues and concerns relating to fetal alcohol syndrome.
- HCR 3022:** A concurrent resolution directing the Legislative Council to study the structure and function of local public health units.
- HCR 3025:** A concurrent resolution to acknowledge the one hundredth anniversary of the founding of the chiropractic profession and the significant contribution that chiropractic has made to the health and welfare of Americans.
- HCR 3026:** A concurrent resolution urging the State Board of Higher Education to continue collaborative activities with respect to a statewide delivery system, program enhancement, technological advancement, and reduction in duplicative programming and administrative services.
- HCR 3027:** A concurrent resolution urging the President and the Congress of the United States to continue daily Amtrak service to North Dakota, to improve Amtrak's ability to compete with other carriers, and to provide for a strong Amtrak system as part of any national transportation system.

ROLL CALL

The question being on the final adoption of the resolutions, which have been read, the roll was called and there were 91 YEAS, 0 NAVS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; DeMore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gordner; Gorman; Grosz; Grumbo; Gulleon; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Martinson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Svedjan; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Henegar, D.; Kempenich; Maragos; Mickelson; Stenehjem; Sveen; Wentz

HCR 3013, HCR 3016, HCR 3020, HCR 3021, HCR 3022, HCR 3025, HCR 3026, and HCR 3027 were declared adopted on a roll call vote.

MOTION

REP. RYDELL MOVED that HB 1494, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

MOTION

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

MOTION

REP. FREIER MOVED that the House be on the Fifth, Twelfth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:30 a.m., Monday, February 13, 1995, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1415: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) A MAJORITY of your committee (Reps. Wardner, Stenehjem, Austin, Christopherson, Clark, Kelsch, Klein, Kliniske, Rydell, Sabby, Schmidt, Svedjan, Thoreson) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 54-35 of the North Dakota Century Code, relating to the establishment of a legislative ethics committee.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 54-35 of the North Dakota Century Code is created and enacted as follows:

Legislative ethics committee. The legislative council, during each biennium, shall appoint an ethics committee to prepare a legislative code of ethics and recommend legislation relating to legislative ethics. The committee shall operate according to the laws and procedures governing the operation of other legislative council interim committees."

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1415: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) A MINORITY of your committee (Reps. Christenson, Sandvig) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new chapter to title 54 and a new section to chapter 54-35 of the North Dakota Century Code, relating to standards of conduct for members of the legislative assembly and the establishment of a legislative ethics committee; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new chapter to title 54 of the North Dakota Century Code is created and enacted as follows:

Members of the legislative assembly - Standards of conduct. A member of the legislative assembly may not intentionally do any of the following:

1. Use or attempt to use the member's influence in any matter involving a substantial conflict between personal interest and public interest.
2. Use the member's official position to obtain financial gain for the member, the member's family, or a business associate or to secure privileges or exemptions in direct contravention of the public interest.
3. Use public funds, time, or personnel for private gain or partisan political activity.
4. Become intoxicated while in the performance of the member's official duties.

Sale of goods or services to state agencies by members of the legislative assembly. A member of the legislative assembly may not sell, in any one occurrence, goods or services having a value in excess of two thousand dollars to a state agency, department, or institution unless the sale is made pursuant to an award or contract let after public notice and competitive bidding. This section does not apply to the publication of legal notices in newspapers as required by law or to service at a state institution of higher education as an instructor if the member meets the minimum education requirements established for instructors at the educational institution.

Conduct in relation to state agencies. A member of the legislative assembly may not use any means to influence a state agency in direct contravention of the public interest or agree to receive compensation contingent on a state agency's action.

Honoraria prohibited - Acceptance of additional pay or gifts.

1. A member of the legislative assembly may not receive honoraria unless the honoraria is received for activities related to the member's outside employment and unrelated to the member's legislative position. This section does not prohibit a member of the legislative assembly from accepting reimbursement for transportation and actual expenses for out-of-state travel associated with legislative duties if the chairman of the legislative council gives prior approval for the travel.
2. Except for compensation provided by law, a member of the legislative assembly may not knowingly accept compensation for performing legislative duties nor may a member of the legislative assembly or the member's spouse solicit or accept anything of value from a lobbyist.

Nepotism. A member of the legislative assembly may not advocate or cause a family member to be employed or advanced in an executive branch position. A member of the legislative assembly may not participate in an action concerning the discipline of a family member employed in the executive branch. A family member of a member of the legislative assembly may not be employed in the legislative branch.

Campaign contributions prohibited during legislative sessions. A member of the legislative assembly may not solicit or accept a campaign contribution as defined in section 16.1-08.1-01 at any time during which the legislative assembly is in session and during the period between the organizational session of the legislative assembly and the convening of the subsequent regular session.

Penalty. A person violating this chapter is guilty of a class A misdemeanor.

SECTION 2. A new section to chapter 54-35 of the North Dakota Century Code is created and enacted as follows:

Legislative ethics committee. The legislative council, during each biennium, shall appoint an ethics committee to prepare a legislative code of ethics and recommend legislation relating to legislative ethics. The committee shall operate according to the laws and procedures governing the operation of other legislative council interim committees."

