

JOURNAL OF THE HOUSE

Fifty-third Legislative Assembly

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Bismarck, February 2, 1993

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

The prayer was offered by Father Robert E. Feeny, St. Joseph Catholic Church, Mandan.

The roll was called and all members were present except Representatives DeWitz, Glassheim, and Henegar.

A quorum was declared by the Speaker.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2095, SB 2175, SB 2225, SB 2229, SB 2299, SB 2318, SB 2328, SB 2336, SB 2372, SB 2374, SB 2407, SB 2416.

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

MR. SPEAKER: The President has signed: HB 1221.

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

MADAM PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SCR 4019: Reps. Rydell; Kelsch; Coats

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 1244, HB 1283, HB 1453.

HOUSE ENROSSING AND ENROLLING REPORT

The following bills were engrossed: HB 1136, HB 1138, HB 1302, HB 1335.

SIXTH ORDER OF BUSINESS

REP. FREIER MOVED that the rules be suspended and that the House consider all the amendments on the Sixth order of business in one motion, which motion prevailed.

REP. FREIER MOVED that the rules be suspended and that the amendments on the Sixth order of business to HB 1033, HB 1081, HB 1156, HB 1231, HB 1243, HB 1269, HB 1288, and HB 1390 be adopted, which motion prevailed.

HB 1033, HB 1081, HB 1156, HB 1231, HB 1243, HB 1269, HB 1288, and HB 1390, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

REP. FREIER MOVED that the rules be suspended and that HB 1033, HB 1081, HB 1156, HB 1231, HB 1243, HB 1269, HB 1288, and HB 1390 be deemed properly engrossed and be placed on the Eleventh order at the head of the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1033: A BILL for an Act to amend and reenact section 57-15-17 of the North Dakota Century Code, relating to the disposition of moneys in school building funds; and to provide an expiration date.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Brodshaug; Glassheim; Henegar

Engrossed HB 1033 was declared lost.

SECOND READING OF HOUSE BILL

HB 1081: A BILL for an Act to create and enact a new section to chapter 55-08 of the North Dakota Century Code, relating to a North Dakota children's passport; and to amend and reenact section 55-08-06 of the North Dakota Century Code, relating to fees for permits for motor vehicles to enter a state park, recreational area, or reserve.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 9 YEAS, 86 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Cleary; Coats; Grumbo; Kaldor; Mutzenberger; Nelson; Oban; Ring

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

ABSENT AND NOT VOTING: Boucher; Glassheim; Henegar

Engrossed HB 1081 was declared lost.

MOTION

REP. FREIER MOVED that the House waive the reading of the title to HB 1156, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1156: A BILL for an Act to create and enact section 15-47-00.1 of the

North Dakota Century Code, relating to the definition of vocational education; and to amend and reenact sections 4-37-03, 14-06.1-07, 15-20.1-01, 15-20.1-02, 15-20.1-05, subsection 5 of section 15-20.2-01, section 15-20.2-10, subsections 4 and 8 of section 15-20.4-01, sections 15-40.1-16.1, 15-41-05, 15-41-24, 27-21-09, 52-02-02.1, subsection 2 of section 52-08.1-04, subsection 12 of section 54-10-14, section 54-56-01, subdivision m of subsection 1 of section 57-38-01.2, and subsection 2 of section 57-38-67 of the North Dakota Century Code, relating to the changing of "state board of vocational education" to "state board for vocational and technical education", and changing "director of vocational education" to "director of vocational and technical education", and changing "vocational education centers" to "area vocational and technology centers"; and to repeal section 15-20.1-09 of the North Dakota Century Code, relating to vocational school districts.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Glassheim; Henegar

Engrossed HB 1156 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1231: A BILL for an Act to create and enact a new section to chapter 20.1-05 of the North Dakota Century Code, relating to group deer hunting; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 33 YEAS, 63 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Berg, J.; Bernstein; Bodine; Boucher; Coats; Dorso; Goffe; Gorder; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Hokana; Huether; Jacobs; Johnson; Kaldor; Kilichowski; Kroeber; Kunkel; Laughlin; Maragos; Mutzenberger; Nelson; Oban; Schindler; Soukup; St. Aubyn; Timm; Wilkie

