

JOURNAL OF THE HOUSE

Fifty-fourth Legislative Assembly

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Bismarck, March 7, 1995

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

The prayer was offered by the Rev. Gordon Kroeker, Mennonite Brethren, Harvey.

The roll was called and all members were present except Representatives Austin, Nichols, Stenehjem, and Svedjan.

A quorum was declared by the Speaker.

REQUEST

REP. KRETSCHMAR REQUESTED that the record show that members of the Judiciary Committee met until 12:58 p.m., and they would have a good excuse if they were listed as absent, which request was granted.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

The following communication was received from the Governor at 1:10 p.m., Tuesday, March 7, 1995.

This is to inform you that on March 6, 1995, I signed the following: HB 1078, HB 1137, HB 1304, HB 1364, and HB 1410. Also, on March 7, 1995, I signed the following: HB 1070, HB 1102, HB 1105, HB 1106, HB 1126, HB 1127, HB 1128, HB 1188, HB 1219, and HB 1285.

RULING BY THE SPEAKER

With reference to the conflict between House Rule 601, Section 4, and House Rule 602, Section 2, concerning Divided Committee Reports, the North Dakota House of Representatives will follow House Rule 601, Section 4, for the Fifty-fourth Legislative Assembly.

This rule states as follows: If the committee report is divided as provided in House Rule 602, the reports must be placed on the calendar for the next legislative day on the seventh order of business. The Speaker shall receive and announce a motion that the report of the minority be substituted for the majority committee report. If a "do not pass" report is adopted under this subsection, the measure must be placed on the calendar on the eleventh or fourteenth order of business. If no report is adopted under this subsection, the measure must be placed on the calendar on the eleventh or fourteenth order of business unless the measure is subject to rereferral under House Rule 329.

MOTION

REP. COATS MOVED that the congratulatory remarks of Representative Kelsch as given on March 6, 1995, be printed in the Journal, which motion prevailed.

Mr. Speaker and members of this Assembly: On Saturday, March 4, 1995, a new precedent was set. For the first time in 20 years, high school boys' swimming has a new champion, the Mandan Braves. The Braves have placed third four years in a row before finally obtaining the ultimate goal, the state championship. By winning the championship, Mandan ended the streak of 20 years where two teams, Fargo North and Minot, have had a lock on boys' swimming championships.

The people of Mandan and the state of North Dakota are proud of the accomplishments of Coach Ralph Manley and his very dedicated Mandan Braves swim team.

Our heartfelt congratulations, Braves, for an outstanding year.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Charles F. Mertens.

ANNOUNCEMENT BY MAJORITY LEADER

REP. DORSO ANNOUNCED that with reference to Joint Rule 301, Paragraph 2, regarding meetings of conference committees, that A Committee conference committees would meet on Mondays, Wednesdays, and Fridays and that B Committee conference committees would meet on Tuesdays and Thursdays and that conference committees need to meet within two days after their appointment.

ANNOUNCEMENT BY THE SPEAKER

SPEAKER MARTIN ANNOUNCED that when the House concurs in the amendments made by the Senate to House bills, the bills will be placed on the Eleventh order, as amended, for immediate second reading and final passage.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KRETSCHMAR MOVED that the House do concur in the Senate amendments to HB 1336 as printed on HJ page 869, which motion prevailed.

HB 1336, as amended, was placed on the Eleventh order of business on today's calendar.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1244, HB 1275, HB 1312, HB 1371, HCR 3027.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1244

Page 1, line 10, after "confidentiality" insert "that convinces the issuing magistrate that limited confidentiality is necessary for the safety of the law enforcement officer or to enable the warrant to be properly served"

Page 1, line 18, after "confidentiality" insert "that convinces the issuing magistrate that limited confidentiality is necessary for the safety of the law enforcement officer or to enable the warrant to be properly served"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1275

Page 2, line 24, replace "all of the" with "any other" and after "districts" insert "that wish to enter the agreement"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1312

Page 1, line 1, after "section" insert "to chapter 49-02 and a new section"

Page 1, line 2, after "to" insert "environmental externality values and"

Page 1, line 3, after "increased" insert "; and to declare an emergency"

Page 1, after line 4, insert:

"SECTION 1. A new section to chapter 49-02 of the North Dakota Century Code is created and enacted as follows:

Consideration of environmental externality values prohibited.
The commission may not use, require the use of, or allow electric utilities to use environmental externality values in the planning,

selection, or acquisition of electric resources or the setting of rates for providing electric service. Environmental externality values are numerical costs or quantified values that are assigned to represent either:

1. Environmental costs that are not internalized in the cost of production or the market price of electricity from a particular electric resource; or
2. The alleged costs of complying with future environmental laws or regulations that have not yet been enacted."

