

JOURNAL OF THE HOUSE

Fifty-first Legislative Assembly

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Bismarck, January 12, 1989

The House convened at 1:00 p.m., with Acting Speaker A. Olson presiding.

The prayer was offered by Rev. Leonard P. Devnich, Seventh Day Adventist Church, Harvey, North Dakota.

The roll was called and all Representatives were present, except Representatives Mertens, Stofferahn, and Speaker Kretschmar.

A quorum was declared by Acting Speaker A. Olson.

CORRECTION and REVISION of the JOURNAL (Rep. V. Olson, Chairman)
 MADAM SPEAKER: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Sixth Day and finds it to be correct.

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

REPORTS OF STANDING COMMITTEES

MADAM SPEAKER: Your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was referred HB 1028 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 19, replace "lignite development research and" with "research, development, and marketing of lignite and products derived from lignite"

Page 1, line 20, remove "hydroelectricity impact studies"

Re-number accordingly

HB 1028 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred HB 1050 has had the same under consideration and recommends by a vote of 14 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 2, line 5, after "the" insert "one-year" and replace "established by the court except as" with "unless otherwise allowed by the court pursuant to"

Page 2, line 6, remove "provided by"

Page 4, line 11, remove "The mortgagee or holder of the sheriff's certificate"

Page 4, remove line 12

Page 4, line 13, replace "property of the hearing by certified mail" with "A notice of hearing must be sent by certified mail to the last known address of the mortgagor or the party entitled to possession of the real property at least ten days prior to the date of the hearing to determine abandonment".

Renumber accordingly

HB 1050 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred HB 1051 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1051 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred HB 1064 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1064 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred HB 1069 has had the same under consideration and recommends by a vote of 11 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1069 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred HB 1078 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 19, replace "state" with "this state's".

Renumber accordingly

HB 1078 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Natural Resources (Rep. A. Olson, Chairman) to which was referred HB 1082 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

HB 1082 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred HB 1109 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1109 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred HB 1111 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 20, replace the second "four" with "eight"

Page 1, line 21, replace "per year" with "each biennium"

Page 2, line 2, replace "eight" with "sixteen" and replace "per year" with "in each biennium"

Renumber accordingly

HB 1111 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred HB 1118 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

HB 1118 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred HB 1137 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1137 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred HB 1146 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1146 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred HB 1204 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 2, line 15, remove "attorney general" and overstrike "is" and insert immediately thereafter "members of the commission shall appoint"

Renumber accordingly

HB 1204 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was referred HB 1216 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 1, line 4, after "commissioner" insert "; and to provide a contingent effective date"

Page 5, after line 2, insert:

"SECTION 7. CONTINGENT EFFECTIVE DATE. This Act becomes effective on the effective date of a constitutional amendment approved by the electors which eliminates the office of state treasurer."

Renumber accordingly

HB 1216 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was referred HB 1221 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 3, line 11, replace "ten" with "three"

Renumber accordingly

HB 1221 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred HB 1226 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1226 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SIGNING OF BILLS AND RESOLUTIONS (Roy Gilbreath, Chief Clerk)

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following enrolled resolution: HCR 3013.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1048, HB 1055, HB 1080, HB 1087, HB 1108, HB 1110.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested: HCR 3013.

SIXTH ORDER OF BUSINESS

REP. A. HAUSAUER MOVED that the amendments to HB 1147 as recommended by the Committee on Finance and Taxation as printed on page 127 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1147 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTIONS

REP. WHALEN MOVED that HB 1262 be returned to the House floor from the Committee on Industry, Business and Labor and be rereferred to the Committee on Agriculture, which motion prevailed. Pursuant to Rep. Whalen's motion, HB 1262 was rereferred.

REP. MURPHY MOVED that HB 1067 be returned to the House floor from the Committee on Natural Resources, which motion prevailed.

REQUEST

REP. HAUGEN REQUESTED the unanimous consent of the House to withdraw HB 1067. There being no objection, it was so ordered by Acting Speaker A. Olson.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MADAM SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2034, SB 2091, SB 2092, SB 2107, SB 2150, SB 2204.

