

JOURNAL OF THE HOUSE

Fifty-fifth Legislative Assembly

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Bismarck, January 31, 1997

The House convened at 8:30 a.m., with Speaker Timm presiding.

The prayer was offered by Representative Drovdal.

The roll was called and all members were present except Representatives Huether, Kerzman, and Wald.

A quorum was declared by the Speaker.

ANNOUNCEMENT BY THE SPEAKER

SPEAKER TIMM ANNOUNCED that in accordance with House Rule 341, members may not change their vote after the Speaker has announced that the vote is closed. A member may, however, request that the Journal show how that member intended to vote.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2049, SB 2055, SB 2057, SB 2082, SB 2090, SB 2138, SB 2150, SB 2290, SB 2307, SCR 4008.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1060, HB 1091, HB 1130.

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 1081, HB 1230, HB 1234, HB 1248, HB 1251, HB 1284.

SIXTH ORDER OF BUSINESS

REP. DORSO MOVED that the amendments on the Sixth order of business to HB 1030, HB 1048, HB 1063, HB 1157, HB 1163, HB 1178, HB 1194, HB 1197, HB 1244, HB 1274, HB 1390, and HB 1428 be adopted, which motion prevailed.

HB 1030, HB 1048, HB 1063, HB 1157, HB 1178, HB 1194, HB 1197, HB 1244, HB 1274, HB 1390, and HB 1428, as amended, were placed on the Eleventh order of business on the calendar.

HB 1163, as amended, was rereferred to the **Appropriations Committee**.

SECOND READING OF HOUSE BILL

HB 1089: A BILL for an Act to amend and reenact section 12.1-32-09.1 of the North Dakota Century Code, relating to sentencing of violent offenders.

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; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martin; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjelm; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Huether; Kerzman; Wald

Engrossed HB 1089 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1323: A BILL for an Act to amend and reenact section 28-20-08 of the North Dakota Century Code, relating to real property judgments.

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; Axtman; Belter; Berg; Bernstein; Boehm; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Guleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martin; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Boucher; Huether; Kerzman; Wald

Engrossed HB 1323 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1324: A BILL for an Act to amend and reenact section 28-21-06 of the North Dakota Century Code, relating to the contents of writs of execution.

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; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Guleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martin; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Huether; Kerzman; Wald

Engrossed HB 1324 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1062: A BILL for an Act to create and enact a new section to chapter 13-02.1 and two new subsections to section 50-24.1-07 of the North Dakota Century Code, relating to the fraudulent transfer of assets and recovery from estates of medical assistance recipients; and to provide an appropriation.

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 12 YEAS, 83 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Callahan; Coats; Drovdal; Glassheim; Keiser; Kelsh, S.; Klein; Monson; Oban; Olson; Rose; Svedjan

NAYS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Fairfield; Freier; Froseth; Galvin; Gerntholz; Gorder; Grande; Grosz; Grumbo; Gulleeson; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Kelsch, R.; Kempenich; Kilzer; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martin; Martinson; Mickelson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Poolman; Price; Renner; Rennerfeldt; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjøm; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Huether; Kerzman; Wald

HB 1062 was declared lost.

MOTION

REP. DORSO MOVED that HB 1137, HB 1139, HB 1140, and HB 1141 be placed at the bottom of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1195: A BILL for an Act to amend and reenact subsection 6 of section 12.1-32-01, subsection 1 of section 27-09.1-07, sections 40-05-06, and 40-18-14 of the North Dakota Century Code, relating to misdemeanor monetary penalties.

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; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovda; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleeson; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martin; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjøm; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Huether; Kerzman; Wald

HB 1195 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1206: A BILL for an Act to amend and reenact section 54-35-01 of the North Dakota Century Code, relating to the composition of the North Dakota legislative council; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 62 YEAS, 32 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; Belter; Berg; Bernstein; Boehm; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christopherson; Clark; Dalrymple; Delzer; Devlin; Dorso; Drovda; Freier; Froseth; Galvin; Gerntholz; Gorder; Grande; Grosz; Gunter; Hausauer; Hawken; Henegar; Jacobs; Johnsen, C.; Johnson, D.; Kelsch, R.; Kempenich; Kilzer; Klein; Koppelman; Kunkel; Lloyd; Martin; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nottestad; Olson; Poolman; Price; Renner; Rennerfeldt; Skarphol; Soukup; Stenehjøm; Svedjan; Thompson; Thoreson; Tollefson; Torgerson; Wardner; Weisz; Speaker Timm

