

## JOURNAL OF THE HOUSE

## Fifty-third Legislative Assembly

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Bismarck, January 21, 1993

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

The prayer was offered by the Rev. Darrel Aleson, St. Alexius Hospital, Bismarck.

The roll was called and all members were present except Representatives Bernstein, Gates, Grosz, Kelsch, Kretschmar, Mahoney, Oban, and Rydell.

A quorum was declared by the Speaker.

## REQUEST

REP. MAHONEY REQUESTED that the record show that he was present, which request was granted.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2027, SB 2041, SB 2117, SB 2156, SB 2173, SB 2192, SB 2219.

## 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 1040, HB 1113, HB 1129, HB 1151, HB 1153, HB 1160, HB 1162, HB 1175, HB 1280, HB 1307, HCR 3015.

## HOUSE ENGROSSING REPORT

The following bills were engrossed: HB 1028, HB 1079, HB 1089, HB 1126, HB 1174, HB 1188, HB 1219, HB 1247, HB 1343.

## 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, which motion prevailed.

REP. MARTINSON MOVED that the rules be suspended and that the amendments on the Sixth order of business to HB 1103, HB 1167, HB 1168, and HB 1170 be adopted, which motion prevailed.

HB 1103, HB 1167, HB 1168, and HB 1170, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

## MOTION

REP. FREIER MOVED that the House waive the reading of the titles to HB 1079 and HB 1069, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1079: A BILL for an Act to amend and reenact subsection 8 of section 28-32-01, subsections 1 and 3 of section 28-32-05, subsections 1 and 2 of section 28-32-06, subsection 2 of section 28-32-08, subsection 1 of section 28-32-14, subsection 6 of section 28-32-15, and subsections 4 and 6 of section 28-32-17 of the North Dakota Century Code, relating to administrative practices and procedures.

## ROLL CALL

The question being on the final passage of the amended bill, which has been

read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; 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; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kempenich; Kerzman; Kilichowski; Klein; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; 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; Gates; Grosz; Kelsch; Kretschmar; Oban; Rydell

Engrossed HB 1079 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1089:** A BILL for an Act to amend and reenact section 15-34.2-14 of the North Dakota Century Code, relating to the qualifications of a schoolbus driver.

#### ROLL CALL

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

**YEAS:** Aarsvold; 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; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kempenich; Kerzman; Kilichowski; Klein; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; 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; Gates; Grosz; Kelsch; Kretschmar; Oban; Rydell

Engrossed HB 1089 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1126:** A BILL for an Act to create and enact a new subdivision to subsection 2 of section 57-38-45 and a new subsection to section 57-38-45 of the North Dakota Century Code, relating to penalties for delinquent income withholding tax returns and payments and imposition of a penalty on corporations for failing to file income tax returns; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 0 NAYS, 0 EXCUSED, 7 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; Gerntholz; Glasheim; Goffe; Gorder; Gorman; Grumbo; Gulleon; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kempenich; Kerzman; Kilichowski; Klein; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; 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; Gates; Grosz; Kelsch; Kretschmar; Oban; Rydell

Engrossed HB 1126 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1174:** A BILL for an Act to amend and reenact subsection 1 of section 13-03-14, section 13-03.1-03, and subsection 1 of section 13-03.1-15 of the North Dakota Century Code, relating to the maximum amount of loans issued by the consumer finance agency and establishing a usury limitation for small loans and consumer finance loans; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 31 YEAS, 60 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Berg, J.; Bodine; Boucher; Brodshaug; Cleary; Coats; Dobrinski; Glasheim; Goffe; Grumbo; Gulleon; Hokana; Huether; Kaldor; Kerzman; Kilichowski; Laughlin; Mahoney; Mutzenberger; Nelson; Ness; Nichols; Pyle; Ring; Sitz; Stenson; Thorpe; Wentz; Wilkie

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

**ABSENT AND NOT VOTING:** Bernstein; Gates; Grosz; Kelsch; Kretschmar; Oban; Rydell

Engrossed HB 1174 was declared lost.

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#### SECOND READING OF HOUSE BILL

**HB 1188:** A BILL for an Act to amend and reenact section 3 of chapter 720 of the 1987 Session Laws of North Dakota as amended by section 6 of chapter 686 of the 1991 Session Laws of North Dakota, relating to the expiration date of the emergency services communication system advisory committee.