SECOND READING OF HOUSE BILLS

HB 1054: A BILL for an Act to amend and reenact sections 30.1-19-01, 30.1-19-02, subsection 1 of section 30.1-19-03, subsection 1 of section 30.1-19-07, and section 30.1-21-03 of the North Dakota Century Code, relating to notice to creditors with claims against decedents' estates.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 73 YEAS, 30 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; DeMers, J; DeMers, P; Dorso; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Gorman; Graba; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Kolbo; Kouba; Larson, D.; Larson, R.; Lindgren; Martin; Martinson; Myrdal; Nelson; Ness; Nicholas; Nowatzki; O'Shea; Oban; Olson, A.; Payne; Peterson; Ring; Rydell; Scherber; Schindler; Shaft; Shockman; Skjerven; Sorensen; Starke; Stenehjem; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Watne; Wentz; Williams, A.; Williams, W.

NAYS: Belter; Dalrymple; Enget; Flaagan; Goetz; Gunsch; Hanson, O.; Hoffner; Hokana; Knell; Lang; Laughlin; Marks; Melby; Murphy; Olsen, D.; Olson, V.; Schatz; Schmidt; Schneider; Shide; Smette; Solberg; Soukup; Thompson, K.; Thompson, V.; Vander Vorst; Wald; Whalen; Wilkie

ABSENT AND NOT VOTING: Mertens; Stofferahn; Speaker Kretschmar

HB 1054 passed and the title was agreed to.

HB 1057: A BILL for an Act to amend and reenact section 6-08-16.1 of the North Dakota Century Code, relating to issuing a check or draft without an account; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 102 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; O'Shea; Oban; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenhjem; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.

NAYS: None

ABSENT AND NOT VOTING: Hanson, O.; Mertens; Stofferahn; Speaker Kretschmar

HB 1057 passed and the title was agreed to.

HB 1059: A BILL for an Act to amend and reenact section 12.1-23-07 of the North Dakota Century Code, relating to the gradation of the offense of misapplication of entrusted property.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 102 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; O'Shea; Oban; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenhjem; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.

NAYS: None

ABSENT AND NOT VOTING: Hanson, O.; Mertens; Stofferahn; Speaker Kretschmar

HB 1059 passed and the title was agreed to.

HB 1070: A BILL for an Act to amend and reenact subsection 2 of section 35-27-01 of the North Dakota Century Code, relating to improvements for the purposes of obtaining a mechanic's lien.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 78 YEAS, 23 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Christman; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Gates; Gerhardt; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Myrdal; Oban; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shide; Shockman; Skjerven; Smette; Sorensen; Soukup; Starke; Stenehjem; Timm; Tokach; Tollefson; Trautman; Urlacher; Vander Vorst; Wald; Wentz; Whalen; Wilkie; Williams, A.

NAYS: Aarsvold; Carlson; Clayburgh; Enget; Flaagan; Frey; Gerl; Gilmore; Kaldor; Murphy; Nelson; Ness; Nicholas; Nowatzki; O'Shea; Ring; Shaft; Solberg; Thompson, V.; Tomac; Ulmer; Watne; Williams, W.

ABSENT AND NOT VOTING: Hanson, O.; Mertens; Stofferahn; Thompson, K.; Speaker Kretschmar

HB 1070 passed and the title was agreed to.

HB 1095: A BILL for an Act to amend and reenact subsection 1 of section 15-39.1-24 of the North Dakota Century Code, relating to the purchase of service credit for out-of-state teaching under the teachers' fund for retirement.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 101 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; O'Shea; Oban; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.

NAYS: None

ABSENT AND NOT VOTING: Hanson, O.; Mertens; Stofferahn; Thompson, K.;
Speaker Kretschmar

HB 1095 passed and the title was agreed to.

HB 1096: 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 the payment of retirement benefits in accordance with domestic relations orders under the teachers' fund for retirement; and to amend and reenact sections 28-22-03.1 and 28-22-19 of the North Dakota Century Code, relating to property exempt from judicial process.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 101 YEAS, 1 NAY, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J; DeMers, P; Dorso; Enget; Flaagan; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; O'Shea; Oban; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.

NAYS: Frey

ABSENT AND NOT VOTING: Mertens; Stofferahn; Thompson, K.; Speaker Kretschmar

HB 1096 passed and the title was agreed to.

