

JOURNAL OF THE HOUSE

Fifty-fourth Legislative Assembly

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Bismarck, March 17, 1995

The House convened at 10:30 a.m., with Speaker Martin presiding.

The prayer was offered by the Rev. James Hanson, Our Savior's Lutheran Church, Hillsboro.

The roll was called and all members were present except Representatives Carlson, Freier, Hagle, Nicholas, and Oban.

A quorum was declared by the Speaker.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

The following communication was received from the Governor at 9:50 a.m., Friday, March 17, 1995.

This is to inform you that on March 17, 1995, I signed the following: HB 1120.

HOUSE ENROSSING AND ENROLLING REPORT

The following bill was enrolled: HB 1412.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2001, SB 2002, SB 2007, SB 2041, SB 2054, SB 2160, SB 2263, SB 2283, SB 2344.

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

MADAM PRESIDENT: The House has failed to pass: SB 2386, SB 2517.

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

MADAM PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2402, SB 2475.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2072, SB 2155, SB 2198, SB 2270, SB 2332, SB 2342, SB 2352, SB 2430, SB 2438, SB 2439, SB 2453, SB 2482, SB 2524, SCR 4026.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1149, HB 1155, HB 1163, HB 1165, HB 1236, HB 1253, HB 1274, HB 1329, HB 1496.

SENATE AMENDMENTS TO HOUSE BILL NO. 1149

Page 2, line 20, remove the overstrike over "~~This subsection~~"

Page 2, remove the overstrike over lines 21 through 23

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1155

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

Page 3, line 10, after "requirements" insert "- Penalty"

Page 4, after line 13, insert:

"6. A person may not act as or hold oneself out to be a viatical settlement provider unless licensed under this chapter. Any

person willfully violating this section is guilty of a class C felony."

Page 8, after line 20, insert:

"26.1-33.1-09. Authority to adopt rules and standards. The commissioner may:

1. Adopt rules to implement this chapter.
2. Establish standards for evaluating reasonableness of payments under viatical settlement contracts. This authority includes regulation of discount rates used to determine the amount paid in exchange for assignment, transfer, sale, devise, or bequest of a benefit under a life insurance policy.
3. Establish appropriate licensing requirements and fees for agents and brokers.
4. Require a bond."

Page 8, line 21, replace "26.1-33.1-09" with "26.1-33.1-10"

Page 8, line 24, replace "26.1-33.1-10" with "26.1-33.1-11"

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1163

Page 1, line 19, after "physician" insert "or licensed nurse practitioner"

Page 2, line 2, after "physician" insert "or licensed nurse practitioner"

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1165

Page 1, line 9, after "reenact" insert "section 10-04-16,"

Page 1, line 10, replace the third "section" with "sections 43-10.1-07,"

Page 1, line 11, remove the first "and", replace the second "and" with a comma, and after "g" insert ", and h"

Page 1, line 12, after "51-19-13" insert ", and section 51-19-14"

Page 2, after line 13, insert:

"SECTION 5. AMENDMENT. Section 10-04-16 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

10-04-16. Orders, injunctions, and prosecutions for violations. ~~Whenever~~ If it shall appear ~~appears~~ to the commissioner, either upon complaint or otherwise, that any person has engaged in, or is engaging in, or is about to engage in any act or practice or transaction ~~which~~ that is prohibited by this chapter or by any order of the commissioner issued pursuant to any section of under this chapter or which is declared to be illegal in this chapter, the commissioner may, ~~in his discretion:~~

1. Issue any order including, ~~but not limited to,~~ cease and desist, stop, and suspension orders, which the commissioner deems necessary or appropriate in the public interest or for the protection of investors. The commissioner may, in addition to any other remedy authorized by this chapter, impose by order and collect a civil penalty against any person found in an administrative action to have violated any

provision of this chapter, or any ~~regulation, rule, or order~~ adopted or issued under this chapter, in an amount not to exceed ten thousand dollars for each violation. The ~~attorney general, upon the commissioner's request,~~ commissioner may bring actions to recover penalties pursuant to this section in district court. ~~However, any~~ A person aggrieved by an order issued pursuant to this subsection may request a hearing before the commissioner if ~~such a written~~ request is made within ten days after receipt of the order. ~~The provisions of subsections~~ Subsections 2, 3, 4, and 5 of section 10-04-12 apply to any hearing conducted ~~hereunder~~ under this subsection. If, after a hearing, the commissioner ~~shall sustain~~ sustains an order previously issued, the sustaining order is subject to appeal to the district court of Burleigh County by serving on the commissioner within twenty days after the date of entry of the sustaining order a written notice of appeal signed by the appellant stating:

- a. The order of the commissioner from which the appeal is taken.
- b. The grounds upon which a reversal or modification of ~~such~~ the order is sought.
- c. A demand for a certified transcript of the record of ~~such~~ the order.

~~The provisions of subdivisions~~ Subdivisions a and b of subsection 3 of section 10-04-13 apply to an appeal ~~hereunder~~ under this subsection.

2. Apply to the district court of any county in this state for an injunction restraining ~~such~~ the person and ~~his~~ the person's agents, employees, partners, officers, and directors from continuing ~~such~~ the act, practice, or transaction or engaging therein or doing any acts in furtherance thereof, and for such other and further relief as the facts ~~may~~ warrant. In any proceeding for an injunction, the commissioner may apply for and on due showing be ~~entitled to~~ have issued the court's subpoena requiring the appearance forthwith of any defendant and ~~his~~ the defendant's agents, employees, partners, officers, or directors, and the production of ~~such~~ the documents, books, and records ~~as may~~ appear necessary for the hearing upon the petition for an injunction. Upon proof of any of the offenses described in this section, the court may grant ~~such~~ the injunction as the facts ~~may~~ warrant, and a receiver or conservator may be appointed for the defendant or the defendant's assets. The court may not require the commissioner to post a bond.
3. Refer ~~such any~~ evidence ~~as may be~~ available concerning ~~such~~ the act, practice, or transaction to the ~~attorney general or the proper state's attorney~~ appropriate criminal prosecutor who may, with or without ~~such a~~ the reference, institute the necessary criminal proceedings. ~~In any criminal proceeding, the attorney general or the state's attorney~~ The prosecutor may apply for and on due showing be ~~entitled to~~ have issued the court's subpoena requiring the appearance forthwith of any defendant and ~~his~~ the defendant's agents, employees, partners, officers, and directors, and the production of ~~such any~~ documents, books, and records ~~as may appear~~ necessary for the prosecution of ~~such~~ the criminal proceedings. ~~The court may impose upon any defendant convicted of any of the offenses described in this section such penalty, in accord~~

