

JOURNAL OF THE HOUSE

Fifty-third Legislative Assembly

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Bismarck, March 26, 1993

The House convened at 9:00 a.m., with Speaker R. Berg presiding.

The prayer was offered by the Rev. Terry Kern, First Evangelical Free, Bismarck.

The roll was called and all members were present except Representatives Byerly, Dalrymple, and Gates.

A quorum was declared by the Speaker.

CORRECTION AND REVISION OF THE JOURNAL

MR. SPEAKER: Your Committee on Correction and Revision of the Journal (Rep. DeWitz, Chairman) has carefully reexamined the Journals of the Tenth, Twenty-fifth, Twenty-sixth, and Fifty-fifth Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 198, line 13, after "10-15-52.1" insert ", and 10-15-52.3"

Page 469, line 20, remove ", SB 2508" and insert "."

Page 478, line 32, after "10-15-52.1" insert ", and 10-15-52.3"

Page 529, remove lines 32, 33, and 34

Page 1403, line 7, remove "that the rules be suspended and"

Page 1412, line 28, replace "HCR" with "SB"

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

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1393: Reps. Rydell, Price, Kerzman.

MOTION

REP. MARTIN MOVED that SB 2201, which is on the Fourteenth order, be rereferred to the Political Subdivisions Committee, which motion prevailed. Pursuant to Rep. Martin's motion, SB 2201 was rereferred.

SIXTH ORDER OF BUSINESS

REP. FREIER MOVED that the rules be suspended and that the House consider and adopt all of the amendments on the Sixth order of business in one motion which include SB 2505 and SB 2523, which motion prevailed.

SB 2505 and SB 2523, as amended, were placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2505: A BILL for an Act to amend and reenact subdivision b of subsection 2 of section 57-62-02 of the North Dakota Century Code, relating to allocation of coal severance tax revenues between a coal-producing county and a non-coal-producing county; 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 67 YEAS, 28 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bernstein; Bodine; Boucher; Brodshaug; Brown; Carlson, A.; Carlson, C.; Christopherson; Cleary; Dobrinski; Dorso; Drovdal; Freier; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Guleson; Hagle; Hanson; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kempenich; Kerzman; Kilichowski; Klein; Kroeber; Mahoney; Martin; Mutzenberger; Nelson; Ness; Nichols; Oban; Olsen, D.; Payne; Porter; Pyle; Rennerfeldt; Ring; Schindler; Shide; Sitz; Soukup; Stenson; Thorpe; Timm; Tollefson; Torgerson; Wald; Wardner; Wilkie; Speaker R. Berg

NAYS: Bateman; Boehm; Carlisle; Clayburgh; Coats; DeWitz; Froseth; Hausauer; Henegar; Kelsch; Kretschmar; Kunkel; Laughlin; Maragos; Martinson; Monson; Nicholas; Olson, A.; Poolman; Price; Rydell; Skarphol; St. Aubyn; Stenehjem; Svedjan; Sveen; Wanzek; Wentz

ABSENT AND NOT VOTING: Byerly; Dalrymple; Gates

SB 2505 passed and the title was agreed to.

MOTIONS

REP. MARTINSON MOVED that the House clinch all legislative action of today and yesterday, which motion prevailed.

REP. MARTINSON MOVED that the House message all legislative action of yesterday and today to the Senate, which motion prevailed.

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1393 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1393: Reprs. Rydell; Price; Kerzman

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

MADAM PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1023, HB 1091, HB 1097, HB 1103, HB 1134, HB 1138, HB 1211, HB 1394, HB 1400, HB 1405, HB 1417, HB 1426, HB 1429, HB 1436.

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

MADAM PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1139, HB 1142, HB 1163, HB 1165, HB 1184, HB 1203, HB 1234, HB 1247, HB 1286, HB 1306, HB 1335, HB 1337, HB 1347, HB 1357.

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

MADAM PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1376.

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

MADAM PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1474, HB 1475, HB 1484, HB 1485, HB 1488, HB 1491, HB 1495, HB 1497, HCR 3019, HCR 3026, HCR 3039, HCR 3041, HCR 3043, HCR 3050.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1096, HB 1168, HB 1181, HB 1225.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2367, SCR 4038.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2505.