Page 1, line 10, after "quantified" insert "environmental" and after "values" insert ", as defined in section 1 of this Act,"

Page 1, line 11, after "resource" insert "selection"

Page 1, after line 11, insert:

"SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1371

Page 1, line 11, after the third comma insert "or" and replace ", or" with ",
The term also includes"

Renumber accordingly

SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3027

Page 2, remove lines 1 through 3

Page 2, line 12, remove "provide for flexibility in"

Page 2, remove line 13

Page 2, line 14, remove "toward Amtrak projects;"

Renumber accordingly

SECOND READING OF HOUSE BILL

HB 1336: A BILL for an Act to provide for immunity from liability and confidentiality of records and proceedings relating to critical incident stress management.

ROLL CALL

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

YEAS: 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; 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; Nottestad; Oban; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Austin; Nichols; Olson; Svedjan

HB 1336, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. BERG MOVED that the House do concur in the Senate amendments to Engrossed HB 1312 as printed on HJ pages 914-915, which motion prevailed.

Engrossed HB 1312, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1312: A BILL for an Act to create and enact a new section to chapter 49-02 and a new section to chapter 49-06 of the North Dakota Century Code, relating to environmental externality values and when electric rates may not be increased; 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 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvoid; 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; 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; Nottestad; Oban; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Austin; Bateman; Nichols; Olson; Svedjan

Engrossed HB 1312, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. TIMM MOVED that the House do not concur in the Senate amendments to Engrossed HB 1094 as printed on HJ page 903 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1094: Reps. Timm, Grosz, Dobrinski.

SIXTH ORDER OF BUSINESS

The amendments on the Sixth order of business to Engrossed SB 2143 and Engrossed SB 2304 were adopted.

Engrossed SB 2143 and Engrossed SB 2304, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF SENATE BILL

SB 2088: A BILL for an Act to amend and reenact subsections 6 and 14 of

section 62.1-01-01 of the North Dakota Century Code, relating to the definition of a shotgun and a definition of a handgun.

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

ABSENT AND NOT VOTING: Austin; Nichols; Olson; Svedjan

Engrossed SB 2088, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2149: A BILL for an Act to create and enact a new section to chapter 18-01 of the North Dakota Century Code, relating to the state fire marshal authorizing fire and safety inspections to be performed by other agencies of government; and to amend and reenact section 18-01-02, subsection 3 of section 18-01-05.1, and section 23-09.3-04 of the North Dakota Century Code, relating to the duties of the state fire marshal, release of information to the state fire marshal or a law enforcement officer, and fire safety inspections of basic care facilities.

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 62 YEAS, 32 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Berg; Bernstein; Boucher; Christenson; Clark; Coats; Dalrymple; Delmore; DeWitz; Dobrinski; Freier; Galvin; Gerntholz; Glassheim; Grumbo; Gulleon; Gunter; Hagle; Hanson; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Johnson; Kaldor; Keiser; Kelsch; Kerzman; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martinson; Mutzenberger; Nicholas; Nottestad; Oban; Price; Retzer; Rydell; Sabby; Sandvig; Schmidt; Sitz; Soukup; Stenehjelm; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Bateman; Belter; Boehm; Brown; Byerly; Carlisle; Carlson; Christopherson; Clayburgh; DeKrey; Delzer; Dorso; Drovdal; Froseth; Gorder; Gorman; Grosz; Hausauer; Jacobs; Kempenich; Klein; Kliniske; Lloyd; Mickelson; Monson; Payne; Poolman; Rennerfeldt; Schimke; Shide; Skarphol; Wald

ABSENT AND NOT VOTING: Austin; Nichols; Olson; Svedjan

Engrossed SB 2149, as amended, passed and the title was agreed to.

MOTION

REP. DORSO MOVED that Engrossed SB 2433 and SB 2200, as amended, be placed at the foot of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2247: A BILL for an Act to amend and reenact section 39-08-04 of the North Dakota Century Code, relating to the duty of a driver involved in a vehicle accident involving death or personal injury; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 1 NAY, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; 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; 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; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nottestad; Oban; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenhjem; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Lloyd

ABSENT AND NOT VOTING: Austin; Nichols; Olson; Svedjan

SB 2247, as amended, passed and the title was agreed to.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Brian Skarr.

