

## JOURNAL OF THE HOUSE

## Fifty-third Legislative Assembly

\* \* \* \* \*

Bismarck, January 20, 1993

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

The prayer was offered by the Rev. Jerry Wickre, First United Methodist Church, Bismarck.

The roll was called and all members were present except Representatives Bernstein, DeWitz, Kelsch, Oban, Payne, Pyle, St. Aubyn, Wentz, and Wilkie.

A quorum was declared by the Speaker.

## CORRECTION AND REVISION OF THE JOURNAL

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

Page 202, line 8, delete the word "and" and after the numeral "1182" insert the following: ", and HB 1187"

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

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2019, SB 2032, SB 2033, SB 2042, SB 2068, SB 2069, SB 2087, SB 2088, SB 2131, SB 2140, SB 2142, SB 2143, SCR 4002, SCR 4003, SCR 4004.

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

**MADAM PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1053, HB 1093, HB 1104, HB 1169.

## HOUSE ENGROSSING REPORT

The following bills were engrossed: HB 1037, HB 1097, HB 1098, HB 1109, HB 1112, HB 1182, and HB 1187.

## THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Jack Olin.

## MOTION

**REP. DORSO MOVED** that HB 1210 be returned to the House floor from the Industry, Business and Labor Committee for the purpose of withdrawal, which motion prevailed.

## REQUEST

**REP. DORSO REQUESTED** the unanimous consent of the House to withdraw HB 1210. There being no objection, it was so ordered by the Speaker.

## SIXTH ORDER OF BUSINESS

**REP. MARTINSON MOVED** that the rules be suspended and that the House consider all the amendments on the Sixth order of business in one motion, with the exception of HB 1174, which motion prevailed.

**REP. MARTINSON MOVED** that the rules be suspended and that the amendments on the Sixth order of business to HB 1028, HB 1079, HB 1089, HB 1126, HB 1188, HB 1219, HB 1247, and HB 1343 be adopted, which motion prevailed.

HB 1028, HB 1079, HB 1089, HB 1126, HB 1188, HB 1219, HB 1247, and HB 1343, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### SIXTH ORDER OF BUSINESS

**HB 1174: REP. DORSO (Industry, Business and Labor Committee) MOVED** that the amendments on HJ page 219 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### MOTION

**REP. FREIER MOVED** that the House waive the reading of the titles to HB 1097, HB 1109, HB 1182, and HB 1166, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1097:** A BILL for an Act to amend and reenact section 39-16.1-07 of the North Dakota Century Code, relating to the revocation or suspension of an operator's license for failure to comply with financial responsibility laws.

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

**ABSENT AND NOT VOTING:** Bernstein; Hausauer; Kelsch; Oban

Engrossed HB 1097 passed and the title was agreed to.

\*\*\*\*\*

#### SECOND READING OF HOUSE BILL

**HB 1098:** A BILL for an Act to amend and reenact subdivision a of subsection 1 of section 39-08-01, sections 39-20-03.1, 39-20-03.2, 39-20-04.1, 39-20-05, subsection 4 of section 39-20-07, and sections 39-20-09 and 65-01-11 of the North Dakota Century Code, relating to alcohol concentration of motor vehicle operators and statutory references to the director of the department of transportation.

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

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

**ABSENT AND NOT VOTING:** Bernstein; Hausauer; Kelsch; Maragos; Oban

Engrossed HB 1098 passed and the title was agreed to.

\*\*\*\*\*

**THE HOUSE RECOGNIZED THE PRESENCE OF:**

Former Representative Richard Solberg.

**SECOND READING OF HOUSE BILL**

**HB 1109:** A BILL for an Act to create and enact a new subsection to section 39-01-01 of the North Dakota Century Code, relating to definition of the terms operator's license, driver's license, and license to operate a motor vehicle; and to amend and reenact subsection 2 of section 39-01-17, subsection 1 of section 39-06-03.1, sections 39-06-20, 39-06-35, 39-06-36, subdivision b of subsection 7 of section 39-06.1-10, and subdivision b of subsection 1 of section 39-20-04.1 of the North Dakota Century Code, relating to certification of records, nondriver photo identification cards, change of address, and reinstatement fees and suspension for alcohol-related offenses.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Bernstein; Kelsch; Oban

Engrossed HB 1109 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1112:** A BILL for an Act to amend and reenact section 38-12.1-03, subdivision a of subsection 1 of section 38-12.1-04, and section 38-12.1-08 of the North Dakota Century Code, relating to a definition of road for coal exploration purposes and application of the penalty provisions.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Bernstein; Kelsch; Laughlin; Oban

Engrossed HB 1112 passed and the title was agreed to.