NAYS: Aarsvold; Boucher; Brandenburg; Callahan; Christenson; Coats; Delmore; Fairfield; Glassheim; Grumbo; Gulleeson; Hanson; Jensen; Keiser; Kelsh, S.; Kliniske;

Kretschmar; Kroeplin; Mahoney; Maragos; Nichols; Niemeier; Oban; Rose; Sabby; Sandvig; Schmidt; Sveen; Thorpe; Warner; Wentz; Wilkie

ABSENT AND NOT VOTING: DeKrey; Huether; Kerzman; Wald

HB 1206 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1207: A BILL for an Act to amend and reenact sections 15-08-19, 40-25-09, 57-24-22, 57-24-24, subsection 1 of section 57-27-02, sections 57-28-01, 57-28-05, 57-28-07, and 57-45-11 of the North Dakota Century Code, relating to the length of time a tax sale certificate must be held before presentation to the county auditor for service of notice of expiration of the period of redemption; 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 31 YEAS, 64 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; Berg; Bernstein; Brusegaard; Byerly; Carlisle; Carlson; Christopherson; Devlin; Dorso; Froseth; Grande; Hausauer; Hawken; Henegar; Johnsen, C.; Keiser; Kilzer; Klein; Kliniske; Kretschmar; Nottestad; Poolman; Price; Sandvig; Skarphol; Soukup; Svedjan; Sveen; Wardner; Warner

NAYS: Aarsvold; Belter; Boehm; Boucher; Brandenburg; Brown; Callahan; Christenson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Drovdal; Fairfield; Freier; Galvin; Gerntholz; Glassheim; Gorder; Grosz; Grumbo; Gulleson; Gunter; Hanson; Jacobs; Jensen; Johnson, D.; Kelsch, R.; Kelsh, S.; Kempenich; Koppelman; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martin; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Oban; Olson; Renner; Rennerfeldt; Rose; Sabby; Schmidt; Stenehjem; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Huether; Kerzman; Wald

HB 1207 was declared lost.

SECOND READING OF HOUSE BILL

HB 1231: A BILL for an Act to create and enact a new subsection to section 54-35-02 of the North Dakota Century Code, relating to legislative council hearings regarding initiated and referred measures.

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 35 YEAS, 59 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Berg; Boucher; Byerly; Callahan; Carlson; Christenson; Coats; Dalrymple; Delmore; Dorso; Freier; Froseth; Gerntholz; Glassheim; Gulleson; Gunter; Hanson; Hausauer; Hawken; Jacobs; Jensen; Keiser; Kelsh, S.; Klein; Kretschmar; Mahoney; Maragos; Nottestad; Oban; Rose; Sabby; Sandvig; Soukup; Stenehjem

NAYS: Axtman; Belter; Bernstein; Boehm; Brandenburg; Brown; Brusegaard; Carlisle; Christopherson; Clark; DeKrey; Delzer; Devlin; Drovdal; Fairfield; Galvin; Gorder; Grande; Grosz; Grumbo; Henegar; Johnsen, C.; Johnson, D.; Kelsch, R.; Kempenich; Kilzer; Kliniske; Koppelman; Kroeplin; Kunkel; Lloyd; Martin; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Olson; Poolman; Price; Renner; Rennerfeldt; Schmidt; Skarphol; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wardner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Huether; Kerzman; Wald; Warner

HB 1231 was declared lost.

SECOND READING OF HOUSE BILL

HB 1256: A BILL for an Act to amend and reenact section 57-51-11 of the North Dakota Century Code, relating to oil and gas gross production and oil extraction tax, liens, penalty, and interest.

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; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martin; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjelm; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Huether; Kerzman; Wald

HB 1256 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1275: A BILL for an Act to amend and reenact subsection 2 of section 29-30.3-04, subsection 1 of section 29-30.3-05, and subsection 1 of section 29-30.3-13 of the North Dakota Century Code, relating to the magistrate before which an arrested person may be brought.