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

MADAM PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2216.

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

MADAM PRESIDENT: The House has amended and subsequently failed to pass: SB 2471.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for his filing at the hour of 12:20 p.m., March 26, 1993: HCR 3030.

HOUSE ENROSSING AND ENROLLING REPORT

The following bills were enrolled: HB 1170, HB 1407, HB 1409, HB 1412, HB 1415, HB 1427, HB 1456, HB 1457, HB 1483, HB 1492, HB 1501.

MOTION

REP. FREIER MOVED that that portion of House Rule 507, pertaining to when bills must be out of committee in the second House be suspended until the Sixtieth Legislative Day, which motion prevailed.

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

MR. SPEAKER: The President has appointed as a conference committee to act with a like committee from the House on:

HB 1349: Sens. Jerome; Graba; Lindgren

HB 1504: Sens. Krauter; Mathern; Nalewaja

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2231 and SB 2295 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2231: Sens. Krauter; Keller; Streibel

SB 2295: Sens. Yockim; Mathern; Thane

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2018, SB 2019, SB 2020, SB 2096, SB 2225, and SB 2227 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2018: Sens. Robinson; Lindaas; Lips

SB 2019: Sens. Yockim; DeMers; Thane

SB 2020: Sens. Yockim; Lindaas; Holmberg

SB 2096: Sens. Schoenwald; Keller; Krebsbach

SB 2225: Sens. Keller; Schoenwald; Mutch

SB 2227: Sens. Keller; Krauter; Mutch

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2004, SB 2007, SB 2009, SB 2011, SB 2012, SB 2015, and SB 2016 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2004: Sens. Lindaas; Redlin; Naaden

SB 2007: Sens. Tallackson; DeMers; Thane

SB 2009: Sens. Robinson; Kelly; Thane

SB 2011: Sens. Redlin; Robinson; Lips

SB 2012: Sens. DeMers; Mushik; Thane

SB 2015: Sens. Yockim; Redlin; Lips

SB 2016: Sens. Mushik; Kelly; Nething

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SCR 4048, SCR 4052, SCR 4057, SCR 4060, SCR 4065, SCR 4068.

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2085, SB 2222, SB 2223, SB 2228, SB 2244, SB 2305, SB 2308, SB 2339, SB 2360, SB 2361, SB 2370, SB 2400, SB 2418, SB 2449.

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 Seventh orders of business and at the conclusion of those orders, the House stand adjourned until 9:00 a.m., Monday, March 29, 1993, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1512: Education Equity Review Committee (Rep. R. Berg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 7 NAYS, 4 ABSENT AND NOT VOTING). HB 1512 was placed on the Sixth order on the calendar.

Page 1, line 6, remove "15-59-06, 15-59-06.2, 15-59-07,"

Page 1, line 15, remove "categorize vocational"

Page 1, remove line 16

Page 1, line 17, overstrike "reimburse approved" and insert immediately thereafter "categorize vocational and technical education programs according to costs. The state board shall approve" and overstrike "or private institutions or agencies, or political"

Page 1, line 18, overstrike "subdivisions" and insert immediately thereafter "high schools"

Page 1, line 19, after "vocational" insert "and technical" and overstrike "from funds allocated for that purpose" and insert immediately thereafter ". The superintendent shall reimburse approved schools"

Page 1, line 22, overstrike "state board" and insert immediately thereafter "superintendent"

Page 2, line 1, overstrike "rate" and insert immediately thereafter "amount"

Page 2, line 6, overstrike "which may be" and overstrike "the state board for"

Page 2, line 7, overstrike "distribution to" and overstrike "must be apportioned"

Page 2, overstrike line 8

Page 2, line 9, overstrike "centers" and insert immediately thereafter "under section 15-20.1-06 may be used", remove "the", and overstrike "centers"

Page 2, line 10, remove the underscored period

Page 2, remove line 11

Page 2, line 12, remove "under section 15-20.1-06"

Page 3, line 2, remove the overstrike over "~~one thousand~~", after "five" insert "six", and remove the overstrike over "~~hundred~~"

Page 3, line 3, after "~~fifty-two~~" insert "ninety-four"