SECOND READING OF SENATE BILL

SB 2360: A BILL for an Act to create a new section to chapter 26.1-07 of the North Dakota Century Code, relating to hearing on petition and duties of the insurance commissioner; to amend and reenact sections 26.1-07-01, 26.1-07-02, and 26.1-07-04 of the North Dakota Century Code, relating to consolidation or reinsurance of domestic insurance companies; and to repeal section 26.1-07-05 of the North Dakota Century Code, relating to hearings on petition and duties of the insurance commissioner.

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; 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; 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;

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

ABSENT AND NOT VOTING: Austin; Nichols; Olson; Svedjan

Engrossed SB 2360, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2095: A BILL for an Act to amend and reenact subsections 1, 3, and 4 of section 54-06-14.1 and subsections 1 and 3 of section 54-06-14.2 of the North Dakota Century Code, relating to the state annual leave and sick leave sharing programs.

ROLL CALL

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

YEAS: Aarsvold; 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; 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; Nottestad; Oban; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Grosz

ABSENT AND NOT VOTING: Austin; Nichols; Olson; Sandvig; Svedjan

Engrossed SB 2095 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2121: A BILL for an Act to amend and reenact section 37-19.1-04 of the North Dakota Century Code, relating to hearing procedures for veterans' preference grievance hearings.

ROLL CALL

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

YEAS: Aarsvold; 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; 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; Nottestad; Oban; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem;

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

ABSENT AND NOT VOTING: Austin; Nichols; Olson; Sandvig; Svedjan; Wald

Engrossed SB 2121 passed and the title was agreed to.

MOTION

REP. FREIER MOVED that the House waive the reading of the titles to SB 2170, SB 2171, SB 2172, SB 2173, and SB 2174, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2170: A BILL for an Act to amend and reenact subsections 9 and 11 of section 15-39.1-04, sections 15-39.1-06, 15-39.1-10, 15-39.1-18, 15-39.1-20, and 15-39.1-24 of the North Dakota Century Code, relating to definitions, organization of the board, distribution of benefits, disability retirement, withdrawal from the fund, and the purchase of additional credit under the teachers' fund for retirement.

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

ABSENT AND NOT VOTING: Austin; Nichols; Olson; Svedjan

SB 2170 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2171: A BILL for an Act to create and enact a new section to chapter 54-52 and a new subdivision to subsection 4 of section 54-52-17 of the North Dakota Century Code, relating to purchase of service credit and conversion of unused sick leave under the public employees retirement system; and to amend and reenact subsection 6 of Section 54-52-17 of the North Dakota Century Code, relating to calculation of benefits for surviving spouses under the public employees retirement system.

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; 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; 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; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Austin; Nichols; Svedjan

SB 2171 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2172: A BILL for an Act to create and enact a new section to chapter 54-52 and three new subsections to section 54-52-04 of the North Dakota Century Code, relating to interest and earnings credited to funds administered by the retirement board and authority of the retirement board; and to amend and reenact section 54-52-01, subsection 1 of section 54-52-05, section 54-52-06, subsections 6 and 8 of section 54-52-17, and section 54-52-17.4 of the North Dakota Century Code, relating to definitions, enrollment of members, employer contributions, beneficiaries, and purchase of additional credit under the public employees retirement system.

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; 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; 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; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Austin; Nichols; Svedjan.

SB 2172 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2173: A BILL for an Act to create and enact a new section to chapter 39-03.1 of the North Dakota Century Code, relating to conversion of unused sick leave under the highway patrolmen's retirement system; and to amend and reenact subsection 2 of section 39-03.1-10.1, subdivision a of subsection 4 of section 39-03.1-11, subsection 6 of section 39-03.1-11, and subsection 8 of section 39-03.1-11 of the North Dakota Century Code, relating to purchase of service, retirement benefits, surviving spouse benefits, and surviving spouses of members under the highway patrolmen's retirement system.

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; Bateman; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froseth; 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; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Austin; Boucher; Nichols; Svedjan

SB 2173 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2174: A BILL for an Act to amend and reenact subsection 7 of section 54-52-01, sections 54-52-02.1, 54-52-02.2, subsection 1 of section 54-52-05, sections 54-52-07, and 54-52.1-03.1 of the North Dakota Century Code, relating to the definition of governmental unit for purposes of the public employees retirement system, participation in the public employees retirement system, and participation in the uniform group insurance program.