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; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martin; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjelm; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Huether; Kerzman; Wald

HB 1275 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1278: A BILL for an Act to create and enact a new section to chapter 39-06 of the North Dakota Century Code, relating to curriculum requirements for motor vehicle driver's education courses.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 6 YEAS, 87 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Delzer; Grosz; Keiser; Murphy; Skarphol

NAYS: Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gordier; Grande; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Kelsch, R.; Kelsh, S.; Kempenich; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martin; Martinson; Mickelson; Monson; Nelson; Nicholas; Nichols; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Carlson; Huether; Kerzman; Niemeier; Wald

HB 1278 was declared lost.

SECOND READING OF HOUSE BILL

HB 1279: A BILL for an Act to amend and reenact section 15-47-05 of the North Dakota Century Code, relating to the qualifications of school board members.

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 11 YEAS, 84 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Brown; Coats; DeKrey; Galvin; Johnsen, C.; Keiser; Maragos; Murphy; Skarphol; Thorpe; Weisz

NAYS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Dalrymple; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Gerntholz; Glassheim; Gordier; Grande; Grosz; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnson, D.; Kelsch, R.; Kelsh, S.; Kempenich; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Martin; Martinson; Mickelson; Monson; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wardner; Warner; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Huether; Kerzman; Wald

HB 1279 was declared lost.

HOUSE ENROLLING REPORT

The following bill was enrolled: HB 1128.

MOTION

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

MOTION

REP. FREIER MOVED that the House be on the Fifth, Ninth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 9:00 a.m., Monday, February 3, 1997, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1132: Natural Resources Committee (Rep. Olson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1132 was placed on the Sixth order on the calendar.

Page 1, line 20, remove ", but does not include sand and gravel and rocks crushed for"

Page 1, line 21, remove "sand and gravel"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1146: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1146 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 15-40.1 of the North Dakota Century Code, relating to per student payments; and"

Page 1, line 2, remove "39-21-27.1,"

Page 1, line 17, after "15-27.6" insert "after August 1, 1997"

Page 1, after line 24, insert:

"SECTION 2. A new section to chapter 15-40.1 of the North Dakota Century Code is created and enacted as follows:

Per student payments - Exceptions. School districts, which on or after August 1, 1997, enter into a cooperative agreement for the joint provision of education services under a plan approved by the superintendent of public instruction and which subsequently reorganize under chapter 15-27.3 or 15-27.6, are entitled to receive, for a period of two years, the same per student payment as each separate school district received before entering into the cooperative agreement."

Page 3, remove lines 13 through 31

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1147: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1147 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15-47 of the North Dakota Century Code, relating to school personnel notification of juvenile offenses; and to amend and reenact subsection 4 of section 27-20-51 of the North Dakota Century Code, relating to school personnel receipt of juvenile orders of disposition.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15-47 of the North Dakota Century Code is created and enacted as follows:

Juvenile offenses - Notification of school officials.

1. A law enforcement officer shall notify a juvenile's principal or school administrator upon filing a petition with the juvenile court alleging that the juvenile committed:
 - a. An offense against a person which would constitute a felony were it committed by an adult;
 - b. An offense involving the use, possession, purchase, or trafficking of marijuana, narcotic drugs, or other controlled substances; or
 - c. An offense involving the use or possession of a dangerous weapon.
2. A juvenile's principal or school administrator may share any information received under this section and section 27-20-51 with the juvenile's teachers if the principal or administrator deems it necessary to ensure the safety or well-being of the juvenile or other persons attending, employed by, or otherwise involved with the juvenile's school or school district. Any information shared under this section or subsection 4 of section 27-20-51 must be treated as confidential information. The superintendent of public

instruction shall provide forms and adopt rules under chapter 28-32 for the sharing of information under this section.