NAYS: Austin; Bateman; Belter; Boehm; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Dalrymple; DeWitz; Dobrinski; Drovdal; Freier; Froseth; Gates; Gerntholz; Gorman; Grosz; Holm; Howard; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kretschmar; Mahoney; Martin; Martinson; Monson; Ness; Nicholas; Nichols; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Shide; Sitz; Skarphol; Stenehjem; Stenson;

Svedjan; Sveen; Thorpe; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Speaker R. Berg,

ABSENT AND NOT VOTING: Glassheim; Henegar

Engrossed HB 1231 was declared lost.

SECOND READING OF HOUSE BILL

HB 1243: A BILL for an Act to create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to bowhunter education requirements; to provide a penalty; to provide an effective date; to provide an expiration date; and to declare an emergency.

MOTION

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

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 77 YEAS, 19 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Byerly; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; Dobrinski; Gates; Gerntholz; Goffe; Gorder; Gorman; Grumbo; Gulleson; Hagle; Hanson; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kerzman; Kilichowski; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olson, A.; Payne; Poolman; Porter; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Sitz; Skarphol; Soukup; St. Aubyn; Stenson; Svedjan; Sveen; Thorpe; Timm; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie

NAYS: Brown; Carlisle; Carlson, A.; DeWitz; Dorso; Drovda; Freier; Froseth; Grosz; Hausauer; Kempenich; Klein; Martin; Olsen, D.; Price; Shide; Stenhjem; Tollefson; Speaker R. Berg,

ABSENT AND NOT VOTING: Glassheim; Henegar

Engrossed HB 1243 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1269: A BILL for an Act to create and enact a new section to chapter 20.1-01 of the North Dakota Century Code, relating to guides or outfitters entering private lands; 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 NOT PASS, the roll was called and there were 44 YEAS, 52 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Berg, J.; Bernstein; Boehm; Boucher; Carlson, A.; Christopherson; Clayburgh; Cleary; Dalrymple; DeWitz; Dobrinski; Dorso; Gerntholz; Goffe; Grosz; Hokana; Howard; Huether; Kaldor; Kerzman; Kretschmar; Martin; Monson; Nelson; Ness; Nichols; Olson, A.; Payne; Price; Rennerfeldt; Schindler; Sitz; Skarphol; Soukup; Sveen; Thorpe; Wald; Wanzek; Wardner; Wilkie

NAYS: Belter; Bodine; Brodshaug; Brown; Byerly; Carlisle; Carlson, C.; Coats; Drovda; Freier; Froseth; Gates; Gorder; Gorman; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Holm; Jacobs; Johnson; Keiser;

Kelsch; Kempenich; Kilichowski; Klein; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martinson; Mutzenberger; Nicholas; Oban; Olsen, D.; Poolman; Porter; Pyle; Ring; Rydell; Shide; St. Aubyn; Stenehjem; Stenson; Svedjan; Timm; Tollefson; Torgerson; Wentz; Speaker R. Berg,

ABSENT AND NOT VOTING: Glassheim; Henegar

Engrossed HB 1269 was declared lost.

SECOND READING OF HOUSE BILL

HB 1288: A BILL for an Act to amend and reenact section 63-05-02 of the North Dakota Century Code, relating to the cutting of weeds and grasses along county and township highways.