~~with the provisions of section 10-04-18, as the facts may warrant."~~

Page 3, line 17, remove "attorney general, upon the request of"

Page 3, line 18, remove "the" and remove the underscored comma

Page 3, line 21, after "made" insert ", in writing,"

Page 3, after line 24, insert:

"SECTION 10. AMENDMENT. Section 43-10.1-07 of the North Dakota Century Code is amended and reenacted as follows:

~~43-10.1-07. Prosecution for violations of law. If, as a result of verification procedures or investigations as provided in sections 43-10.1-05 and 43-10.1-06.2, or based upon other reliable information, the securities commissioner, after consultation with the attorney general, believes that grounds for criminal prosecution of the operator or manager of any licensed funeral establishment or cemetery association or any other person exist for violation of this chapter or any other law of this state, the securities~~ The commissioner may forward such information and refer any evidence as is available or known to him to the state's attorney of the county having jurisdiction over such concerning a violation for such criminal prosecution of such operator, manager, or other person as the information and evidence requires this chapter or of any rule or order issued under this chapter to the appropriate criminal prosecutor who may, with or without the reference, institute criminal proceedings under this chapter. The criminal prosecutor may apply for and on due showing be issued the court's subpoena requiring the appearance forthwith of any defendant and the defendant's agents, employees, partners, officers, and directors, and the production of any documents, books, and records necessary for the prosecution of the criminal proceedings."

Page 3, line 27, after "Penalties." insert:

"1."

Page 3, line 28, overstrike "made"

Page 3, line 29, overstrike "pursuant to", after "of" insert "under", and overstrike ", or who engages in any act,"

Page 4, line 1, overstrike "practice, or transaction declared by" and overstrike "this chapter to be"

Page 4, line 2, overstrike "unlawful"

Page 4, after line 2, insert:

"2. An information must be filed or an indictment must be found under this chapter within five years after the commissioner or criminal prosecutor knew or reasonably should have known about the facts that are the basis for the prosecution.

3. "Willfully" means the person was aware of the consequences of the person's actions, and proof of evil motive or intent to violate the law or knowledge that the law was being violated is not required. Each act or omission is a separate offense, and a prosecution or conviction for an offense does not bar a prosecution or conviction for any other offense."

Page 4, line 16, replace "ten" with "six"

Page 5, line 1, replace "and" with a comma and after "g" insert ", and h"

Page 5, line 16, remove "attorney general, upon the request of the" and remove the second underscored comma

Page 6, line 7, remove "attorney general, upon the request"

Page 6, line 8, remove "of the" and remove the underscored comma

Page 6, after line 14, insert:

"h. The commissioner may refer ~~such~~ evidence ~~as is~~ available concerning any violation of this chapter or of any rule or order hereunder issued under this chapter to the ~~county attorney of the county in which the violation occurred~~ appropriate criminal prosecutor who may, with or without ~~such a~~ the reference, institute ~~appropriate~~ criminal proceedings under this chapter. The criminal prosecutor may apply for and on due showing be issued the court's subpoena requiring the appearance forthwith of any defendant and the defendant's agents, employees, partners, officers, and directors, and the production of any documents, books, and records necessary for the prosecution of the criminal proceedings."

Page 6, after line 22, insert:

"SECTION 18. AMENDMENT. Section 51-19-14 of the North Dakota Century Code is amended and reenacted as follows:

51-19-14. Criminal penalties.

1. Any person who willfully violates any provision of this chapter or who willfully violates any rule or order under this chapter is guilty of a class B felony; ~~but no person may be imprisoned for the violation of any rule or order if he proves that he had no knowledge of the rule or order.~~
2. Any person who willfully employs, directly or indirectly, any device, scheme, or artifice to defraud in connection with the offer or sale of any franchise or willfully engages, directly or indirectly, in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person in connection with the offer, purchase, or sale of any franchise is guilty of a class B felony.
3. Nothing in this chapter limits the power of the state to punish any person for any conduct ~~which~~ that constitutes a crime.
4. An information must be filed or an indictment must be found under this chapter within five years after the commissioner or criminal prosecutor knew or reasonably should have known about the facts that are the basis for the prosecution.
5. "Willfully" means the person was aware of the consequences of the person's actions, and proof of evil motive or intent to violate the law or knowledge that the law was being violated is not required. Each act or omission is a separate offense, and a prosecution or conviction for an offense does not bar a prosecution or conviction for any other offense."

Page 7, line 14, replace "the federal treasury" with "a" and after "rate" insert "consistent with section 47-14-05"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1236

Page 1, line 1, after "6-01-17.1" insert a comma

Page 1, line 2, remove "and" and after "6-05" insert ", a new section to chapter 57-35, and a new section to chapter 57-35.2"

Page 1, line 4, remove "and"

Page 1, line 5, after "company" insert ", and the taxation of trust companies; to amend and reenact subsection 2 of section 57-35-01 and subsection 4 of section 57-35.2-01 of the North Dakota Century Code, relating to the taxation of trust companies; and to provide an effective date"

Page 1, underscore lines 10 through 12

Page 1, underscore lines 15 through 21

Page 2, underscore lines 1 through 27

Page 2, line 28, underscore "business will jeopardize the solvency of the trust company; and after the semicolon insert "or"

Page 3, underscore lines 1 and 2

Page 3, line 3, underscore "unsound condition" and replace "; or" with an underscored period

Page 3, remove lines 4 through 6

Page 3, underscore lines 9 through 29

Page 4, underscore lines 1 through 19

Page 4, line 20, underscore "company;" and after the semicolon insert "or"

Page 4, underscore lines 21 and 22

Page 4, line 23, underscore "unsound condition" and replace "; or" with an underscored period

Page 4, remove lines 24 and 25

Page 4, underscore lines 26 and 27

Page 4, after line 27, insert:

"SECTION 4. AMENDMENT. Subsection 2 of section 57-35-01 of the North Dakota Century Code is amended and reenacted as follows:

2. "Trust company" includes any trust company organized under the laws of this state with its principal place of, the United States, another state, a foreign country, or a dependency or insular possession of the United States, and doing business in this state.

SECTION 5. A new section to chapter 57-35 of the North Dakota Century Code is created and enacted as follows:

Imposition of tax on interstate trust companies. If the provisions of this chapter do not fairly represent the extent of the trust company's business activity in this state, the tax commissioner may require, with respect to all or any part of the trust company's

business activity, if reasonable, the employment of another method to effectuate an equitable allocation and apportionment of the trust company's income.

SECTION 6. AMENDMENT. Subsection 4 of section 57-35.2-01 of the North Dakota Century Code is amended and reenacted as follows:

4. "Trust company" means any trust company organized under the laws of this state, any other state, ~~or of the United States, with a place of a foreign country, or a dependency or insular possession of the United States,~~ and doing business in this state.