ROLL CALL

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

YEAS: 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; 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; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Austin; Nichols; Svedjan; Walker

SB 2174 passed and the title was agreed to.

SECOND READING OF SENATE BILL

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.

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; 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; Glasheim; 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; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjelm; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Austin; Nichols; Svedjan

Engrossed SB 2248 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2263: A BILL for an Act to create and enact a new section to chapter 12-60 of the North Dakota Century Code, relating to an automated fingerprint identification system by the bureau of criminal investigation.

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; 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; Glasheim; 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; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjelm; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Austin; Nichols; Svedjan

SB 2263 passed and the title was agreed to.

MOTION

REP. DORSO MOVED that the House reconsider its action whereby SB 2263 passed, which motion prevailed.

MOTION

REP. DORSO MOVED that SB 2263 be rereferred to the Appropriations Committee, which motion prevailed. Pursuant to Rep. Dorso's motion, SB 2263 was rereferred.

SECOND READING OF SENATE BILL

SB 2289: A BILL for an Act to create and enact a new subsection to section 11-28-05 of the North Dakota Century Code, relating to powers of a board of county park commissioners; to amend and reenact sections 48-09-01 and 48-09-02 of the North Dakota Century Code, relating to granting of concessions by a board of county park commissioners; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 3 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gertholz; 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; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Clayburgh; Glassheim; Oban

ABSENT AND NOT VOTING: Austin; Nichols; Svedjan

SB 2289 passed, the title was agreed to, and the emergency clause was declared carried.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: HB 1044, HB 1109, HB 1202, HB 1262, HB 1333, HB 1348.

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

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1044, HB 1109, HB 1202, HB 1262, HB 1333, HB 1348.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills and resolutions: SB 2040, SB 2086, SB 2116, SB 2128, SB 2151, SCR 4003, SCR 4016, SCR 4020, SCR 4022.

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

MADAM PRESIDENT: The Speaker has signed: SB 2040, SB 2086, SB 2116, SB 2128, SB 2151, SCR 4003, SCR 4016, SCR 4020, SCR 4022.

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 2194, SB 2267.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2315, SB 2334, SB 2461, SB 2480.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2069, SB 2122, SB 2224, SB 2252, SB 2286, SB 2291, SB 2292, SB 2314, SB 2322, SB 2331.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1047, HB 1104, HB 1110, HB 1111, HB 1112, HB 1162, HB 1193, HB 1226, HB 1237, HB 1270, HB 1283, HB 1351, HB 1359, HB 1372, HB 1383, HB 1395, HB 1396, HB 1433.

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

MR. SPEAKER: The President has signed: HB 1044, HB 1109, HB 1202, HB 1262, HB 1333, HB 1348.

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 2158, SB 2163, SB 2210, SB 2240, SB 2244, SB 2250, SB 2258, SB 2261, SB 2262, SB 2265, SB 2284, SB 2285.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 1:00 p.m., March 7, 1995: HB 1044, HB 1109, HB 1202, HB 1262, HB 1333, HB 1348.

MOTION

REP. GORMAN MOVED that the House reconsider its action whereby SB 2232 failed to pass, which motion prevailed.

REQUEST

REP. GORMAN REQUESTED a recorded roll call vote on the motion to reconsider the action whereby SB 2232 failed to pass, which request was granted.

MOTION

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

ROLL CALL

The question being on the motion to reconsider the action whereby SB 2232 failed to pass, the roll was called and there were 43 YEAS, 51 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Berg; Bernstein; Byerly; Carlisle; Carlson; Christopherson; Clark; Clayburgh; Dalrymple; Delmore; Dorso; Gernholz; Gorman; Gunter; Hagle; Hausauer; Henegar, D.; Holm; Howard; Keiser; Kelsch; Kretschmar; Maragos; Martinson; Mickelson; Monson; Oban; Payne; Poolman; Price; Rydell; Sabby; Shide; Soukup; Stenehjem; Sveen; Thoreson; Timm; Torgerson; Wald; Walker; Wardner; Wentz

NAYS: Aarsvold; Bateman; Belter; Boehm; Boucher; Brown; Christenson; Coats; DeKrey; Delzer; DeWitz; Dobrinski; Drovdal; Freier; Froseth; Galvin; Glasshiem; Gorder; Grosz; Grumbo; Gullerson; Hanson; Henegar, K.; Jacobs; Johnson; Kaldor; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Mutzenberger; Nicholas; Nottestad; Olson; Rennerfeldt; Retzer; Sandvig; Schimke; Schmidt; Sitz; Skarphol; Thompson; Tollefson; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Austin; Huether; Nichols; Svedjan

So the motion to reconsider the action whereby SB 2232 failed to pass failed.