SECTION 2. AMENDMENT. Subsection 4 of section 27-20-51 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4. ~~Following an adjudication of delinquency for an offense that would be a felony if committed by an adult, Unless otherwise ordered by a court, the juvenile court may forward the order of disposition to the juvenile's school principal; or chief administrative officer; or designated school guidance counselor, if requested, must be allowed access to the disposition order if:~~
 - a. The juvenile court deems it necessary to ensure the safety or well-being of the juvenile or other persons attending, employed by, or otherwise involved with the juvenile's school or school district; and
 - b.
 - (1) The offense would constitute a felony were it committed by an adult;
 - (2) The offense was committed on school property;
 - (3) The offense involved a crime against a person;
 - (4) The offense was related to the use, possession, purchase, or trafficking of marijuana, narcotic drugs, or other controlled substances;
 - (5) The offense involved the use or possession of a dangerous weapon; or
 - (6) School attendance is a condition of probation or parole."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1174: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1174 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "cooperative" with "processing business"

Page 1, line 18, replace the first "cooperative" with "business" and replace the second "cooperative" with "business"

Page 1, line 19, after "Is" insert "a corporation, cooperative, or limited liability company" and after "incorporated" insert "or organized"

Page 1, line 22, after the semicolon insert "and"

Page 1, line 23, replace "; and" with a period

Page 2, remove lines 1 and 2

Page 2, line 4, replace "**cooperatives**" with "**businesses**"

Page 2, line 5, replace "cooperative" with "business"

Page 2, line 6, replace "cooperative" with "business"

Page 2, line 7, replace "cooperatives" with "businesses"

Page 2, line 8, replace "**cooperative**" with "**processing business**"

Page 2, line 9, replace "cooperative" with "business"

Page 2, line 12, replace "cooperatives" with "businesses"

Page 2, line 25, replace "cooperative" with "business"

Page 2, line 28, replace "cooperative" with "business"

Page 3, line 1, replace "cooperative" with "business"

Page 3, line 2, after "stock" insert ", membership interests,"

Page 3, line 3, replace "cooperative" with "business"

Page 3, line 4, replace "cooperative" with "business"

Page 3, line 6, replace "cooperative" with "business"

Page 3, line 8, replace "cooperative" with "business"

Page 3, line 10, replace "cooperative" with "business"

Page 3, line 11, replace the first "cooperative" with "business" and replace the second "cooperative" with "business"

Page 3, line 17, replace "**cooperative**" with "**processing business**"

Page 3, line 19, replace "cooperative" with "business"

Page 3, line 20, replace "cooperative" with "business"

Page 3, line 21, replace "**cooperative**" with "**business**"

Page 3, line 24, replace "cooperative" with "business"

Page 3, line 25, replace "cooperative" with "business"

Page 3, line 27, replace the first "cooperative" with "business" and replace the second "cooperative" with "business"

Page 3, line 29, replace "cooperative" with "business"

Page 4, line 4, replace "cooperative" with "business"

Page 4, line 9, replace "cooperatives" with "businesses"

Page 4, line 12, replace "cooperatives" with "agricultural processing businesses"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1209: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1209 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to create and enact a new section to chapter 15-40.1 of the North Dakota"

Page 1, remove line 2

Page 1, line 3, remove "districts;"

Page 1, line 11, remove the overstrike over "If" and remove "Except as provided in section 3 of this Act, if"

Page 1, line 12, after "15-40.1-07" insert "or 15-40.1-08"

Page 1, line 17, after the period insert "Any school district that reorganized with another school district after July 1, 1993, but before July 1, 1997, is entitled to receive the payments provided for in this subsection for the period between July 1, 1997, and the fourth anniversary of its reorganization."

Page 2, line 2, after "15-40.1-07" insert "or 15-40.1-08"

Page 2, line 6, overstrike "plan" and insert immediately thereafter "agreement. Any school district that entered into a cooperative agreement with another school district for the joint provision of education services after July 1, 1993, but before July 1, 1997, is entitled to receive the payments provided for by this section for the period between July 1, 1997, and the fourth anniversary of its cooperative agreement"

Page 2, remove lines 7 through 14

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1238: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1238 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "subsections 2 and 3 of" with "subsection 1 of section 6-08-16 and"

Page 1, line 2, after "check" insert "without an account or"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Subsection 1 of section 6-08-16 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. A person may not, for ~~himself~~ that person, as the agent or representative of another, or as an officer or member of a firm, company, copartnership, or corporation make, draw, utter, or deliver any check, draft, or order for the payment of money upon a bank, banker, or depository, if at the time of such making, drawing, uttering, or delivery, or at the time of presentation for payment if the presentation for payment is made within fourteen days after the original delivery thereof, there are not sufficient funds in or credit with the bank, banker, or depository to meet the check, draft, or order in full upon its presentation. Violation of this subsection is ~~a class-B misdemeanor~~ an infraction."