SECTION 7. A new section to chapter 57-35.2 of the North Dakota Century Code is created and enacted as follows:

Imposition of tax on interstate trust companies. If the provisions of this chapter do not fairly represent the extent of the trust company's business activity in this state, the tax commissioner may require, with respect to all or any part of the trust company's business activity, if reasonable, the employment of another method to effectuate an equitable allocation and apportionment of the trust company's income.

SECTION 8. EFFECTIVE DATE. Sections 4, 5, 6, and 7 of this Act are effective for taxable years beginning after December 31, 1994."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1253

Page 3, line 19, remove the overstrike over "~~position~~" and remove "occupation, any employer"

Page 3, after line 20 after "b." insert "Return to the same occupation, any employer."

c. Return to a modified position.

d."

Page 3, line 22, overstrike "c." and insert immediately thereafter "e."

Page 3, line 25, overstrike "d." and insert immediately thereafter "f."

Page 3, line 28, overstrike "e." and insert immediately thereafter "g."

Page 3, line 29, overstrike "f." and insert immediately thereafter "h."

Page 4, line 1, overstrike "g." and insert immediately thereafter "i."

Page 4, line 2, overstrike "h." and insert immediately thereafter "j."

Page 4, line 3, remove "or" and after "e" insert ", f, or g"

Page 6, line 13, remove "must" and after "also" insert "shall"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1274

Page 1, line 18, remove "or per-line" and after the underscored period insert "Per-line blocking must be provided without charge for residential customers and business customers with special needs, such as law enforcement and domestic violence agencies."

Page 1, remove lines 19 and 20

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1329

Page 1, line 1, remove "65-04-12," and remove "65-04-14,"

Page 1, line 2, remove "65-04-19, 65-04-23,"

Page 1, line 4, remove "penalties for failure to obtain workers' compensation coverage and submit"

Page 1, line 5, remove "payroll reports,"

Page 1, remove line 6

Page 1, line 7, remove "penalties for default in payments to the workers compensation bureau,"

Page 1, remove lines 12 through 22

Page 2, remove lines 1 through 10

Page 3, remove lines 1 through 29

Page 4, remove lines 1 through 10

Page 9, line 21, remove "Neither the bureau nor a court of competent"

Page 9, remove lines 22 and 23

Page 9, line 24, remove "be uninsured under this title."

Page 10, line 29, after the overstruck period insert "A determination by the bureau that a person is not an employer required to obtain workers' compensation coverage under this title is a defense to any claim that the person failed to obtain coverage for the time period during which the determination is effective."

Page 12, line 3, overstrike "two" and after "~~hundred~~" insert "one"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1496

Page 1, line 11, replace "shall" with "may"

Page 1, line 17, replace "representatives" with "individuals selected by the governor" and after "from" insert "a list of five nominees recommended by"

Page 1, line 19, replace "representatives" with "individuals selected by the governor" and after "from" insert "a list of five nominees recommended by"

Page 2, line 1, replace "representatives" with "individuals selected by the governor" and after "from" insert "a list of five nominees recommended by"

Page 2, line 3, replace "representatives" with "individuals selected by the governor" and after "from" insert "a list of five nominees recommended by"

Renumber accordingly

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SCR 4029, SCR 4030, SCR 4040.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2150, SCR 4010, SCR 4021, SCR 4027, SCR 4031, SCR 4033, SCR 4047, SCR 4050, SCR 4052, SCR 4053.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1086, HB 1099, HB 1173, HB 1175, HB 1187, HB 1196, HB 1247, HB 1263.

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

MR. SPEAKER: The Senate has failed to pass: HB 1241.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3011: A concurrent resolution for the amendment of subsection 1 of section 6 of article VIII and sections 12 and 13 of article IX of the Constitution of North Dakota, relating to the names, locations, and missions of the institutions of higher education.

ROLL CALL

The question being on the adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 54 YEAS, 40 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Austin; Bateman; Belter; Berg; Bernstein; Boehm; Byerly; Carlisle; Christopherson; Clark; Clayburgh; Dalrymple; DeKrey; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Galvin; Glassheim; Gorder; Gorman; Grosz; Gulleon; Henegar, D.; Henegar, K.; Howard; Jacobs; Keiser; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Lloyd; Monson; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Schimke; Schmidt; Skarphol; Soukup; Svedjan; Thompson; Thoreson; Tollefson; Torgerson; Walker

NAYS: Aarsvold; Boucher; Brown; Christenson; Coats; Delmore; Froseth; Gerntholz; Grumbo; Gunter; Hanson; Hausauer; Holm; Huether; Johnson; Kaldor; Kelsch; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martinson; Mickelson; Mutzenberger; Nicholas; Nichols; Nottestad; Sabby; Sandvig; Shide; Sitz; Stenehjem; Sveen; Timm; Wald; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Carlson; Freier; Hagle; Oban

HCR 3011 was declared adopted on a roll call vote.

MOTION

REP. BERNSTEIN MOVED that the vote by which HCR 3011 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed on a verification vote.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative William Gackle.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3028: A concurrent resolution for the repeal of sections 6, 7, and 19 of article X of the Constitution of North Dakota, relating to a poll tax on males, an acreage tax for hail damage indemnification, and terminal grain elevators in Minnesota or Wisconsin.

ROLL CALL

The question being on the adoption of the resolution, 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; Dalrymple; Delmore; Gerntholz; Glassheim; Kaldor; Kerzman; Koppelman; Laughlin; Maragos; Monson; Rydell; Wentz

NAYS: Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Christenson; Christopherson; Clark; Clayburgh; Coats; DeKrey; Delzer; DeWitz; Dobrinski; Dorso; Froseth; Galvin; Gorder; Gorman; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kliniske; Kretschmar; Kroeber; Kunkel; Lloyd; Mahoney; Martinson; Mickelson; Mutzenberger; Nicholas; Nichols; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Speaker Martin

ABSENT AND NOT VOTING: Carlson; Drovdal; Freier; Grosz; Hagle; Oban; Wilkie

HCR 3028 was declared lost on a roll call vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3035: A concurrent resolution to create and enact two new sections to article V of the Constitution of North Dakota, relating to executive branch organization and a state planning council.

ROLL CALL

The question being on the adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 5 YEAS, 89 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Grosz; Huether; Kaldor; Kretschmar

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

ABSENT AND NOT VOTING: Carlson; Freier; Hagle; Oban

HCR 3035 was declared lost on a roll call vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3036: A concurrent resolution to create and enact a new section to article I of the Constitution of North Dakota, relating to the right of parents to direct the upbringing and education of their children.