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 71 YEAS, 25 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bernstein; Bodine; Boucher; Brodshaug; Byerly; Christopherson; Cleary; Coats; DeWitz; Dobrinski; Drovda; Froseth; Gates; Goffe; Gorder; Grumbo; Gullerson; Hagle; Hanson; Hausauer; Hokana; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Pyle; Ring; Rydell; Schindler; Shide; Sitz; Soukup; St. Aubyn; Stenehjem; Stenson; Sveen; Thorpe; Torgerson; Wald; Wanzek; Wardner; Wentz; Speaker R. Berg,

NAYS: Bateman; Boehm; Brown; Carlisle; Carlson, A.; Carlson, C.; Clayburgh; Dalrymple; Dorso; Freier; Gerntholz; Gorman; Grosz; Holm; Kempenich; Ness; Poolman; Porter; Price; Rennerfeldt; Skarphol; Svedjan; Timm; Tollefson; Wilkie

ABSENT AND NOT VOTING: Glassheim; Henegar

Engrossed HB 1288 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1390: A BILL for an Act to create and enact a new section to chapter 39-12 of the North Dakota Century Code, relating to a shipper's liability for an overweight motor vehicle.

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 63 YEAS, 33 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Allmaras; Austin; Bernstein; Bodine; Boucher; Brodshaug; Carlisle; Christopherson; Cleary; Coats; Dobrinski; Dorso; Drovda; Freier; Froseth; Gerntholz; Goffe; Gorder; Gorman; Grosz; Grumbo; Gullerson; Hagle; Hanson; Hokana; Holm; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Kretschmar; Kroeber; Laughlin; Mahoney; Maragos; Martin; Monson; Mutzenberger; Nelson; Ness; Oban; Olsen, D.; Olson, A.; Porter; Price; Pyle; Ring; Rydell; Skarphol; Soukup; St. Aubyn; Stenehjem; Svedjan; Sveen; Timm; Torgerson; Wald; Wanzek; Wardner; Wentz

NAYS: Aarsvold; Bateman; Belter; Berg, J.; Boehm; Brown; Byerly; Carlson, A.; Carlson, C.; Clayburgh; Dalrymple; DeWitz; Gates;

Hausauer; Howard; Huether; Kaldor; Klein; Kunkel; Martinson; Nicholas; Nichols; Payne; Poolman; Rennerfeldt; Schindler; Shide; Sitz; Stenson; Thorpe; Tollefson; Wilkie; Speaker R. Berg,

ABSENT AND NOT VOTING: Glassheim; Henegar

Engrossed HB 1390 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1194: A BILL for an Act to amend and reenact sections 15-34.1-02, 25-06-01, 25-06-02, and 25-06-07, relating to the location of and the education provided by the North Dakota school for the blind; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 2 YEAS, 94 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Gorder; Kilichowski

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

ABSENT AND NOT VOTING: Glassheim; Henegar

HB 1194 was declared lost.

SECOND READING OF HOUSE BILL

HB 1235: A BILL for an Act to amend and reenact section 15-47-15 of the North Dakota Century Code, relating to the acceptance of bids for school contracts.

ROLL CALL

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

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn;

Stenehjerm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg,

ABSENT AND NOT VOTING: Glasheim; Henegar

HB 1235 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1294: A BILL for an Act to amend and reenact sections 15-34.1-02, 25-06-01, 25-06-02, and 25-06-07 of the North Dakota Century Code, relating to the North Dakota school for the blind and providing for the relocation of that institution; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 2 YEAS, 94 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Gorder; Kilichowski

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

ABSENT AND NOT VOTING: Glasheim; Henegar

HB 1294 was declared lost.

SECOND READING OF HOUSE BILL

HB 1346: A BILL for an Act to require the office of management and budget to establish a child care facility for state employees' children.

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 28 YEAS, 68 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvoid; Allmaras; Berg, J.; Bodine; Boucher; Brodshaug; Cleary; Coats; Dobrinski; Grumbo; Gulleson; Hanson; Hokana; Huether; Kaldor; Kerzman; Kilichowski; Kroeber; Laughlin; Mahoney; Mutzenberger; Nelson; Ness; Nichols; Oban; Pyle; Ring; Wilkie

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

ABSENT AND NOT VOTING: Glassheim; Henegar

HB 1346 was declared lost.