Renumber accordingly

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

REPORT OF STANDING COMMITTEE

HB 1022: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HB 1022 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "19,856,513" with "20,105,750"

Page 1, line 19, replace "23,758,704" with "24,007,941"

Page 1, line 21, replace "10,563,313" with "10,812,550"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 270 - STATE BOARD FOR VOCATIONAL AND TECHNICAL EDUCATION

HOUSE - This amendment increases undesignated grants to school districts for vocational education programs by \$249,237 from the general fund to replace funds eliminated in the executive recommendation. This amendment also increases the authorized FTE positions by one, to reinstate the deputy director position eliminated in the executive budget recommendation. The amendment is summarized as follows:

ANALYSIS OF HOUSE CHANGES TO THE 1995-97 EXECUTIVE BUDGET

	1995-97 EXECUTIVE RECOMMENDATION	ADDITIONAL GRANT FUNDING	RESTORATION OF DEPUTY DIRECTOR POSITION	TOTAL CHANGES	HOUSE VERSION
Salaries and wages	\$ 2,378,039				\$ 2,378,039
Operating expenses	471,066				471,066
Equipment	18,680				18,680
Grants	19,856,513	\$249,237		\$249,237	20,105,750
COVE	325,500				325,500
Adult farm management	226,600				226,600
Postsecondary education vocational grants	380,000				380,000
Small business management	102,306				102,306
Total	\$23,758,704	\$249,237	\$0	\$249,237	\$24,007,941
General fund	\$10,563,313	\$249,237		\$249,237	\$10,812,550
Special funds	<u>13,195,391</u>				<u>13,195,391</u>
Total	\$23,758,704	\$249,237	\$0	\$249,237	\$24,007,941
FTE	31.5		1	1	32.5

REPORT OF STANDING COMMITTEE

HB 1151: Transportation Committee (Rep. Belter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1151 was placed on the Sixth order on the calendar.

Page 3, line 16, after the period insert "The law enforcement officer shall mail a notice to the parent or legal guardian of the minor within ten days after the test results are received or within ten days after the minor is taken into custody if the minor refuses to submit to testing. The notice must contain a statement of the test performed and the results of that test; or if the minor refuses to submit to the testing, a statement notifying of that fact."

Page 3, line 17, after "contacting" insert "or notification"

Page 3, line 19, replace "that person" with "the person in custody"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1218: Judiciary Committee (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1218 was placed on the Sixth order on the calendar.

Page 1, line 4, replace "12.1-32.02" with "12.1-32-02"

Page 2, line 21, replace "other crimes of violence" with "felony or class A misdemeanor offenses."

Page 2, line 23, after the underscored comma insert "or an attempt to commit the offenses."

Page 2, line 24, replace "at a minimum, shall order the department of corrections" with "unless a presentence investigation has been ordered, must receive a criminal record report before the sentencing of the defendant. Unless otherwise ordered by the court, the criminal record report must be conducted by the department of corrections and rehabilitation after consulting with the prosecuting attorney regarding the defendant's criminal record. The criminal record report must be in writing, filed with the court before sentencing, and made a part of the court's record of the sentencing proceeding."

Page 2, remove lines 25 and 26

Page 7, line 8, remove "or" and after "12.1-22-01" insert ", subdivision b of subsection 2 of section 12.1-22-02, or an attempt to commit the offenses."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1249: Appropriations Committee (Rep. Dalrymple, Chairman) recommends DO PASS (14 YEAS, 3 NAYS, 6 ABSENT AND NOT VOTING). HB 1249 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1362: Political Subdivisions Committee (Rep. Soukup, Chairman) recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1362 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1373: Government and Veterans Affairs Committee (Rep. Wardner, Chairman)

recommends DO PASS (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1373 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1385: Political Subdivisions Committee (Rep. Soukup, Chairman) recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1385 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1400: Agriculture Committee (Rep. Nicholas, Chairman) recommends DO NOT PASS (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1400 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1423: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) recommends DO PASS (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1423 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1455: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) recommends DO NOT PASS (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1455 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1459: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) recommends DO PASS (9 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1459 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1464: Political Subdivisions Committee (Rep. Soukup, Chairman) recommends DO PASS (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1464 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1471: Political Subdivisions Committee (Rep. Soukup, Chairman) recommends DO NOT PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1471 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1478: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1478 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3023: Human Services Committee (Rep. Svedjan, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3023 was placed on the Sixth order on the calendar.

Page 1, line 1, after "resolution" replace the remainder of the resolution with "directing the Legislative Council to study the availability and coverage of long-term care insurance.