#### 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 89 YEAS, 0 NAYS, 0 EXCUSED, 9 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; Gerntholz; Glasheim; Goffe; Gorder; Gorman; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kempenich; Kerzman; Kilichowski; Klein; Kroeber; Kunkel; Laughlin; Mahoney; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Olsen, D.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzenk; Wardner; Wentz; Wilkie; Speaker R. Berg,

**ABSENT AND NOT VOTING:** Bernstein; Gates; Grosz; Kelsch; Kretschmar; Maragos; Oban; Olson, A.; Rydell

Engrossed HB 1188 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1219:** A BILL for an Act to amend and reenact subsection 2 of section 39-06.1-06 of the North Dakota Century Code, relating to statutory fees for failure to yield the right of way to a pedestrian.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 83 YEAS, 8 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

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

**NAYS:** Brown; Dorso; Gorman; Klein; Martin; Payne; Timm; Tollefson

**ABSENT AND NOT VOTING:** Bernstein; Gates; Grosz; Kelsch; Kretschmar; Oban; Rydell

Engrossed HB 1219 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1247:** A BILL for an Act to amend and reenact section 16.1-13-08 of the North Dakota Century Code, relating to filling a vacancy in the office of United States senator.

#### 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, 6 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

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

**NAYS:** Belter; Dalrymple; Glasshiem; Nichols; Ring; Sveen

**ABSENT AND NOT VOTING:** Bernstein; Gates; Grosz; Kelsch; Kretschmar; Oban; Rydell

Engrossed HB 1247 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1343:** A BILL for an Act relating to the consolidation of maternal and child health programs.

#### ROLL CALL

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

**YEAS:** Aarsvold; 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; Gerntholz; Glasshiem; Goffe; Gorder; Gorman; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kempenich; Kerzman; Kilichowski; Klein; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; 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; Gates; Grosz; Kelsch; Kretschmar; Oban; Rydell

Engrossed HB 1343 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1069:** A BILL for an Act to create and enact a new section to chapter 15-39.1 of the North Dakota Century Code, relating to postretirement benefit adjustments under the teachers' fund for retirement; to amend and reenact section 15-39.1-10 and subsection 2 of section 15-39.1-18 of the North Dakota Century Code, relating to computation of benefits and disability retirements under the teachers' fund for retirement; and to provide for application of this Act.

#### ROLL CALL

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

**YEAS:** Aarsvold; 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; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kempenich; Kerzman; Kilichowski; Klein; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; 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; Gates; Grosz; Kelsch; Kretschmar; Oban; Rydell

HB 1069 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1177:** A BILL for an Act to amend and reenact sections 6-03-05 and 6-03-08 of the North Dakota Century Code, relating to real estate loans, limitations, and appraisals of real estate loans and other real estate.

#### ROLL CALL

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

**YEAS:** Aarsvold; 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; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kempenich; Kerzman; Kilichowski; Klein; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; 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; Brodshaug; Gates; Grosz; Kelsch; Kretschmar; Oban; Rydell

HB 1177 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1258:** A BILL for an Act to create and enact a new section to chapter 32-19 of the North Dakota Century Code, relating to commercial real property deficiency judgments.

#### 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 84 YEAS, 7 NAYS, 0 EXCUSED, 7 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; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm;

Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kempenich; Kerzman; Kilichowski; Klein; Kroeber; Kunkel; Laughlin; Mahoney; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wilkie

**NAYS:** Carlson, A.; Dalrymple; Maragos; Nichols; Ring; Wentz; Speaker R. Berg

**ABSENT AND NOT VOTING:** Bernstein; Gates; Grosz; Kelsch; Kretschmar; Oban; Rydell

HB 1258 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1267:** A BILL for an Act to create and enact a new section to chapter 21-06 of the North Dakota Century Code, relating to use of public funds for nonprofit medical foundations.

#### ROLL CALL

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

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

HB 1267 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1308:** A BILL for an Act to amend and reenact section 34-06-15 of the North Dakota Century Code, relating to a special license issued by the commissioner of labor to employ a person at less than minimum wage.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 3 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bodine; Boehm; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grumbo; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kempenich; Kerzman; Kilichowski; Klein; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Olsen, D.; Olson, A.;

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

**NAYS:** Boucher; Gulleson; Huether

**ABSENT AND NOT VOTING:** Bernstein; Cleary; Gates; Grosz; Kelsch; Kretschmar; Oban; Rydell

HB 1308 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1337:** A BILL for an Act relating to the rental and acquisition of ownership of personal property through consumer rental purchase agreements; to provide a penalty; 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 91 YEAS, 0 NAYS, 0 EXCUSED, 7 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; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kempenich; Kerzman; Kilichowski; Klein; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; 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; Gates; Grosz; Kelsch; Kretschmar; Oban; Rydell

HB 1337 passed and the title was agreed to.