MOTION

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

ROLL CALL

The question being on the adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 42 YEAS, 52 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bateman; Belter; Bernstein; Boehm; Brown; Carlisle; Coats; DeKrey; Delzer; DeWitz; Dobrinski; Galvin; Gerntholz; Gorder; Gorman; Grosz; Henegar, D.; Jacobs; Johnson; Kelsch; Kerzman; Klein; Kliniske; Koppelman; Lloyd; Mahoney; Olson; Poolman; Rennerfeldt; Retzer; Sabby; Sandvig; Schimke; Schmidt; Shide; Soukup; Thompson; Timm; Tollefson; Wald; Walker; Wardner

NAYS: Aarsvold; Austin; Berg; Boucher; Byerly; Christenson; Christopherson; Clark; Clayburgh; Dalrymple; Delmore; Dorso; Drovdal; Froseth; Glassheim; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Kaldor; Keiser; Kempenich; Kretschmar; Kroeber; Kunkel; Laughlin; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Payne; Price; Rydell; Sitz; Skarphol; Stenehjem; Svedjan; Sveen; Thoreson; Torgerson; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Carlson; Freier; Hagle; Oban

HCR 3036 was declared lost.

MOTION

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

THE HOUSE RECONVENED, with Speaker Martin presiding.

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3011.

CORRECTION AND REVISION OF THE JOURNAL

MR. SPEAKER: Your Committee on Correction and Revision of the Journal (**Rep. Drovdal, Chairman**) has carefully reexamined the Journal of the Forty-seventh Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 969, line 16, after "temporary" insert "respiratory"

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

MOTION

REP. DORSO MOVED that Engrossed SB 2327, Engrossed SB 2351, and SB 2520, which are on the Sixth order, be laid over one legislative day, which motion prevailed.

SIXTH ORDER OF BUSINESS

The amendments on the Sixth order of business to HCR 3029, Engrossed SB 2045, Reengrossed SB 2080, Engrossed SB 2104, SB 2134, Engrossed SB 2176, SB 2212, Engrossed SB 2231, Engrossed SB 2242, SB 2404, Engrossed SB 2405, Engrossed SB 2452, and Engrossed SB 2500 were adopted.

Engrossed SB 2045 and Reengrossed SB 2080, as amended, were rereferred to the **Appropriations Committee**.

HCR 3029, as amended, was placed on the Eleventh order of business on today's calendar.

Engrossed SB 2104, SB 2134, Engrossed SB 2176, SB 2212, Engrossed SB 2231, Engrossed SB 2242, SB 2404, Engrossed SB 2405, SB 2452, and Engrossed SB 2500, as amended, were placed on the Fourteenth order of business on today's calendar.

MOTION

REP. DORSO MOVED that SB 2031, SB 2237, and Reengrossed SB 2388, as amended, which are on the Fourteenth order, be laid over one legislative day, which motion prevailed.

MOTION

REP. DORSO MOVED that SCR 4006 be placed at the top of the calendar, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4006: A concurrent resolution directing the Legislative Council to study statutory and systemic changes necessitated by the implementation of middle school concepts.

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

SCR 4006 was declared adopted on a voice vote.

MOTION

REP. TIMM MOVED that the House reconsider its action whereby Engrossed HB 1353 passed, which motion prevailed on a verification vote.

MOTION

REP. TIMM MOVED that the House reconsider its action whereby the House did concur in the Senate amendments to Engrossed HB 1353, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. TIMM MOVED that the House do not concur in the Senate amendments to Engrossed HB 1353 as printed on HJ page 1018 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1353: Reps. Lloyd, Brown, and Dobrinski.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3029: A concurrent resolution for amendment of section 1 of article XI of the Constitution of North Dakota, relating to the description of the boundary of North Dakota.

ROLL CALL

The question being on the adoption of the amended resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 8 YEAS, 85 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Dalrymple; Delmore; Kaldor; Maragos; Nichols; Nottestad; Stenehjem

NAYS: Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Christenson; Christopherson; Clark; Clayburgh; Coats; DeKrey; Delzer; DeWitz; Dobrinski; Dorsó; Drovdal; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Olson; Payne; Poolman;

Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Carlson; Freier; Hagle; Henegar, D.; Oban

HCR 3029, as amended, was declared lost.

SECOND READING OF SENATE BILL

SB 2104: A BILL for an Act to amend and reenact sections 16.1-11-08, 34-05-01.2, and subsection 2 of section 54-06-01 of the North Dakota Century Code, relating to the appointment of the labor commissioner by the governor; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 67 YEAS, 26 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

NAYS: Aarsvold; Boucher; Christenson; Coats; Delmore; Delzer; Dobrinski; Froseth; Glassheim; Gorder; Grumbo; Gulleson; Hanson; Huether; Kaldor; Kerzman; Kroeber; Laughlin; Mahoney; Mutzenberger; Nichols; Retzer; Sandvig; Schmidt; Sitz; Thompson

ABSENT AND NOT VOTING: Carlson; Freier; Hagle; Henegar, D.; Oban

Engrossed SB 2104, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2134: A BILL for an Act to amend and reenact sections 52-01-03 and 52-06-01 of the North Dakota Century Code, relating to disclosure of information and eligibility for unemployment compensation benefits.

ROLL CALL

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

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dorso; Drovdal; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; 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; Nicholas; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Dobrinski; Mutzenberger; Nichols

ABSENT AND NOT VOTING: Carlson; Freier; Hagle; Henegar, D.; Oban

SB 2134, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2176: A BILL for an Act to amend and reenact section 18-04-05 and subsection 1 of section 26.1-03-17 of the North Dakota Century Code, relating to payments from the insurance tax distribution fund and allocation of the insurance premium tax.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Carlson; Freier; Hagle; Henegar, D.; Maragos; Oban

Engrossed SB 2176, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2212: A BILL for an Act to amend and reenact subsection 22 of section 43-15-01 of the North Dakota Century Code, relating to the definition of practice of pharmacy.

ROLL CALL

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

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gullerson; Gunter; 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; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Carlson; Freier; Hagle; Henegar, D.; Oban

SB 2212, as amended, passed and the title was agreed to.