Page 1, line 4, replace "Subsections 2 and 3 of section" with "Section"

Page 1, line 5, replace "are" with "is"

Page 1, after line 5, insert:

"6-08-16.2. Issuing check without account or with insufficient funds - Financial liability - Penalty - Exceptions.

1. As used in this section:
 - a. "Account" means any account at a bank or depository from which an instrument could legally be paid.
 - b. "Dishonor" is synonymous with "nonpayment".
 - c. "Instrument" means any check, draft, or order for the payment of money.
 - d. "Issues" means draws, utters, or delivers."

Page 1, line 14, overstrike "five" and insert immediately thereafter "ten"

Page 1, line 19, remove "or when"

Page 1, remove line 20

Page 1, line 21, remove "are payable to the county where the charge is prosecuted"

Page 2, line 9, remove "or when"

Page 2, remove line 10

Page 2, line 11, remove "are payable to the county where the charge is prosecuted"

Page 2, after line 11, insert:

"4. A person who, for that person or as an agent or representative of another, willfully issues at least two instruments within a ninety-day period is guilty of a class C felony if the total amount of the instruments was for at least five hundred dollars, and the drawer has violated subdivision a or b, or both, with respect to the instruments:

a. At the time of issuing the instruments, the drawer does not have an account with the bank or depository on which the instruments are drawn; or

b. At the time of issuing the instruments, or at the time of presentation for payment if made within ten business days after the original delivery of the instrument, the drawer does not have sufficient funds in the bank or depository, or credit with the bank, banker, or depository, to pay the instrument in full upon its presentation.

The person is also liable for collection fees or costs, not in excess of fifteen dollars per instrument, which are recoverable by civil action by the holder of the instrument.

5. A civil penalty is also recoverable by civil action by the holder of the instrument. The civil penalty consists of payment to the holder of the instrument of the lesser of one hundred dollars or three times the amount of the instrument.

5. 6. An agent acting for the receiver of an instrument issued in violation of this section may present the instrument to the state's attorney for prosecution. A criminal complaint for violation of subdivision b of subsection 2 or subdivision b of subsection 3 must be executed within ninety days after the drawer of the instrument receives notice, from the holder, of nonpayment. A complaint for a violation of subsection 4 must be executed within ninety days after the drawer of the instrument receives notice, from the holder, of nonpayment for the last instrument, if any, included under subdivision b of subsection 4 for a violation of subsection 4. Failure to execute a complaint within the time set forth in this subsection bars any criminal charges under subdivision b of subsection 2 ~~or~~, subdivision b of subsection 3, or subdivision b of subsection 4.

6. 7. A notice of dishonor may be mailed by the holder of the instrument upon dishonor. Proof of mailing may be made by return receipt or by an affidavit of mailing signed by the individual making the mailing. The notice must be in substantially the following form:

Notice of Dishonored Instrument

Date _____

Name of Issuer _____

Street Address _____

City and State _____

You are according to law hereby notified that an instrument dated _____, 19____, drawn on the _____ Bank of _____ in the amount of _____ has been returned unpaid with the notation the payment has been refused because (of nonsufficient funds) (the drawer does not have an account). Within ten days from the receipt of this notice, you must pay or tender to

(Holder)

sufficient moneys to pay such instrument in full and any collection fees or costs not in excess of fifteen dollars.

The notice may also contain a recital of the penal provisions of this section and the possibility of a civil action to recover any collection fees or costs authorized by this section."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1349: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1349 was placed on the Sixth order on the calendar.

Page 2, line 28, after the underscored period insert "The officer may consult with a veterinarian, health officer, or physician before making the judgment. The animal must be confined or impounded and observed at the owner's expense."