WHEREAS, North Dakota citizens are living longer; and

WHEREAS, the need for both home and institutional services increases with age; and

WHEREAS, long-term care insurance is promoted as providing a means for individuals to provide private coverage of expenses of long-term care and to protect assets from depletion; and

WHEREAS, long-term care insurance may help prevent fraudulent transfers of assets; and

WHEREAS, premiums for long-term care insurance may be tax deductible; and

WHEREAS, the Department of Human Services is proposing to spend \$215,300,000 in the 1995-97 biennium for skilled nursing and intermediate care services, which is an increase of \$35.9 million over the 1993-95 biennium; and

WHEREAS, the development of private insurance underwriting of long-term care services would benefit consumers, long-term care providers, and the state; and

WHEREAS, the increasing reliance on Medicaid and other forms of public assistance severely impacts the long-term care industry as well as the ability of public agencies to provide assistance;

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

That the Legislative Council study the availability and coverage of long-term care insurance; and

BE IT FURTHER RESOLVED, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Fifty-fifth Legislative Assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3033: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3033 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2125: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2125 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2126, as engrossed: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2126 was placed on the Fourteenth order on the calendar.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2002, SB 2005, SB 2074, SB 2085, SB 2180, SB 2248, SB 2283, SB 2285, SB 2334, SB 2448, SB 2450, SB 2451, SB 2456, SB 2473, SB 2493, SB 2519, SB 2532.

FIRST READING OF SENATE BILLS

SB 2002: A BILL for an Act to provide an appropriation for defraying the expenses of the secretary of state and public printing; and to amend and reenact section 54-09-05 of the North Dakota Century Code, relating to the salary of the secretary of state.

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

SB 2005: A BILL for an Act to provide an appropriation for defraying the expenses of the state treasurer; and to amend and reenact section 54-11-13 of the North Dakota Century Code, relating to the salary of the state treasurer.

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

SB 2074: A BILL for an Act to amend and reenact sections 57-02.1-02, 57-02.1-05, and 57-02.1-06 of the North Dakota Century Code, relating

to payments in lieu of real estate taxes made by the game and fish department.

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

SB 2085: A BILL for an Act to amend and reenact subsection 18 of section 65-01-02 of the North Dakota Century Code, relating to the definition of "fairly traceable to the employment" for purposes of workers' compensation.

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

SB 2180: A BILL for an Act to create and enact a new section to chapter 54-44 of the North Dakota Century Code, relating to authority of the office of management and budget to seek reimbursement for assessments by the United States department of education for default costs on student loans from institutions of higher education.

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

SB 2248: A BILL for an Act to create and enact a new section to chapter 15-40.1 of the North Dakota Century Code, relating to the distribution of school district transportation payments; and to declare an emergency.

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

SB 2283: A BILL for an Act to create and enact a new subsection to section 4-14.2-01 of the North Dakota Century Code, relating to funds appropriated to the northern crops institute; and to amend and reenact sections 4-05.1-02 and 4-08-10 of the North Dakota Century Code, relating to funds appropriated to the North Dakota state university extension service and agricultural experiment station.

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

SB 2285: A BILL for an Act to amend and reenact sections 14-02.4-02, 14-02.4-03, 14-02.4-04, 14-02.4-05, 14-02.4-06, 14-02.4-08, 14-02.4-09, 14-02.4-12, 14-02.4-13, 14-02.4-14, 14-02.4-15, 14-02.4-16, 14-02.4-17, and 14-02.4-18 of the North Dakota Century Code, relating to definitions for purposes of discrimination and reasonable accommodation of individuals with disabilities.

Was read the first time and referred to the **Human Services Committee**.

SB 2334: A BILL for an Act to create and enact a new section to chapter 14-08.1 of the North Dakota Century Code, relating to suspension of an occupational or professional license for nonpayment of child support.

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

SB 2448: A BILL for an Act to amend and reenact section 54-02-01 of the North Dakota Century Code, relating to use of the great seal.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

SB 2450: A BILL for an Act to create and enact a new section to chapter 61-24.3 of the North Dakota Century Code, relating to the southwest pipeline project.

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

SB 2451: A BILL for an Act to create and enact a new section to chapter 20.1-02 of the North Dakota Century Code, relating to funding of the motorboat programs and safety account from the highway tax distribution fund.

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

SB 2456: A BILL for an Act to amend and reenact section 49-10.1-17 of the North Dakota Century Code, relating to agreements to restore Amtrak service.

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

SB 2473: A BILL for an Act to amend and reenact subsection 2 of section 39-06.1-11 of the North Dakota Century Code, relating to temporary restricted motor vehicle operators' licenses.

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

SB 2493: A BILL for an Act to amend and reenact section 20.1-07-05 of the North Dakota Century Code, relating to the taking of protected fur-bearing animals for wildlife management purposes; and to declare an emergency.

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

SB 2519: A BILL for an Act to amend and reenact section 15-40.1-06 of the North Dakota Century Code, relating to per student payments and the school district equalization factor.

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

SB 2532: A BILL for an Act to amend and reenact subsection 4 of section 13-03.1-15 of the North Dakota Century Code, relating to closing costs on consumer finance loans.

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

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

ROY GILBREATH, Chief Clerk