Page 3, line 4, remove the overstrike over "~~one~~"

Page 3, line 5, remove the overstrike over "~~thousand~~", after "six" insert "seven", remove the overstrike over "~~hundred~~", and after "eight" insert "ninety"

Page 4, line 27, remove "and"

Page 4, line 28, after "aid" insert ", and other in lieu of property tax payments received either directly from the federal government or through an intermediate agency, if not in conflict with federal law,"

Page 5, line 8, replace "twenty-five" with "twelve and one-half"

Page 5, line 11, replace "fifty" with "twenty-five"

Page 5, line 14, replace "seventy-five" with "thirty-seven and one-half"

Page 5, line 16, after the second underscored comma insert "fifty percent of"

Page 19, line 2, after "schools" insert "- Waivers"

Page 19, line 3, after "1." insert "a."

Page 19, line 4, after the underscored period insert "However, a school district may apply for a waiver of this provision using the procedure in subsection 2."

Page 19, line 5, replace "2." with "b."

Page 19, line 17, replace "3." with "c.", after the first "of" insert "this", and remove "2"

Page 19, line 19, remove "prior to July 1, 1999,"

Page 19, after line 25, insert:

"2. The board of any school district having students detrimentally affected by a provision of subsection 1 may seek a waiver of that provision by filing with the lieutenant governor a request for a waiver. Upon receiving the request, the lieutenant governor shall within sixty days publish notice of and hold a public hearing before a committee consisting of the lieutenant governor and the chairmen and vice chairmen of the house and senate education and appropriations committees. The lieutenant governor is chairman of the committee and the superintendent of public instruction is an ex officio member of the committee. If a majority of the committee finds that an exceptional hardship is or will be imposed upon students as a result of isolation or other adverse conditions, or if a majority of the committee finds that a school district of residence which contracts with another school district in this state for the education of its students is adequately reimbursing the receiving district for short-term and long-term capital, maintenance, and other associated expenses, the committee shall grant a waiver to the school district of residence for a period to be determined by the committee. A school district may renew a waiver by following the procedure

provided for in this subsection. Members of the legislative assembly serving on the committee are entitled to per diem payments and reimbursement for expenses incurred in carrying out their committee duties from legislative assembly funds in the same manner as provided by law for members of the legislative council."

Page 20, replace lines 12 through 21 with "The superintendent of public instruction shall determine the weighted factors to be used in calculating payments for students with mild, moderate, and severe disabilities by dividing the statewide average excess cost of special education per student for all levels into the statewide average excess cost of special education per student for each level. The superintendent shall multiply the resulting weighted factor by the statewide average excess cost of special education. The superintendent shall then multiply the result by the percentage arrived at when the state annual general fund appropriation for special education reimbursements is divided by the projected excess cost of special education. A school district is entitled to the payment provided by this section for the number of students in that district having mild, moderate, or severe disabilities. However, the number of students with mild disabilities for which a school district is entitled to receive payment may not exceed nine percent of the total number of students enrolled in the school district."

Page 24, remove lines 18 through 29

Page 25, remove lines 1 through 29

Page 26, remove lines 1 through 29

Page 27, remove lines 1 through 29

Page 28, remove lines 1 through 20

Re-number accordingly

REPORT OF CONFERENCE COMMITTEE

HB 1089, as engrossed: Your conference committee (Sens. O'Connell, Kelsh, Freborg and Reps. Belter, Monson, Allmaras) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1015-1016, adopt amendments as follows, and place HB 1089 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1015-1016 of the House Journal and page 822 of the Senate Journal and that Engrossed House Bill No. 1089 be amended as follows:

Page 1, line 11, after "professionals" insert ", as defined by department of transportation standards,"

Page 1, line 18, after the period insert "The school board may, at its discretion, require drug or alcohol testing."

Re-number accordingly

Engrossed HB 1089 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1267: Your conference committee (Sens. Tomac, Kinnoin, Urlacher and Reps. Stenehjelm, Henegar, Boucher) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1161 and place HB 1267 on the Seventh order.

HB 1267 was placed on the Seventh order of business on the calendar.

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

ROY GILBREATH, Chief Clerk