MOTION

REP. DORSO MOVED that the House waive the reading of the title to Engrossed SB 2231, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2231: A BILL for an Act to create and enact a new subsection to section 11-19.1-01 and four new sections to chapter 50-25.1 of the North Dakota Century Code, relating to definitions and to the duty of the state child protection team to serve as a child fatality review panel; to amend and reenact subsection 2 of section 11-19.1-07, sections 11-19.1-11, 11-19.1-13, 23-02.1-27, 50-25.1-01, 50-25.1-03, 50-25.1-04.1, 50-25.1-05.4, 50-25.1-05.5, 50-25.1-09, 50-25.1-09.1, 50-25.1-10, and 50-25.1-13 of the North Dakota Century Code, relating to reporting the death of a child which may have resulted from child abuse or neglect; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 1 NAY, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleon; Gunter; 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; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Clayburgh

ABSENT AND NOT VOTING: Bateman; Carlson; Freier; Hagle; Henegar, D.; Oban

Engrossed SB 2231, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2242: A BILL for an Act to amend and reenact section 39-26-04 of the North Dakota Century Code, relating to the reimbursement of towing and storage costs of abandoned motor vehicles.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 10 YEAS, 81 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Bateman; Belter; Dalrymple; Delmore; Gulleon; Howard; Soukup; Wald; Wentz; Wilkie

NAYS: Aarsvold; Austin; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Christenson; Christopherson; Clark; Clayburgh; Coats; DeKrey; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grosz; Grumbo; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Kretschmar; Kroeber; Kunkel;

Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Walker; Wardner; Speaker Martin

ABSENT AND NOT VOTING: Carlson; Freier; Gorman; Hagle; Henegar, D.; Koppelman; Oban

Engrossed SB 2242, as amended, was declared lost.

SECOND READING OF SENATE BILL

SB 2404: A BILL for an Act to create and enact a new subsection to section 43-11-02 of the North Dakota Century Code, relating to exemptions from cosmetology regulations.

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 82 YEAS, 11 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

NAYS: Hanson; Huether; Kerzman; Laughlin; Maragos; Mickelson; Rydell; Stenehjem; Tollefson; Walker; Wentz

ABSENT AND NOT VOTING: Carlson; Freier; Hagle; Henegar, D.; Oban

SB 2404, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2405: A BILL for an Act to amend and reenact subsection 11 of section 28-32-01 and subsections 6 and 7 of section 28-32-02 of the North Dakota Century Code, relating to adoption of administrative rules.

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 91 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; DeWitz; Dobrinski; Dorso; Drovdal; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleeson; Gunter; 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; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup;

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

ABSENT AND NOT VOTING: Carlson; Delzer; Freier; Hagle; Henegar, D.; Oban; Olson

Engrossed SB 2405, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2452: A BILL for an Act to provide for the sale of controlled substance tax stamps as novelties by the tax commissioner; to repeal chapter 57-36.1 of the North Dakota Century Code, relating to the imposition of the controlled substance tax; 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 PASS, the roll was called and there were 83 YEAS, 8 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Christenson; Christopherson; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Froseth; Galvin; Gerntholz; Glasheim; Gorder; Gorman; Grosz; Grumbo; Gulleon; Hanson; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Keiser; Kelsch; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjelm; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Walker; Wardner; Wentz; Speaker Martin

NAYS: Byerly; Carlisle; Clark; Gunter; Kaldor; Kempenich; Wald; Wilkie

ABSENT AND NOT VOTING: Carlson; Freier; Hagle; Hausauer; Henegar, D.; Oban; Olson

Engrossed SB 2452, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2500: A BILL for an Act to amend and reenact sections 35-01-27 and 35-03-16 of the North Dakota Century Code, relating to satisfaction and discharge of mortgages on real property.

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 91 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Froseth; Galvin; Gerntholz; Glasheim; Gorder; Gorman; Grosz; Grumbo; Gulleon; Gunter; Hanson; 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; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjelm; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Carlson; Freier; Hagle; Hausauer; Henegar, D.; Oban; Olson

Engrossed SB 2500, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2024: A BILL for an Act to provide an appropriation for defraying the expenses of the tourism department.

ROLL CALL

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

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hanson; 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; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Carlson; Freier; Hagle; Hausauer; Henegar, D.; Oban; Olson

Engrossed SB 2024 passed and the title was agreed to.

MOTION

REP. DORSO MOVED that SB 2161 be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed. Pursuant to Rep. Dorso's motion, SB 2161 was rereferred.

MOTION

REP. DORSO MOVED that the House waive the reading of the title to Engrossed SB 2135, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2135: A BILL for an Act to amend and reenact sections 52-02-09, 52-02-10, 52-02-11, 52-03-01, 52-03-03, 52-03-04, subsection 4 of section 52-03-07, and section 52-04-22 of the North Dakota Century Code, relating to the job service administration, unemployment compensation administration, and federal advance interest repayment funds; and to repeal section 52-03-02 of the North Dakota Century Code, relating to the state treasurer as treasurer of the unemployment compensation and federal advance interest repayment funds.

ROLL CALL

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

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz;

Grumbo; Gulleson; Gunter; Hanson; 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; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjelm; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Carlson; Freier; Hagle; Hausauer; Henegar, D.; Oban; Olson; Wentz

Engrossed SB 2135 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2230: A BILL for an Act to amend and reenact section 26.1-36-07 of the North Dakota Century Code, relating to health insurance coverage for newborn and adopted children.

ROLL CALL

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

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hanson; 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; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjelm; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Carlson; Freier; Hagle; Hausauer; Henegar, D.; Oban; Olson

Engrossed SB 2230 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2280: A BILL for an Act to amend and reenact subsection 16 of section 65-01-02 of the North Dakota Century Code, relating to the definition of employer for workers' compensation purposes.

ROLL CALL

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

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hanson; 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; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell;

Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjøm; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Carlson; Freier; Hagle; Hausauer; Henegar, D.; Oban; Olson

Engrossed SB 2280 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2290: A BILL for an Act relating to the establishment of school safety patrols and immunity from liability; and to repeal sections 15-47-44 and 15-47-45 of the North Dakota Century Code, relating to the authorization and appointment of school safety patrols.

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, 0 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bernstein; Carlson; Freier; Hagle; Henegar, D.; Holm; Monson; Oban; Olson

Engrossed SB 2290 passed and the title was agreed to.

MOTION

REP. SKARPHOL MOVED that the House reconsider its action whereby Engrossed SB 2231, as amended, passed, which motion prevailed on a verification vote.

MOTION

REP. DORSO MOVED that Engrossed SB 2231, as amended, be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Rep. Dorso's motion, Engrossed SB 2231, as amended, was rereferred.

SECOND READING OF SENATE BILL

SB 2295: A BILL for an Act to create and enact a new subsection to section 58-03-07 of the North Dakota Century Code, relating to the authority of the electors of a township to transfer township funds to a rural ambulance service district.