SECOND READING OF HOUSE BILL

HB 1358: A BILL for an Act to amend and reenact section 48-05-11 of the North Dakota Century Code, relating to guaranteed energy savings contracts.

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

ABSENT AND NOT VOTING: Glassheim; Henegar; Nichols

HB 1358 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1494: A BILL for an Act to amend and reenact subsection 21 of section 43-17-31 of the North Dakota Century Code, relating to grounds for disciplinary action by the state board of medical examiners.

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 8 YEAS, 88 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bodine; Coats; Laughlin; Oban; Porter; Thorpe; Tollefson; Wentz

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

ABSENT AND NOT VOTING: Glassheim; Henegar

HB 1494 was declared lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3001: A concurrent resolution supporting the efforts of the North Dakota Health Task Force in addressing health care issues.

The question being on the final adoption of the resolution, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

HCR 3001 was declared lost on a verification vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3011: A concurrent resolution supporting the efforts of the North Dakota Health Task Force in addressing health care issues, in defining basic health care, in developing a workable plan for health care delivery, in establishing priorities, and in developing funding mechanisms for health care.

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

HCR 3011 was declared lost on a verification vote.

SECOND READING OF SENATE BILL

SB 2132: A BILL for an Act to amend and reenact section 39-04-39 of the North Dakota Century Code, relating to distribution of vehicle registration fees.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Glassheim; Henegar

SB 2132 passed and the title was agreed to.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Charles Linderman.

REQUEST

REP. NELSON REQUESTED that the record show that Rep. Glassheim was absent due to a death in the family, which request was granted.

CORRECTION AND REVISION OF THE JOURNAL

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

Page 364, line 31, delete "REP." and insert "SPEAKER"

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

MOTION

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

MOTION

REP. FREIER MOVED that the House be on the Fifth and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:30 p.m., Wednesday, February 3, 1993, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1018: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (17 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). HB 1018 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "\$1,441,608" with "\$1,403,256"

Page 1, line 14, replace "587,723" with "594,723"

Page 1, line 15, replace "29,168" with "20,000"

Page 1, remove line 16

Page 1, line 19, replace "\$2,664,179" with "\$2,616,659"

Page 1, line 22, replace "\$1,338,121" with "\$1,302,118"

Page 2, line 2, replace "531,550" with "579,550"

Page 2, line 3, replace "20,050" with "17,300"

Page 2, remove line 4

Page 2, line 6, replace "\$2,374,021" with "\$2,335,268"

Page 2, line 7, replace "\$5,038,200" with "\$4,951,927"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:**DEPARTMENT 190 - RETIREMENT AND INVESTMENT OFFICE**

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

- The salaries and wages line item is decreased by \$38,352, of which \$6,912 is for reduced employee health insurance costs and \$31,440 is to reflect Governor Schafer's salary increase recommendation.
- The operating expenses line item is increased by \$7,000 and the interagency legal fees line item of \$7,000 is deleted to reflect Governor Schafer's recommendation regarding legal fees charged by the Attorney General.

- Also, equipment is decreased by \$9,168 to provide the amount considered necessary for computer equipment purchases.

In total, this amendment reduces the Retirement and Investment Office appropriation by \$47,520.

DEPARTMENT 192 - PUBLIC EMPLOYEES RETIREMENT SYSTEM

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

- The salaries and wages line item is decreased by \$36,003, of which \$7,680 is for reduced employee health insurance costs and \$28,323 is to reflect Governor Schafer's salary increase recommendation.
- The operating expenses line item is increased by \$48,000 and the interagency legal fees line item of \$48,000 is deleted to reflect Governor Schafer's recommendation regarding legal fees charged by the Attorney General.
- Also, equipment is decreased by \$2,750 to provide the amount considered necessary for purchase of computer network servers.

In total, this amendment reduces the Public Employees Retirement System appropriation by \$38,753.