SECOND READING OF SENATE BILL

SB 2321: A BILL for an Act to amend and reenact section 34-08-14 of the North Dakota Century Code, relating to mediation of labor disputes by the commissioner of labor.

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 4 YEAS, 90 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Boucher; Glasshiem; Kliniske; Poolman

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

ABSENT AND NOT VOTING: Austin; Huether; Nichols; Svedjan

SB 2321 failed.

SECOND READING OF SENATE BILL

SB 2339: A BILL for an Act to amend and reenact section 10-06.1-01 of the North Dakota Century Code, relating to the applicability of corporate and limited liability company farming provisions.

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 18 YEAS, 77 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bateman; Bernstein; Boehm; Carlson; Clark; DeWitz; Dorso; Gorman; Keiser; Klein; Kliniske; Koppelman; Payne; Shide; Timm; Tollefson; Wald; Walker

NAYS: Aarsvold; Belter; Berg; Boucher; Brown; Byerly; Carlisle; Christenson; Christopherson; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; Dobrinski; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grosz; Grumbo; Gulleeson; Gunter; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Kelsch; Kempenich; Kerzman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nottestad; Oban; Olson; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Sitz; Skarphol; Soukup; Stenehjelm; Sveen; Thompson; Thoreson; Torgerson; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Austin; Nichols; Svedjan

Engrossed SB 2339 failed.

MOTION

REP. DORSO MOVED that the House stand in recess for fifteen minutes, which motion prevailed.

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

HOUSE MEMORIAL SERVICE

REP. DORSO MOVED that the House be on a Special Order of Business, which motion prevailed.

The Troubadours were escorted into the House Chambers by Representative Sabby and Representative Huether.

The family members were escorted into the House Chambers by Representative Mahoney and Representative Carlisle.

Invocation: Rev. Lawrence Rydquist, Chaplain
Sheyenne Care Center
Valley City, North Dakota

Musical Selection: "God's Son Has Made Me Free"
Valley City Troubadours
Allen W. Richter, Director
Cyndi Hill, Accompanist

MOTION

REP. DORSO MOVED that the House be on the Ninth order of business, which motion prevailed.

FIRST READING OF HOUSE MEMORIAL RESOLUTION

Reps. Martin, Dorso, Oban, Gerntholz introduced:
HMR 7001: A memorial resolution for deceased members of the House of Representatives of North Dakota.
Was read the first time.

MOTION

REP. DORSO MOVED that the rules be suspended, that HMR 7001 not be printed, not be referred to committee, be read in its entirety, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Reps. Martin, Dorso, Oban, Gerntholz introduced:

HOUSE MEMORIAL RESOLUTION NO. 7001

A memorial resolution for deceased members of the House of Representatives of North Dakota.

WHEREAS, God has summoned to eternal rest our former colleagues:

HARRY CARLSON, who served in the 27th and 28th Legislative Assemblies, from District 1, died December 5, 1993;

HELMER DAHLEN, who served in the 39th and 40th Legislative Assemblies, from District 17, died September 5, 1994;

RALPH E. DIEHL, who served in the 36th through the 38th Legislative Assemblies, from District 8, and in the 40th and 41st Legislative Assemblies, from District 20, died May 12, 1993;

GOTTLIEB FRANK, who served in the 29th through the 39th Legislative Assemblies, from District 35, died January 10, 1994;

JAMES "JIM" A. HAUGEN, who served in the 50th and 51st Legislative Assemblies, from District 1, died January 8, 1995;

ALVIN HAUSAUER, who served in the 42nd through the 44th Legislative Assemblies, from District 32, and in the 45th through the 47th and the 49th through the 51st Legislative Assemblies, from District 49, died January 20, 1995;

DONALD L. HERTZ, who served in the 38th and 39th Legislative Assemblies, from District 30, died February 27, 1995;

FRED HOGHAUG, who served in the 40th and 41st Legislative Assemblies, from District 15, died March 25, 1993;

GILMAN A. KLEFSTAD, who served in the 29th through the 32nd Legislative Assemblies, from District 13, died May 1, 1993;