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

YEAS: Aarsvold; Boucher; Brown; Byerly; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; DeWitz; Dobrinski; Drovda; Froseth; Galvin; Gerntholz; Glasheim; Gorder; Grosz; Grumbo;

Gulleson; Gunter; 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; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Soukup; Stenehjelm; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Austin; Bateman; Belter; Berg; Boehm; Carlisle; Delzer; Dorso; Gorman; Mickelson; Payne; Skarphol; Timm; Wald; Walker

ABSENT AND NOT VOTING: Bernstein; Carlson; Freier; Hagle; Henegar, D.; Oban; Olson

SB 2295 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2296: A BILL for an Act to create and enact two new sections to chapter 18-11 and a new subsection to section 18-11-15 of the North Dakota Century Code, relating to commencement of benefit payments, vesting, and benefit limitations under the alternate firefighters relief association plan; and to amend and reenact sections 18-11-13 and 18-11-19 of the North Dakota Century Code, relating to the alternate firefighters relief association plan state fund and treatment of forfeitures under the alternate firefighters relief association 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 90 YEAS, 0 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Boehm; Boucher; Brown; Byerly; Carlisle; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Froeth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; 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; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Bernstein; Carlson; Freier; Hagle; Henegar, D.; Oban; Olson; Stenehjelm

SB 2296 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2297: A BILL for an Act to amend and reenact section 18-11-15 of the North Dakota Century Code, relating to qualifications for service pensions under the alternate firefighters relief association plan; and to provide for application of this Act.

ROLL CALL

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

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Boehm; Boucher; Brown; Byerly; Carlisle; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; Dewitz; Dobrinski; Dorso; Drovdal; Froseth; Galvin; Gerntholz; Glasheim; Gorder; Gorman; Grosz; Grumbo; Gullerson; Gunter; 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; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Bernstein; Carlson; Freier; Hagle; Henegar, D.; Oban; Olson

Engrossed SB 2297 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2302: A BILL for an Act to amend and reenact section 57-15-59 of the North Dakota Century Code, relating to counties' and cities' authority to enter leases for court facilities.

ROLL CALL

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

YEAS: Aarsvold; Austin; Bateman; Berg; Boehm; Boucher; Brown; Byerly; Carlisle; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; Dewitz; Dobrinski; Dorso; Drovdal; Froseth; Galvin; Gerntholz; Glasheim; Gorder; Gorman; Grosz; Grumbo; Gullerson; Gunter; 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; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Belter; Bernstein; Carlson; Freier; Hagle; Henegar, D.; Oban; Olson

SB 2302 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2303: A BILL for an Act to amend and reenact subsection 2 of section 5-01-01 and subsection 3 of section 5-01-02 of the North Dakota Century Code, relating to the definition of alcoholic beverages and exceptions to alcoholic beverage regulations.

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

YEAS: Boucher; Christenson; Delmore; Grumbo; Gullerson; Keiser; Wilkie

NAYS: Aarsvold; Austin; Bateman; Belter; Berg; Boehm; Brown; Byerly; Carlisle; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey;

Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Froseth; Galvin; Gerntholz; Glassheim; Gordier; Gorman; Grosz; Gunter; 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; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Speaker Martin

ABSENT AND NOT VOTING: Bernstein; Carlson; Freier; Hagle; Henegar, D.; Oban; Olson

SB 2303 was declared lost.

MOTION

REP. DORSO MOVED that SCR 4013 be moved to the top of the calendar, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4013: A concurrent resolution for the amendment of sections 8 and 13 of article IV, section 7 of article V, and section 9 of article XI of the Constitution of North Dakota, relating to election of presiding officers of the legislative assembly, legislative procedures, powers and duties of the lieutenant governor, and impeachment proceedings; and to repeal section 13 of article XI of the Constitution of North Dakota, relating to impeachment proceedings.

ROLL CALL

The question being on the adoption of the resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 68 YEAS, 23 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Boucher; Brown; Byerly; Carlisle; Christenson; Christopherson; Coats; Dalrymple; DeKrey; Delmore; DeWitz; Dobrinski; Dorso; Drovdal; Froseth; Galvin; Gerntholz; Glassheim; Gorman; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Martinson; Mutzenberger; Nicholas; Nichols; Nottestad; Payne; Rennerfeldt; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Soukup; Stenehjem; Svedjan; Thoreson; Timm; Wald; Wardner; Wilkie

NAYS: Austin; Bateman; Boehm; Clark; Clayburgh; Delzer; Gordier; Grosz; Koppelman; Maragos; Mickelson; Monson; Poolman; Price; Retzer; Skarphol; Sveen; Thompson; Tollefson; Torgerson; Walker; Wentz; Speaker Martin

ABSENT AND NOT VOTING: Bernstein; Carlson; Freier; Hagle; Henegar, D.; Oban; Olson

SCR 4013 was declared adopted on a roll call vote.

SECOND READING OF SENATE BILL

SB 2308: A BILL for an Act relating to the national assessment of educational progress.

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

YEAS: Austin; Bateman; Belter; Boehm; Brown; Carlisle; Christopherson; Delzer; Drovdal; Galvin; Gorder; Gorman; Grosz; Henegar, K.; Jacobs; Kempenich; Kerzman; Koppelman; Lloyd; Mahoney; Maragos; Payne; Shide; Wald; Speaker Martin

NAYS: Aarsvold; Berg; Boucher; Byerly; Christenson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Dewitz; Dobrinski; Dorso; Froseth; Gerntholz; Glassheim; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Holm; Howard; Huether; Johnson; Kaldor; Keiser; Kelsch; Klein; Kliniske; Kretschmar; Kroeber; Kunkel; Laughlin; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Walker; Wardner; Wentz; Wilkie

ABSENT AND NOT VOTING: Bernstein; Carlson; Freier; Hagle; Henegar, D.; Oban; Olson

Reengrossed SB 2308 was declared lost.

SECOND READING OF SENATE BILL

SB 2356: A BILL for an Act to amend and reenact sections 46-02-01, 46-02-09, and 46-02-14 of the North Dakota Century Code, relating to authorization for printing by state agencies.

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 87 YEAS, 1 NAY, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

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

NAYS: Froseth

ABSENT AND NOT VOTING: Bernstein; Carlson; Dalrymple; Dorso; Freier; Hagle; Henegar, D.; Maragos; Oban; Olson

Engrossed SB 2356 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2362: A BILL for an Act to amend and reenact section 14-02.4-21 of the North Dakota Century Code, relating to mediation of discrimination complaints by the department of labor.