REPORT OF STANDING COMMITTEE

HB 1029: Human Services Committee (Rep. Rydell, Chairman) recommends DO NOT PASS (7 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). HB 1029 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1030: Human Services Committee (Rep. Rydell, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (9 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). HB 1030 was rereferred to the Appropriations Committee.

REPORT OF STANDING COMMITTEE

HB 1037, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (18 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Engrossed HB 1037 was placed on the Sixth order on the calendar.

Page 1, line 13, after the first comma insert "multiple peril crop," and remove "or"

Page 1, line 14, after "peril" insert ", or crop hail"

Page 1, line 16, remove "percentage of"

Page 1, line 17, replace "insurance premiums attributable to insurance on" with "property and insured value of the"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1106: Human Services Committee (Rep. Rydell, Chairman) recommends DO NOT PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1106 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1265: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO

PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1265 was placed on the Sixth order on the calendar.

Page 1, line 22, replace "1993" with "1989"

Page 2, line 3, replace "1993" with "1989" and after the underscored period insert "A conversion by the bureau from offsetting an employee's social security disability benefits to offsetting an employee's social security retirement benefits under this section may not result in a decrease in the aggregate amount of benefits the employee receives from both sources."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1292: Education Committee (Rep. Gates, Chairman) recommends **DO NOT PASS** (8 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). HB 1292 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1310: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1310 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1319: Education Committee (Rep. Gates, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1319 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1327: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1327 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1336: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1336 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "and" with a comma, replace the second "section" with "sections", and after "54-21.2-03" insert ", and 54-21.2-04"

Page 2, after line 7, insert:

"SECTION 3. AMENDMENT. Section 54-21.2-04 of the North Dakota Century Code is amended and reenacted as follows:

54-21.2-04. Inspections. All construction or work for which a permit is required pursuant to section 11-33-18, subsection 6 of section 40-05-02, or other similar grant of authority is subject to inspection by the local building inspector. ~~Each political subdivision of the state~~ The governing body of a city, county, or township that elects to administer and enforce an energy conservation standard shall adopt and enforce the provisions of this chapter state energy conservation standards. The state energy conservation standards may be amended by cities, counties, and townships to conform to local needs. No construction ~~shall~~ may be covered without inspection approval, and there must be a final inspection on all buildings when completed and ready for occupancy. The building inspector may cause any structure to be reinspected."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1404: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (15 YEAS, 2 NAYS, 5 ABSENT AND NOT VOTING). HB 1404 was placed on the Sixth order on the calendar.

Page 1, line 10, after the third comma, insert "or"

Page 1, line 11, remove "or intramuscular polio vaccine, and pneumococcal vaccine"

Page 2, line 7, after the period insert "The practitioner may not require a minor to undergo a medical examination in conjunction with the administration of the vaccine unless the practitioner has reason to believe the vaccine is contraindicated. Before the physician conducts any medical examination in conjunction with the administration of the vaccine, the practitioner shall inform the minor's parent or guardian that a medical examination is not required before administration of the vaccine."

Page 2, after line 11, insert "In accordance with its authority under chapter 28-32 to adopt reasonable rules, the department may adopt rules necessary to implement this Act."

Page 2, remove lines 12 and 13

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1479: Judiciary Committee (Rep. Kretschmar, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1479 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1493: Education Committee (Rep. Gates, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1493 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE BILLS

SB 2207: A BILL for an Act to create and enact chapter 26.1-33.1 of the North Dakota Century Code, relating to living benefits.
Was read the first time and referred to the **Industry, Business and Labor Committee.**

SB 2226: A BILL for an Act to create and enact chapter 26.1-17.1 of the North Dakota Century Code, relating to prepaid limited health service organizations.
Was read the first time and referred to the **Industry, Business and Labor Committee.**

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

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

SB 2289: A BILL for an Act to amend and reenact section 11-28.2-01 of the North Dakota Century Code, relating to establishment of recreation service districts.

Was read the first time and referred to the Political Subdivisions Committee.

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

ROY GILBREATH, Chief Clerk