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#### MOTION

**REP. MARTINSON MOVED** that the following House Bills be returned to the House floor from their respective committees for the purpose of withdrawal:

HB 1189 - Agriculture  
 HB 1191 - Judiciary  
 HB 1196 - Finance and Taxation  
 HB 1205 - Agriculture  
 HB 1215 - Finance and Taxation

The question being on the motion of Rep. Martinson that the above bills be returned to the House floor for the purpose of withdrawal, the motion prevailed.

#### REQUEST

**REP. MARTINSON REQUESTED** the unanimous consent of the House to withdraw HB 1189, HB 1191, HB 1196, HB 1205, and HB 1215. There being no objection, it was so ordered 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: SCR 4019.

**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, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 12:30 p.m., Friday, January 22, 1993, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1048: Government and Veterans Affairs Committee (Rep. D. Olsen, Chairman)** recommends **DO PASS** (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HB 1048 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1064: Human Services Committee (Rep. Rydell, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the Appropriations Committee (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1064 was placed on the Sixth order on the calendar.

Page 1, line 9, remove ", hospital,"

Page 1, remove lines 11 and 12

Page 1, line 13, replace "4" with "3"

Page 1, line 18, replace "5" with "4"

Page 2, line 1, remove "such as operating room, recovery"

Page 2, line 2, remove "room, and delivery room"

Page 2, line 22, replace "6" with "5"

Page 2, line 25, replace the first comma with "and" and remove ", and hospital"

Page 3, remove lines 8 through 10

Page 7, line 27, replace "\$141,785,981" with "\$100,891,863"

Page 7, line 28, replace "\$36,946,525" with "\$26,518,525"

Page 8, line 4, replace "\$19,073,834" with "\$16,746,045"

Page 8, line 5, replace "\$5,101,158" with "\$4,507,572"

Page 8, line 9, remove "and for the purpose of providing an aggregate"

Page 8, line 10, remove "increase of five percent in rates paid to hospitals"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1171: Government and Veterans Affairs Committee (Rep. D. Olsen, Chairman)** recommends **DO PASS** (9 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). HB 1171 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1185: Transportation 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 1185 was placed on the Sixth order on the calendar.

Page 1, line 13, overstrike "Miscellaneous nonrefundable fees shall be"

Page 1, line 14, overstrike "as follows:"

Page 1, line 15, overstrike "1. Application" and insert immediately thereafter "The nonrefundable fee for an application" and after "of" insert "a"

Page 1, line 16, remove "\$150.00"

Page 1, line 17, overstrike "2.", remove "Request", and overstrike "for"

Page 1, line 19, overstrike "and necessity", remove "temporary authority", and remove "100.00"

Page 2, line 4, after "-50" insert "is one hundred dollars."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1206: Education Committee (Rep. Gates, Chairman)** recommends DO NOT PASS (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1206 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1217: 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 1217 was placed on the Sixth order on the calendar.

Page 1, line 14, remove "that did not result in injury"

Page 1, line 15, remove "or death to any person"

Page 1, line 20, replace "issued" with "convicted of" and replace "citation" with "offense"

Page 1, line 21, replace "traffic citation" with "conviction"

Page 2, line 12, remove "that did not result in injury"

Page 2, line 13, remove "or death to any person"

Page 2, line 18, replace "issued" with "convicted of" and replace "citation" with "offense"

Page 2, line 19, replace "traffic citation" with "conviction"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1246: 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 1246 was placed on the Sixth order on the calendar.

Page 1, line 6, overstrike "Every place of public"

Page 1, line 7, overstrike "assembly is an area where smoking" and insert immediately thereafter "Smoking"

Page 1, line 8, after "areas" insert "in places of public assembly as provided in this section", remove the overstrike over "Smoking", remove "If smoking", after "must" insert "may", remove the overstrike over "be", remove "are", remove the underscored comma, and overstrike "the"

Page 1, line 9, overstrike "proprietor", remove ", public official,", overstrike "or other person with" and insert immediately thereafter "only by proprietors of privately owned buildings or by public officials having"

Page 1, line 10, overstrike "over the place of public assembly" and replace "shall designate the" with "for government buildings"

Page 1, line 11, remove "smoking areas"

Page 1, line 12, overstrike ", by other governing law, rule, or"

Page 1, line 13, overstrike "ordinance, or by corporate or private policy"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1272: Transportation Committee (Rep. Belter, Chairman)** recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1272 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1284: Transportation Committee (Rep. Belter, Chairman)** recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1284 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1285: Transportation Committee (Rep. Belter, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1285 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1303: Transportation Committee (Rep. Belter, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1303 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1323: Finance and Taxation Committee (Rep. Timm, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1323 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1350: Industry, Business and Labor Committee (Rep. Dorso, Chairman)** recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1350 was placed on the Eleventh order on the calendar.

#### FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Reps. Torgerson, Wald, Skarphol, Poolman, Brown introduced:

**HCR 3022:** A concurrent resolution urging Congress to direct the United States Army Corps of Engineers to manage Lake Sakakawea in a manner that will maintain an adequate and sufficient level of water in Lake Sakakawea.

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

Reps. Dobrinski, Freier, Grumbo and Sens. Andrist, Schoenwald, Dotzenrod introduced:

**HCR 3023:** A concurrent resolution directing the Legislative Council to study railroad crossing safety to improve railroad crossing safety.

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

## FIRST READING OF SENATE BILLS

**SB 2019:** A BILL for an Act to provide an appropriation for defraying the expenses of job service North Dakota.

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

**SB 2032:** A BILL for an Act to amend and reenact section 27-05-02.1 of the North Dakota Century Code, relating to the number of district court judges.

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

**SB 2033:** A BILL for an Act to amend and reenact subsection 1 of section 27-05-08 of the North Dakota Century Code as amended by section 85 of chapter 326 of the 1991 Session Laws of North Dakota, relating to the chambers of district court judges; and to provide an effective date.

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

**SB 2042:** A BILL for an Act to amend and reenact section 12.1-32-15 of the North Dakota Century Code, relating to the registration requirements for individuals convicted of crimes against children and individuals convicted of sexual offenses; and to repeal sections 12.1-20-18, 12.1-20-19, 12.1-20-20, 12.1-20-21, 12.1-20-22, and 12.1-20-23 of the North Dakota Century Code relating to the registration of individuals convicted of sexual offenses.

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

**SB 2068:** A BILL for an Act to amend and reenact subsections 1, 3, 4, and 5 of section 54-52.1-03 and section 54-52.1-03.1 of the North Dakota Century Code, relating to participation in the uniform group insurance program.

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

**SB 2069:** A BILL for an Act to amend and reenact subsection 9 of section 52-09-20 of the North Dakota Century Code, relating to primary insurance benefits under the old-age and survivor insurance system.

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

**SB 2087:** A BILL for an Act to create and enact a new section to chapter 28-04 of the North Dakota Century Code, relating to venue of trials in civil actions.

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

**SB 2088:** A BILL for an Act to create and enact a new section to chapter 36-01 of the North Dakota Century Code, relating to captive wildlife license fees; and to declare an emergency.

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

**SB 2131:** A BILL for an Act to amend and reenact subsection 1 of section 39-04-10.4 and section 39-04-36 of the North Dakota Century Code, relating to registration of antique motor vehicles and transfer of license plates.

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

**SB 2140:** A BILL for an Act to create and enact a new section to chapter 27-22 of the North Dakota Century Code, relating to interstate rendition of juvenile delinquents.

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

**SB 2142:** A BILL for an Act to amend and reenact section 12-59-02 of the North Dakota Century Code, relating to the compensation of parole board members.

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

**SB 2143:** A BILL for an Act to amend and reenact section 12-55-02 of the North Dakota Century Code, relating to the compensation of members of the board of pardons.

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

**FIRST READING OF SENATE CONCURRENT RESOLUTIONS**

**SCR 4002:** A concurrent resolution directing the Legislative Council to monitor the continued development of a continuum of services for the mentally ill and chemically dependent, including changes in the role of the State Hospital, expanded community services, and the development of partnerships between the public and private sectors.

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

**SCR 4003:** A concurrent resolution encouraging the Department of Human Services to continue the development of a total quality management initiative; and directing the Legislative Council to monitor the implementation of the total quality management initiative.

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

**SCR 4004:** A concurrent resolution encouraging the Department of Human Services to implement recommendations to improve its administrative structure to provide quality and efficiency in the human service delivery system and to report to the Legislative Council; and directing the Legislative Council to monitor the implementation of the recommendation.

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

**SCR 4019:** A concurrent resolution designating Senate and House employees and fixing their compensation.

Was read the first time.

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

**ROY GILBREATH, Chief Clerk**