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 80 YEAS, 6 NAYS, 0 EXCUSED, 12 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Boehm; Boucher; Brown; Byerly; Carlisle; Christopherson; Clark; Clayburgh; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Froseth; Galvin; Gerntholz; Glassheim; Gorman; Grosz; Grumbo; Gullerson; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Martinson; Mickelson; Monson; Nicholas; Nichols; Nottestad; Poolman; Price; Rennerfeldt; Rydell; Sabby; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjerm; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wentz; Wilkie

NAYS: Christenson; Coats; Mutzenberger; Retzer; Sandvig; Speaker Martin

ABSENT AND NOT VOTING: Bernstein; Carlson; Freier; Gorder; Hagle; Henegar, D.; Huether; Maragos; Oban; Olson; Payne; Wardner

SB 2362 passed and the title was agreed to.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

The following communication was received from the Governor at 4:00 p.m., March 15, 1995.

This is to inform you that on March 15, 1995, I signed the following: HB 1084, HB 1199, HB 1215, HB 1224, and HB 1371.

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1353 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1353: Reprs. Lloyd; Brown; Dobrinski

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

MADAM PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1054, HB 1141, HB 1184, HB 1189, HB 1216.

MOTION

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

MOTION

REP. DORSO MOVED that the House be on the Fifth, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 10:30 a.m., Monday, March 20, 1995, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2264, as engrossed: 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). Engrossed SB 2264 was placed on the Sixth order on the calendar.

Page 1, line 6, replace "loss" with "suspension"

Page 1, line 7, replace "loss" with "suspension"

Page 1, line 12, replace "loss" with "suspension"

Page 9, line 5, replace "loss" with "suspension"

Page 9, line 7, replace "loss" with "suspension"

Page 10, line 6, replace "Loss" with "Suspension"

Page 10, line 9, replace "loss" with "suspension"

Page 10, line 12, replace "loss" with "suspension"

Page 10, line 14, replace "loss" with "suspension"

Page 10, line 18, replace "loss" with "suspension"

Page 10, line 20, replace "loss" with "suspension"

Page 10, line 21, remove "may not be considered a revocation or suspension and"

Page 10, line 24, replace "loss" with "suspension"

Page 10, line 28, replace "loss" with "suspension"

Page 14, line 10, replace the first "loss" with "suspension" and replace the second "loss" with "suspension"

Page 22, line 25, replace "loss" with "suspension"

Page 22, line 26, replace "loss" with "suspension"

Page 22, line 27, replace "cancel" with "suspend"

Page 22, line 28, replace "loss" with "suspension"

Page 23, line 1, replace "loss" with "suspension"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2309, as engrossed: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2309 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 37-19.1-01 and subsection 5 of section 37-19.1-02 of the North Dakota Century Code, relating to definitions under the veterans' preference laws.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 37-19.1-01 of the North Dakota Century Code is amended and reenacted as follows:

37-19.1-01. Definitions. As used in this chapter:

1. "Agency" or "governmental agency" means all political subdivisions and any state agency, board, bureau, commission, department, officer, and any state institution or enterprise authorized to employ persons either temporarily or permanently.
2. "Chief deputy" means the person who is appointed by an elected or appointed official under express statutory authority to hire a chief deputy and who is authorized to act on behalf of that official. The term does not include a person appointed to a position that must be filled under an established personnel system.

3. "Disabled veteran" means a veteran who is found to be entitled to a service-connected disability rating as determined by the United States veterans' administration.
- 3- 4. "Personnel system" means a personnel system based on merit principles.
- 4- 5. "Political subdivision" means counties, cities, townships, and any other governmental entity created by state law which employs persons either temporarily or permanently.
6. "Private secretary" means the person who is appointed by an elected or appointed official under express legal authority to hire a private secretary or administrative assistant and who is authorized to handle correspondence, keep files, schedule appointments, and do other clerical work of a more personal and confidential nature for that official, but does not include a person appointed to a position that must be filled under an established personnel system.
- 5- 7. "Veteran" means a wartime veteran as defined in subsection 2 of section 37-01-40."

SECTION 2. AMENDMENT. Subsection 5 of section 37-19.1-02 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

5. The provisions of this section do not apply when the position to be filled is that of a superintendent of schools, teacher, or the chief deputy or private secretary of an elected or appointed official, the chancellor and vice chancellors of the board of higher education, presidents or executive deans, vice presidents, assistant to the president, provosts, and instructors of board institutions. Temporary committees and individual or group appointments made by the governor or legislative assembly are also excepted from the provisions of this section."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2349, as engrossed: Agriculture Committee (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2349 was placed on the Sixth order on the calendar.

Page 5, line 6, after the period insert "The secretary of state, or any employee or legal representative of the secretary of state, may not disclose the information reported under subsections 6, 7, and 8 to any person, except a person who is verified to be a shareholder of the corporation for which information is requested or to the tax commissioner or any employee or legal representative of the tax commissioner, who may not disclose the information and may use the information only for the administration of the tax laws."

Page 7, line 20, after "hundred" insert "thirty-five"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2358, as engrossed: Judiciary Committee (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** and **BE REREFERRED** to the Appropriations Committee (12 YEAS,

0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2358 was placed on the Sixth order on the calendar.

Page 1, line 19, replace "Any" with "The court shall order any"

Page 2, line 6, replace "must" with "to"

Page 2, line 9, after the period insert "Notwithstanding any other provision of law, if the sentencing court has not previously ordered a blood sample be taken, the court retains jurisdiction and authority to enter an order that the convicted person provide a blood sample as required by this section."

Page 2, line 11, after "sentence" insert "or a probation"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2406, as engrossed: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2406 was placed on the Sixth order on the calendar.

Page 1, line 3, after "counselors" insert "; and to amend and reenact subsections 3 and 4 of section 43-47-01, section 43-47-04, subsections 1 and 6 of section 43-47-05, and subsections 1, 3, and 6 of section 43-47-06 of the North Dakota Century Code, relating to the counselors and licensed associate professional counselors"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Subsections 3 and 4 of section 43-47-01 of the North Dakota Century Code are amended and reenacted as follows:

3. "Counselor" means a person who has been granted either a professional counselor or associate professional counselor license by the board.
4. "Licensed associate professional counselor" means a person who has been granted an associate professional license by the board to offer and conduct counseling under the supervision of a licensed professional counselor or such other person meeting the requirements of supervising professional set by the board.

SECTION 2. AMENDMENT. Section 43-47-04 of the North Dakota Century Code is amended and reenacted as follows:

43-47-04. Representation to the public. Only persons licensed under this chapter may use the title "professional counselor" or "associate professional counselor", or the abbreviations "LPC" or "LAPC". The license issued by the board must be prominently displayed at the principal place of business of the counselor.