LESTER G. LARSON, who served in the 35th, 36th, and 38th Legislative Assemblies, from District 17, died November 26, 1993;

LAWRENCE MARSDEN, who served in the 43rd through the 47th Legislative Assemblies, from District 6, died January 27, 1994;

DAGNE B. OLSEN, who served in the 47th through the 53rd Legislative Assemblies, from District 19, died August 20, 1994;

SELMER OVERBO, who served in the 37th and 38th Legislative Assemblies, from District 21, died March 5, 1993;

EARL C. RUNDLE, who served in the 39th through the 44th Legislative Assemblies, from District 39, died July 21, 1994;

RALPH SCOTT, who served in the 33rd through the 37th Legislative Assemblies, from District 23, died May 27, 1993;

WILLIAM H. TOUSSAINT, who served in the 33rd Legislative Assembly, from District 9, died December 7, 1993;

HOWARD G. VOGEL, who served in the 38th and 39th Legislative Assemblies, from District 22, died January 27, 1995;

GERHART WILKIE, who served in the 35th through the 39th Legislative Assemblies, from District 19, and in the 40th through the 44th Legislative Assemblies, from District 9, died December 25, 1994; and

WHEREAS, we now pause to mourn the passing of our former House colleagues and to honor their memories; and

WHEREAS, these legislators rendered outstanding service to the people of the state by their contributions to public service;

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

That we express our sorrow on their passing and our appreciation, on behalf of the people of North Dakota, of the loyal and devoted service of our former colleagues; and

BE IT FURTHER RESOLVED, that for the perpetuation of their memory this token of respect and sympathy by their successors in trust be printed in the Journal of the House of Representatives and that the Secretary of State present enrolled copies of this resolution to the surviving families of these deceased representatives.

SECOND READING OF HOUSE MEMORIAL RESOLUTION

HMR 7001: A memorial resolution for deceased members of the House of Representatives of North Dakota.

The question being on the final adoption of the resolution, which has been read.

HMR 7001 was declared adopted on a voice vote.

Musical Selection: "Beautiful Savior"
James Wagner, Soloist
Valley City Troubadours

A poem written by former Representative Ralph Dotzenrod (deceased) was read by Representative John Mahoney.

Musical Selection: "God Bless America"
Valley City Troubadours

Benediction: Rev. Ken Mettler
Saron Evangelical Free Church
Cooperstown, North Dakota

MOTION

REP. DORSO MOVED that the Special Order of Business be dissolved, which motion prevailed.

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

MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1312, HB 1336.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1094 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1094: Reps. Timm; Grosz; Dobrinski

MOTION

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

MOTION

REP. FREIER MOVED that the House be on the Fourth, Fifth, Twelfth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Wednesday, March 8, 1995, which motion prevailed.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

The following communication was received from the Governor at 1:50 p.m., March 7, 1995.

This is to inform you that on March 7, 1995, I signed the following:
HB 1483.

REPORT OF STANDING COMMITTEE

SB 2074: Natural Resources Committee (Rep. Olson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2074 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections 57-02.1-02," with "subsection 1 of section" and remove ", and"

Page 1, line 2, remove "57-02.1-06" and after "to" insert "computation of"

Page 1, line 3, remove "made"

Page 1, remove lines 5 through 14

Page 1, line 15, replace "Section" with "Subsection 1 of section"

Page 1, remove lines 17 and 18

Page 1, line 21, remove the overstrike over "~~counties~~" and remove "taxing districts in each county"

Page 2, line 8, replace "the taxing" with "a"

Page 2, line 9, remove "districts in the"

Page 2, line 11, remove ", up to a maximum of"

Page 2, line 12, remove "seventy-five cents per acre [hectare]" and remove "the"

Page 2, line 13, remove "taxing districts in"

Page 2, line 14, remove the overstrike over "He", remove "Taxing districts in a", and remove "not"

Page 2, remove lines 18 through 29

Page 3, remove lines 1 through 11

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2082: Finance and Taxation Committee (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2082 was placed on the Sixth order on the calendar.

Page 1, line 21, after "1994" insert ", for projects upon which construction is begun after December 31, 1994"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2152: 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). SB 2152 was placed on the Sixth order on the calendar.