\*\*\*\*\*

#### SECOND READING OF HOUSE BILL

**HB 1182:** A BILL for an Act to create and enact five new sections to chapter 4-30 of the North Dakota Century Code, relating to complaint investigation under dairy products laws, inspections, assaults on dairy inspectors, the grade A pasteurized milk ordinance, and labeling standards; to amend and reenact sections 4-30-01, 4-30-02, 4-30-03.9, 4-30-05, 4-30-06, 4-30-09, 4-30-10, 4-30-11, 4-30-12, 4-30-15, 4-30-23, 4-30-24, 4-30-27, 4-30-28, 4-30-29, 4-30-30, 4-30-31, 4-30-32, 4-30-33, 4-30-34, 4-30-35, 4-30-36, 4-30-37, 4-30-38, 4-30-39, 4-30-42, 4-30-48, 4-30-49, 4-30-52, and 4-30-53 of the North Dakota Century Code, relating to dairy products laws; to repeal chapter 4-29, sections 4-30-06.1, 4-30-13, 4-30-14, 4-30-16, 4-30-17, 4-30-41.1, 4-30-45, and 4-30-51 of the North Dakota Century Code, relating to the dairy department, personal notice to file claims, complaints upon violation, place of hearing, witness subpoenas, court review, prohibitions against sales of imitation milk and filled dairy products, labeling of milk and milk products for retail sale and complaint investigation; to provide penalties; 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 85 YEAS, 10 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Clayburgh; DeWitz; Dorso; Grosz; Howard; Jacobs; Maragos; Payne; Thorpe; Wanzek

**ABSENT AND NOT VOTING:** Bernstein; Kelsch; Oban

Engrossed HB 1182 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1187:** A BILL for an Act to create and enact two new sections to chapter 57-40.6 of the North Dakota Century Code, relating to liability for an act or omission in connection with any emergency services communication system.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Bernstein; Kelsch; Oban

Engrossed HB 1187 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1086:** A BILL for an Act to amend and reenact section 65-06.2-03 of the North Dakota Century Code, relating to workers' compensation coverage of inmates.

**ROLL CALL**

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

**YEAS:** Gorder

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

**ABSENT AND NOT VOTING:** Bernstein; Kelsch; Oban; Speaker R. Berg,

HB 1086 was declared lost.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1100:** A BILL for an Act to create and enact a new subsection to section

15-40.1-08 of the North Dakota Century Code, relating to state foundation aid payments for elementary students enrolled in approved summer school programs.

**ROLL CALL**

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

**YEAS:** Brodshaug; Wilkie

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

**ABSENT AND NOT VOTING:** Bernstein; Kelsch; Oban

HB 1100 was declared lost.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1123:** A BILL for an Act to create and enact a new subsection to section 15-40.1-08 of the North Dakota Century Code, relating to elementary per-pupil payments for certain students receiving home-based instruction.

**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 51 YEAS, 43 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Berg, J.; Bodine; Boucher; Brodshaug; Cleary; Coats; Dobrinski; Drovdal; Gerntholz; Glasheim; Goffe; Gorder; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hokana; Holm; Howard; Huether; Jacobs; Kerzman; Kilichowski; Kretschmar; Kroeber; Laughlin; Mahoney; Martin; Monson; Mutzenberger; Nelson; Ness; Nichols; Pyle; Ring; Schindler; Sitz; Stenehjem; Stenson; Sveen; Thorpe; Timm; Tollefson; Wald; Wanzek; Wardner; Wentz; Wilkie