SECTION 3. AMENDMENT. Subsections 1 and 6 of section 43-47-05 of the North Dakota Century Code are amended and reenacted as follows:

1. This chapter does not prevent any person licensed by the state from doing work within the standards and ethics of that person's profession, if that person does not represent to the public that the person is a professional counselor or associate professional counselor.
6. This chapter does not prevent the employment of, or volunteering by, individuals in nonprofit agencies or

community organizations if these persons do not hold themselves out to the public as professional counselors or associate professional counselors.

SECTION 4. AMENDMENT. Subsections 1, 3, and 6 of section 43-47-06 of the North Dakota Century Code are amended and reenacted as follows:

1. Except as otherwise provided in this chapter, no person may engage in counseling in this state unless that person is a licensed professional counselor or licensed associate professional counselor.
3. The board shall issue a license as a licensed associate professional counselor to each applicant who files an application upon a form and in a manner the board prescribes, accompanied by the required fee, and who furnishes sufficient evidence to the board that the applicant:
 - a. Has received a master's degree from an accredited school or college in counseling or other program that meets the academic and training standards adopted by the board;
 - b. Has provided personal and professional recommendations that meet the requirements adopted by the board and has satisfied the board that the applicant will adhere to the standards of the profession of counseling; and
 - c. Has provided a written plan for supervised experience which meets the requirements adopted by the board.
6. An associate professional counselor initially licensed under this chapter may be licensed for no more than two years. The associate professional counselor's license may be extended beyond two years only upon recommendation of the associate professional counselor's supervisor and three other counselors, at least one of whom must be a professor from the associate professional counselor's training program."

Page 1, underscore lines 7 through 14

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2435: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2435 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "reasonable living expenses and other basic" with "supplemental"

Page 2, line 3, replace "Except as provided in subsection 3, contain" with "Contain"

Page 2, line 8, replace "the trust beneficiary, after reaching age" with "distributions from the trust may be made at the discretion of the trustee, the beneficiary has no legal right to control, demand, or seek the discretionary distributions."

Page 2, remove lines 9 through 15

Page 2, remove lines 19 through 21

Page 2, line 26, replace "are required to" with "may" and remove "provision"

Page 2, line 27, remove "subsection 3 of"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2455, as engrossed: Judiciary Committee (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2455 was placed on the Sixth order on the calendar.

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

Page 1, line 2, remove "16.1-01-10,"

Page 2, line 19, replace "Subsections 1 and" with "Subsection"

Page 2, line 20, replace "are" with "is"

Page 2, remove lines 21 through 29

Page 3, remove lines 1 through 8

Page 5, remove lines 24 through 29

Page 6, remove lines 1 through 11

Page 8, line 23, remove the overstrike over "~~for misconduct, malfeasance, crime in office,~~"

Page 8, line 24, remove the overstrike over "~~neglect of duty in office, habitual drunkenness, or gross incompetency~~"

Page 9, line 3, remove the overstrike over the first "~~must~~" and remove "may"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2463, as reengrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2463 was placed on the Sixth order on the calendar.

Page 1, line 3, after the second semicolon insert "to provide an expiration date;"

Page 2, line 25, remove "in the general fund in the state treasury, not otherwise appropriated,"

Page 2, line 26, remove the first "and" and remove "federal funds and"

Page 3, line 4, replace "all" with "special" and after "funds" insert "appropriation"

Page 3, replace lines 5 and 6 with:

"SECTION 4. RESOURCES TRUST FUND - TRANSFER. The amount of \$87,900, or so much of the funds as may be necessary, included in the special funds appropriation in section 3 of this Act is from the resources trust fund and shall be transferred to the state water commission for the purposes of this Act during the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 5. EXPIRATION DATE. This Act is effective through June 30, 1997, and after that date is ineffective."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 770 - STATE WATER COMMISSION

HOUSE - This amendment makes the following changes:

	SENATE VERSION	CHANGE	HOUSE VERSION
Total appropriation	\$117,200		\$117,200
Less estimated income	<u>58,600</u>	\$ 58,600	<u>117,200</u>
Total general fund	\$ 58,600	\$(58,600)	\$ 0

Of the \$117,200, the House version provides \$87,900 from the resources trust fund and \$29,300 from local funds. Also, an expiration date of June 30, 1997, is added with the intent that funding be provided only for the 1995-97 biennium and not continued in future bienniums.

REPORT OF STANDING COMMITTEE

SB 2477, as engrossed: Political Subdivisions Committee (Rep. Soukup, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2477 was placed on the Sixth order on the calendar.

Page 1, line 12, remove "private"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2492: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) recommends DO PASS (9 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). SB 2492 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2526, as engrossed: Agriculture Committee (Rep. Nicholas, Chairman) recommends DO NOT PASS (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2526 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2527: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) recommends DO PASS (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). SB 2527 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2531, as engrossed: Agriculture Committee (Rep. Nicholas, Chairman) recommends DO PASS (7 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2531 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4045: Agriculture Committee (Rep. Nicholas, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SCR 4045 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4046, as engrossed: Judiciary Committee (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SCR 4046 was placed on the Tenth order on the calendar.

Page 1, line 2, after "providing" insert ", in cooperation with tribal governments."

Page 1, after line 6, insert:

"WHEREAS, a survey conducted by the Department of Human Services indicated that 12.3 percent of adult American Indians may be experiencing moderate to severe problems related to their gambling; and"

Page 2, line 2, after "providing" insert ", in cooperation with tribal governments,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4056, as engrossed: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SCR 4056 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4057, as engrossed: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SCR 4057 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2420, as engrossed: Political Subdivisions Committee (Rep. Soukup, Chairman) A **MAJORITY** of your committee (Reps. Soukup, Poolman, Froseth, Gunter, Jacobs, Koppelman, Kretschmar, Maragos, Retzer, Walker) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**.

Page 1, line 2, replace the comma with "and"

Page 1, line 3, remove ", and to provide for the use of"

Page 1, line 4, remove "unexpended campaign contributions"

Page 2, line 20, remove ""Charitable organization" means any nonprofit organization that is"

Page 2, remove lines 21 through 23

Page 2, line 24, remove "4."

Page 3, line 15, replace "5" with "4"

Page 3, line 17, replace "6" with "5"

Page 3, line 26, replace "7" with "6"

Page 4, line 1, replace "8" with "7"

Page 4, line 4, replace "9" with "8"

Page 4, line 7, replace "10" with "9"

Page 4, line 13, replace "11" with "10"

Page 4, line 18, replace "12" with "11"

Page 13, remove lines 13 through 20

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2420, as engrossed: Political Subdivisions Committee (Rep. Soukup, Chairman) A MINORITY of your committee (Reps. Glassheim, Coats, Delmore) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS.

Page 5, line 1, replace "one thousand" with "five hundred"

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.

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

ROY GILBREATH, Chief Clerk