Page 1, line 10, remove the overstrike over "~~and fixed again~~"

Page 1, remove the overstrike over line 11

Page 1, line 12, remove the overstrike over "~~five years with a maximum rate of~~", after "eight" insert "nine", and remove the overstrike over "~~percent per year. For the~~"

Page 1, remove the overstrike over line 13

Page 1, line 14, remove the overstrike over "~~float~~" and remove "and variable at one percent below the Bank's then current"

Page 1, remove lines 15 and 16

Page 1, line 17, remove "date. The rate during the remaining term of the loan floats"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2195, as engrossed: Agriculture Committee (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2195 was placed on the Sixth order on the calendar.

Page 3, line 23, replace "eleven" with "twelve"

Page 3, line 24, after "[45.36 kilograms]" insert "after June 30, 1995, and before July 1, 1997,"

Page 3, line 25, after the period insert "The board shall levy an assessment of thirteen cents per hundredweight [45.36 kilograms] after June 30, 1997, and before July 1, 1999, and fourteen cents per hundredweight [45.36 kilograms] after June 30, 1999."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2238, as engrossed: Political Subdivisions Committee (Rep. Soukup, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2238 was placed on the Sixth order on the calendar.

Page 2, line 28, remove the overstrike over "sale" and insert immediately thereafter "or"

Page 3, line 2, remove the overstrike over "A sale" and insert immediately thereafter "or transfer" and remove the overstrike over "which resulted as a settlement of an estate."

Page 3, line 3, remove the overstrike over "e."

Page 3, line 11, replace "e" with "f"

Page 3, line 13, replace "f" with "g"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2268: Finance and Taxation Committee (Rep. Timm, Chairman) recommends DO PASS (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2268 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2341, as engrossed: Finance and Taxation Committee (Rep. Timm, Chairman) recommends DO PASS (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2341 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2353: 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). SB 2353 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "two" with "one"

Renumber accordingly

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, 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

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

SB 2420, as engrossed: Political Subdivisions Committee (Rep. Soukup, Chairman) A MINORITY of your committee (Reps. Coats, Delmore, Glassheim) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT 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.

REPORT OF STANDING COMMITTEE

SB 2442, 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 2442 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "subsection 3 of"

Page 1, line 3, remove "for highway projects"

Page 1, line 5, replace "Subsection 3 of section" with "Section"

Page 1, after line 7, insert:

"21-03-07. Election required - Exceptions. No municipality, and no governing board thereof, may issue bonds without being first authorized to do so by a vote equal to sixty percent of all the qualified voters of ~~such~~ the municipality voting upon the question of ~~such~~ the issue except:

1. As otherwise provided in section 21-03-04.
2. The governing body may issue bonds of the municipality, after publishing notice as provided in section 21-03-26, for the purpose and within the limitations specified by subdivision e

of subsection 1 of section 21-03-06, subdivision g of subsection 2 of section 21-03-06, and subsections 4.1 and 7 of section 21-03-06 without an election."

Page 2, after line 18, insert:

- "4. The governing body of any city may also by resolution adopted by a two-thirds vote authorize and issue general obligation bonds of the city, after publishing notice as provided in section 21-03-26, for the purpose of providing funds to pay the cost of any improvement of the types stated below, to the extent that the governing body determines that such cost should be paid by the city and should not be assessed upon property specially benefited thereby; provided that the initial resolution authorizing such bonds must be published in the official newspaper, and any owner of taxable property within the city may, within sixty days after such publication, file with the city auditor a protest against the adoption of the resolution. If the governing body finds such protests to have been signed by the owners of taxable property having an assessed valuation equal to five percent or more of the assessed valuation of all taxable property within the city, as theretofore last finally equalized, all further proceedings under such initial resolution are barred. This procedure is authorized for the financing of the following types of improvements:
- a. Any street improvement, as defined in subsection 2 of section 40-22-01, to be made in or upon any federal or state highway or any other street designated by ordinance as an arterial street.
 - b. The construction of a bridge, culvert, overpass, or underpass at the intersection of any street with a stream, watercourse, drain, or railway, and the acquisition of any land or easement required for that purpose.
 - c. Any improvement incidental to the carrying out of an urban renewal project, the issuance of bonds for which is authorized by subsection 4 of section 40-58-13.

Nothing herein may be deemed to prevent any municipality from appropriating funds for or financing out of taxes, special assessments, or utility revenues any work incidental to any such improvement, in the manner and to the extent otherwise permitted by law.