**NAYS:** Austin; Bateman; Belter; Boehm; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Dalrymple; DeWitz; Dorso; Freier; Froseth; Gates; Gorman; Hausauer; Henegar; Johnson; Kaldor; Keiser; Kempenich; Klein; Kunkel; Martinson; Nicholas; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Rydell; Shide; Skarphol; Soukup; St. Aubyn; Svedjan; Torgerson; Speaker R. Berg,

**ABSENT AND NOT VOTING:** Bernstein; Kelsch; Maragos; Oban

HB 1123 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1124:** A BILL for an Act to amend and reenact section 15-40.1-07 of the

North Dakota Century Code, relating to the amount of high school per-pupil payment for students receiving home-based instruction.

#### 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 55 YEAS, 40 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Berg, J.; Bodine; Boucher; Brodshaug; Carlisle; Cleary; Coats; Dobrinski; Drovdal; Gerntholz; Glassheim; Goffe; Gorder; Grosz; Grumbo; Gulleson; Hagle; Hanson; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Kerzman; Kilichowski; Kretschmar; Kroeber; Laughlin; Mahoney; Maragos; Martin; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Porter; Pyle; Ring; Schindler; Sitz; Stenehjem; Stenson; Thorpe; Timm; Tollefson; Wald; Wanzek; Wardner; Wentz; Wilkie

**NAYS:** Austin; Bateman; Belter; Boehm; Brown; Byerly; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Dalrymple; DeWitz; Dorso; Freier; Froseth; Gates; Gorman; Hausauer; Johnson; Kaldor; Keiser; Kempenich; Klein; Kunkel; Martinson; Olsen, D.; Olson, A.; Payne; Poolman; Price; Rennerfeldt; Rydell; Shide; Skarphol; Soukup; St. Aubyn; Svedjan; Sveen; Torgerson; Speaker R. Berg,

**ABSENT AND NOT VOTING:** Bernstein; Kelsch; Oban

HB 1124 passed and the title was agreed to.

\*\*\*\*\*

#### SECOND READING OF HOUSE BILL

**HB 1166:** A BILL for an Act to amend and reenact section 26.1-03-07, subsection 9 of section 26.1-10-05, section 26.1-22-05, subsection 1 of section 26.1-25-02, sections 26.1-26-31.3, 26.1-26-44, subdivision j of subsection 1 of section 26.1-36-04, and subsection 2 of section 26.1-36-09.1 of the North Dakota Century Code, relating to annual statement filing date, insurance holding company systems, fire and tornado fund, accreditation of courses, notification of license status, insurance rates, claim payments, and mammogram examination coverage.

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

**ABSENT AND NOT VOTING:** Bernstein; Kelsch; Oban

HB 1166 passed and the title was agreed to.

\*\*\*\*\*

**MOTION**

REP. WALD MOVED that the House reconsider its action whereby HB 1123 and HB 1124 passed, which motion prevailed.

**MOTION**

REP. WALD MOVED that HB 1123 and HB 1124 be rereferred to the Appropriations Committee, which motion prevailed. Pursuant to Rep. Wald's motion, HB 1123 and HB 1124 were rereferred.

**SECOND READING OF HOUSE BILL**

HB 1239: A BILL for an Act to create and enact a new subsection to section 14-07.1-10 of the North Dakota Century Code, relating to the release of an individual after an arrest for a crime involving domestic violence.

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

ABSENT AND NOT VOTING: Bernstein; Carlson, A.; Kelsch; Oban

HB 1239 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

HB 1249: A BILL for an Act to amend and reenact subsection 1 of section 2 of chapter 374 of the 1987 Session Laws of North Dakota, relating to the temporary court of appeals; and to repeal section 15 of chapter 374 of the 1987 Session Laws of North Dakota and chapter 379 of the 1989 Session Laws of North Dakota, relating to expiration dates for the temporary court of appeals.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 28 YEAS, 67 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Berg, J.; Brodshaug; Carlisle; Carlson, C.; Cleary; Coats; Drovdal; Glassheim; Hagle; Henegar; Hokana; Johnson; Klein; Kretschmar; Kunkel; Mahoney; Maragos; Mutzenberger; Price; Pyle; Sitz; Skarphol; St. Aubyn; Stenehjem; Stenson; Thorpe; Torgerson; Wentz