Page 2, line 30, replace "on the first and last day of" with "at the beginning of confinement, at the first sign of any illness during confinement, and before release from confinement"

Page 2, line 31, remove "confinement prior to its release"

Page 3, line 13, overstrike "predatory" and overstrike "and rodent" and insert immediately thereafter "damage"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1366: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1366 was placed on the Sixth order on the calendar.

Page 2, line 22, remove "If, after the committee makes its findings, all"

Page 2, remove lines 23 through 26

Page 2, line 27, after "in" insert "this" and remove "4"

Page 3, line 2, after the period insert "If the county committee approves an annexation after receiving no opposition at the hearing, the state board may review the record of the county hearing and give final approval to the annexation without holding a hearing."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1380: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1380 was placed on the Sixth order on the calendar.

Page 1, line 16, overstrike "excess" and after "amount" insert "that would be sufficient to retire the bonds"

Page 2, line 30, replace "and" with ". If the bonds are retired or if the balance in the sinking fund is sufficient to retire the bonds, the county auditor"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1166: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO NOT PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1166 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1192: Transportation Committee (Rep. Skarphol, Chairman) recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1192 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1214: Natural Resources Committee (Rep. Olson, Chairman) recommends **DO PASS** (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1214 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1236: Transportation Committee (Rep. Skarphol, Chairman) recommends **DO PASS** (8 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). HB 1236 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1377: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO NOT PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1377 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1400: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1400 was placed on the Eleventh order on the calendar.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Svedjan, Stenehjelm, R. Kelsch, Glassheim, Price introduced:

HCR 3030: A concurrent resolution directing the Legislative Council to study the development of a strategic planning process for the future of public health in this state.

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

FIRST READING OF SENATE BILLS

SB 2049: A BILL for an Act to create and enact section 37-17.1-14.5 of the North Dakota Century Code, relating to the interstate mutual aid agreement or compact; to amend and reenact sections 37-17.1-04, 37-17.1-14.2, and 37-17.1-14.3 of the North Dakota Century Code, relating to interstate mutual aid agreements; to repeal section 37-17.1-14.4 of the North Dakota Century Code, relating to the mutual aid agreement or compact; and to declare an emergency.

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

SB 2055: A BILL for an Act to amend and reenact section 50-11.1-13.1 of the North Dakota Century Code, relating to a penalty for providing certain childhood services.

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

SB 2057: A BILL for an Act to create and enact a new section to chapter 54-06 of the North Dakota Century Code, relating to the provision of paid leave for disaster services volunteers.

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

SB 2082: A BILL for an Act to create and enact section 38-08-04.12 of the North Dakota Century Code, relating to liens of the industrial commission on well-site equipment; and to amend and reenact subdivision g of subsection 1 of section 38-08-04.5 of the North Dakota Century Code, relating to deposit of money in the abandoned oil and gas well plugging and site reclamation fund.

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

SB 2090: A BILL for an Act to amend and reenact section 39-09-01 of the North Dakota Century Code, relating to careless driving involving snow removal equipment; to provide a penalty; and to declare an emergency.

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

SB 2138: A BILL for an Act to amend and reenact section 54-06-25 of the North Dakota Century Code, relating to the appointment of members to the state employees compensation commission; and to declare an emergency.

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

SB 2150: A BILL for an Act to amend and reenact section 54-02-01 of the North Dakota Century Code, relating to permitted uses of the great seal; and to declare an emergency.

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

SB 2290: A BILL for an Act to amend and reenact sections 16.1-11-21, 16.1-11-22, and 16.1-11-30 of the North Dakota Century Code, relating to the form of the primary election ballot.

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

SB 2307: A BILL for an Act to create and enact a new section to chapter 50-22 of the North Dakota Century Code, relating to licensing of charitable organizations.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4008: A concurrent resolution urging Congress to require the Environmental Protection Agency to use Canadian data in its registration of crop protection chemicals appropriate for canola.

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

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bill: HB 1128.

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 1128.

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

MR. SPEAKER: The President has signed: HB 1128.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bill was delivered to the Governor for his approval at the hour of 11:17 a.m., January 31, 1997: HB 1128.

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

ROY GILBREATH, Chief Clerk