5. The governing body of any city may also by resolution adopted by a two-thirds vote dedicate the mill levies as authorized by sections 57-15-42 and 57-15-44 and may authorize and issue general obligation bonds to be paid by these dedicated levies, after publishing notice as provided in section 21-03-26, for the purpose of providing funds for the purchase, construction, reconstruction, or repair of public buildings or fire stations; provided, that the initial resolution authorizing the mill levy dedication and general obligation bonds must be published in the official newspaper, and any owner of taxable property within the city may, within sixty days after publication, file with the city auditor a protest against the adoption of the resolution. Protests must be in writing and must describe the property which is the subject of the protest. If the governing body finds such protests to have been signed by the owners of taxable property having an assessed valuation equal to five percent

or more of the assessed valuation of all taxable property within the city, as theretofore last finally equalized, all further proceedings under the initial resolution are barred.

6. The governing body of any county may also by resolution adopted by a two-thirds vote dedicate the tax levies as authorized by sections 57-15-06.6 and 57-15-06.9 and may authorize and issue general obligation bonds to be paid by these dedicated levies, after publishing notice as provided in section 21-03-26, for the purpose of providing funds for the purchase, construction, reconstruction, or repair of regional or county correction centers, or parks and recreational facilities; provided, that the initial resolution authorizing the tax levy dedication and general obligation bonds must be published in the official newspaper, and any owner of taxable property within the county may, within sixty days after publication, file with the county auditor a protest against the adoption of the resolution. Protests must be in writing and must describe the property which is the subject of the protest. If the governing body finds such protests to have been signed by the owners of taxable property having an assessed valuation equal to five percent or more of the assessed valuation of all taxable property within the county, as theretofore last finally equalized, all further proceedings under the initial resolution are barred.
7. The governing body of any public school district may also by resolution adopted by a two-thirds vote dedicate the tax levies as authorized by section 15-51-11, 15-51-13, or 57-15-16 and may authorize and issue general obligation bonds to be paid by these dedicated levies, after publishing notice as provided in section 21-03-26, for the purpose of providing funds for the purchase, construction, reconstruction, or repair of public school buildings or for the construction or improvement of a project pursuant to chapter 15-60. The initial resolution authorizing the tax levy dedication and general obligation bonds must be published in the official newspaper of the school district, and any owner of taxable property within the school district may, within sixty days after publication, file with the business manager of the school district a protest against the adoption of the resolution. Protests must be in writing and must describe the property that is the subject of the protest. If the governing body finds the protests to have been signed by the owners of taxable property having an assessed valuation equal to five percent or more of the assessed valuation of all taxable property within the school district, as theretofore last finally equalized, all further proceedings under the initial resolution are barred.
8. The governing body of any city having a population of twenty-five thousand persons or more may use the provisions of subsection 3 to provide funds to participate in the cost of any construction, improvement, financing, and planning of any bypass routes, interchanges, or other intersection improvements on a federal or state highway system which is situated in whole or in part outside of the corporate limits of the city; provided, that the governing body thereof shall determine by resolution that the undertaking of such work is in the best interest of the city for the purpose of providing access and relieving congestion or improving traffic flow on municipal streets.

9. The governing body of a municipality or other political subdivision, located at least in part within a county that is included within a disaster or emergency executive order or proclamation of the governor under chapter 37-17.1, may by resolution adopted by a two-thirds vote authorize and issue general obligation bonds of the political subdivision without an election, after publishing notice as provided in section 21-03-26, for the purpose of providing funds to pay costs associated with the emergency condition. The political subdivision may dedicate and levy taxes for retirement of bonds under this subsection and such levies are not subject to limitations as otherwise provided by law.
10. The governing board of any county, city, public school district, park district, or township may by resolution adopted by a two-thirds vote dedicate the tax levy authorized by section 57-15-41 and authorize and issue general obligation bonds to be paid by the dedicated levy, after publishing notice as provided in section 21-03-26, for the purpose of providing funds to prepay outstanding special assessments made in accordance with the provisions of title 40 against property owned by the county, city, public school district, park district, or township."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2451: Appropriations Committee (Rep. Dalrymple, Chairman) recommends DO PASS (14 YEAS, 7 NAYS, 2 ABSENT AND NOT VOTING). SB 2451 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4024, as engrossed: Finance and Taxation Committee (Rep. Timm, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SCR 4024 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4048: Finance and Taxation Committee (Rep. Timm, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4048 was placed on the Tenth order on the calendar.

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

ROY GILBREATH, Chief Clerk