NAYS: Aarsvold; Allmaras; Austin; Bateman; Belter; Bodine; Boehm; Boucher; Brown; Byerly; Carlson, A.; Christopherson; Clayburgh; Dalrymple; DeWitz; Dobrinski; Dorso; Freier; Froseth; Gates; Gerntholz; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleston; Hanson; Hausauer; Holm; Howard; Huether; Jacobs; Kaldor; Keiser; Kempenich; Kerzman; Kilichowski; Kroeber; Laughlin; Martin; Martinson; Monson; Nelson; Ness; Nicholas; Nichols; Olsen, D.; Olson, A.; Payne; Poolman; Porter;

Rennerfeldt; Ring; Rydell; Schindler; Shide; Soukup; Svedjan; Sveen; Timm; Tollefson; Wald; Wanzek; Wardner; Wilkie; Speaker R. Berg,

**ABSENT AND NOT VOTING:** Bernstein; Kelsch; Oban

HB 1249 was declared lost.

\*\*\*\*\*

#### SECOND READING OF HOUSE BILL

**HB 1279:** A BILL for an Act to amend and reenact section 32-19-41 of the North Dakota Century Code, relating to the disposal by a lender of abandoned personal property located on real estate foreclosed upon by a lender.

#### 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, 1 NAY, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Ring

**ABSENT AND NOT VOTING:** Bernstein; Kelsch; Oban

HB 1279 passed and the title was agreed to.

\*\*\*\*\*

#### SECOND READING OF HOUSE BILL

**HB 1295:** A BILL for an Act to amend and reenact section 54-56-01 of the North Dakota Century Code, relating to the membership of the children's services coordinating committee.

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

**ABSENT AND NOT VOTING:** Bernstein; Kelsch; Oban

HB 1295 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1334:** A BILL for an Act to restrict the use of polystyrene beverage containers.

**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 27 YEAS, 68 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Berg, J.; Bodine; Boucher; Brodshaug; Cleary; Coats; Dalrymple; Dobrinski; Glassheim; Grumbo; Gulleson; Hanson; Huether; Kaldor; Kilichowski; Laughlin; Mahoney; Mutzenberger; Nelson; Ness; Pyle; Ring; Schindler; Thorpe; Wilkie

**NAYS:** Austin; Bateman; Belter; Boehm; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; DeWitz; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Goffe; Gorde; Gorman; Grosz; Hagle; Hausauer; Henegar; Hokana; Holm; Howard; Jacobs; Johnson; Keiser; Kempenich; Kerzman; Klein; Kretschmar; Kroeber; Kunkel; Maragos; Martin; Martinson; Monson; Nicholas; Nichols; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Rydell; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Speaker R. Berg,

**ABSENT AND NOT VOTING:** Bernstein; Kelsch; Oban

HB 1334 was declared lost.

\*\*\*\*\*

**REQUEST**

**REP. PAYNE REQUESTED** that the record indicate that the following members of the Human Resources Division of the Appropriations Committee were present: Reps. DeWitz, Payne, Pyle, St. Aubyn, Wentz, and Wilkie, which request was granted.

**MOTION**

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

**MOTION**

**REP. FREIER MOVED** that the House be on the Fifth and Thirteenth order of business and at the conclusion of that order, the House stand adjourned until 1:00 p.m., Thursday, January 21, 1993, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1103: Finance and Taxation Committee (Rep. Timm, Chairman)** recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1103 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to create and enact a new subsection to section 57-02-08 of the North Dakota Century Code, relating to a property tax exemption for property leased for agricultural purposes from a governmental entity;"

Page 1, after line 5, insert:

**"SECTION 1.** A new subsection to section 57-02-08 of the 1991 Supplement to the North Dakota Century Code is created and enacted as follows:

The leasehold interest in property owned by the United States or the state or a political subdivision of the state and used by the leaseholder for agricultural purposes."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1167: Industry, Business and Labor Committee (Rep. Dorso, Chairman)** recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1167 was placed on the Sixth order on the calendar.

Page 1, line 21, remove the overstrike over "The"

Page 1, line 22, remove the overstrike over "~~commissioner shall, within thirty days after the~~"

Page 2, line 1, after the first "~~order~~" insert "hearing" and remove the overstrike over "~~, issue an order vacating the cease and desist order or making~~"

Page 2, line 2, remove the overstrike over "~~the cease and desist order permanent, as the facts require.~~"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1168: Industry, Business and Labor Committee (Rep. Dorso, Chairman)** recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1168 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "subsections 2," with "subsection"

Page 1, line 2, remove "3, and"

Page 2, line 1, replace "Subsections 2, 3, and" with "Subsection"

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

Page 2, remove lines 4 through 29

Page 3, remove lines 1 through 7

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1170: Industry, Business and Labor Committee (Rep. Dorso, Chairman)** recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1170 was placed on the Sixth order on the calendar.

Page 1, line 19, overstrike "subscriber"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1177: Industry, Business and Labor Committee (Rep. Dorso, Chairman)** recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1177 was placed on the Eleventh order on the calendar.

## REPORT OF STANDING COMMITTEE

**HB 1258: Industry, Business and Labor Committee (Rep. Dorso, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).  
HB 1258 was placed on the Eleventh order on the calendar.

## REPORT OF STANDING COMMITTEE

**HB 1267: Human Services Committee (Rep. Rydell, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1267 was placed on the Eleventh order on the calendar.

## REPORT OF STANDING COMMITTEE

**HB 1308: Industry, Business and Labor Committee (Rep. Dorso, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).  
HB 1308 was placed on the Eleventh order on the calendar.

## REPORT OF STANDING COMMITTEE

**HB 1337: Industry, Business and Labor Committee (Rep. Dorso, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).  
HB 1337 was placed on the Eleventh order on the calendar.

## FIRST READING OF SENATE BILLS

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

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

**SB 2062: A BILL for an Act to amend and reenact sections 43-32-01, 43-32-17, and 43-32-30 of the North Dakota Century Code, relating to the practice of psychology.**

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

**SB 2082: A BILL for an Act to create and enact two new sections to chapter 43-18 and a new subsection to section 43-18-18 of the North Dakota Century Code, relating to reporting and inspection of plumbing work and grounds for revocation of license; and to amend and reenact sections 43-18-08, 43-18-10, 43-18-11, and 43-18-21 of the North Dakota Century Code, relating to supervision and inspection of plumbing installations, locations where plumbing licenses are required, number of apprentices working under supervision of a plumber, and apprenticeship fees.**

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

**SB 2138: A BILL for an Act to amend and reenact section 4-09-03.1 of the North Dakota Century Code, relating to compensation and expense reimbursement of members of the state seed arbitration board.**

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

**SB 2153: A BILL for an Act to amend and reenact subsection 1 of section 6-09.11-03 of the North Dakota Century Code, relating to the interest rate on participation interests purchased by the Bank of North Dakota for loans to family farmers.**

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

**SB 2193: A BILL for an Act to create and enact two new subsections to section 38-14.2-03 of the North Dakota Century Code, relating to powers of the public service commission under the abandoned surface mine reclamation laws; and to amend and reenact subsection 3 of section 38-14.2-04 and section 38-14.2-06 of the North Dakota Century Code, relating to the state abandoned mine reclamation fund and eligible lands and water.**

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

**SB 2202: A BILL for an Act to cancel and declare forfeited all or part of water permits numbered 24C, 939, 2432, 578, and 2708, relating to the right of the state industrial school, roughrider industries, North**

Dakota association of soil conservation districts, and North Dakota state university-Carrington research extension center to appropriate water.

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

**SB 2203:** A BILL for an Act to amend and reenact sections 61-20-06 and 61-20-07 of the North Dakota Century Code, relating to duties of the state engineer with regard to artesian wells.

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

**SB 2220:** A BILL for an Act to create and enact a new subsection to section 60-02-01 and a new section to chapter 60-02 of the North Dakota Century Code, relating to procedures to license receiving stations and the definition of receiving station.

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

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

**ROY GILBREATH, Chief Clerk**