HB 1098: A BILL for an Act to amend and reenact sections 15-39.1-04, 15-39.1-06, subdivision b of subsection 1 of section 15-39.1-10.3, subsection 3 of section 15-39.1-18, and section 15-39.1-20 of the North Dakota Century Code, relating to definitions, board organization, multiple plan membership, disability retirement, and withdrawal under the teachers' fund for retirement.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 102 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J; DeMers, P; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec;

Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; O'Shea; Oban; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjerm; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.

NAYS: None

ABSENT AND NOT VOTING: Mertens; Stofferahn; Thompson, K.; Speaker Kretschmar

HB 1098 passed and the title was agreed to.

HB 1101: A BILL for an Act to amend and reenact sections 30.1-01-04, 30.1-09-07, subsection 2 of section 30.1-09-08, sections 30.1-12-08, 30.1-14-04, 30.1-18-05, 30.1-19-06, subdivision d of subsection 1 of section 30.1-20-06, and sections 30.1-20-15, 30.1-28-01, 30.1-29-19, 30.1-30-01, and 30.1-30-02 of the North Dakota Century Code, relating to probate, guardians, conservators, and durable powers of attorney.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 98 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J; DeMers, P; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; O'Shea; Oban; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjerm; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.

NAYS: Hanson, O.; Haugen; Melby; Shide; Thompson, K.; Whalen

ABSENT AND NOT VOTING: Stofferahn; Speaker Kretschmar

HB 1101 passed and the title was agreed to.

HB 1102: A BILL for an Act to amend and reenact subsection 1 of section 15-39.1-09 of the North Dakota Century Code, relating to assessment and contributions under the teachers' fund for retirement.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 97 YEAS, 7 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J; DeMers, P; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; O'Shea; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.

NAYS: Brokaw; Gunsch; Knell; Melby; Olson, V.; Schindler; Schmidt

ABSENT AND NOT VOTING: Stofferahn; Speaker Kretschmar

HB 1102 passed and the title was agreed to.

HB 1103: A BILL for an Act to amend and reenact subsection 5 of section 15-39.1-24 of the North Dakota Century Code, relating to the purchase of additional service credit under the teachers' fund for retirement.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 96 YEAS, 5 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J; DeMers, P; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; O'Shea; Oban; Olson, A.; Olson, V.; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Watne; Wentz; Wilkie; Williams, A.; Williams, W.

NAYS: Berg, R.; Dorso; Gunsch; Melby; Olsen, D.

ABSENT AND NOT VOTING: Aarsvold; Stofferahn; Wald; Whalen;
Speaker Kretschmar

HB 1103 passed and the title was agreed to.

HB 1187: A BILL for an Act to amend and reenact subsection 3 of section 43-23-11.1 and section 43-23-13 of the North Dakota Century Code, relating to investigations, grounds for refusal, suspension, or revocation of real estate licenses, hearings and appeals, and licensing fees of the real estate commission.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 89 YEAS, 15 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J; DeMers, P; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kelly; Kingsbury; Kloubec; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; O'Shea; Oban; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schneider; Shaft; Shide; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Thompson, V.; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.

NAYS: Brokaw; Gunsch; Hanson, O.; Haugen; Kaldor; Knell; Laughlin; Melby; Murphy; Schindler; Schmidt; Shockman; Thompson, K.; Timm; Wald

ABSENT AND NOT VOTING: Stofferahn; Speaker Kretschmar

HB 1187 passed and the title was agreed to.

MOTION

REP. R. ANDERSON MOVED that the House waive the reading of the titles to HB 1201, HB 1207, and HB 1219, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1201: A BILL for an Act to create and enact a new chapter to title 23 and four new sections to chapter 23-09 of the North Dakota Century Code, relating to food establishments; and to amend and reenact sections 23-09-01, 23-09-02, 23-09-02.1, 23-09-03, 23-09-05, 23-09-06, 23-09-07, 23-09-08, 23-09-09, 23-09-10, 23-09-11, 23-09-14, 23-09-16, 23-09-17, 23-09-20, 23-09-20.1, and 23-09-21 of the North Dakota Century Code, relating to hotels, lodginghouses, restaurants, and boardinghouses; and to repeal sections 23-09-12, 23-09-18, 23-09-19, and 23-09-22 of the North Dakota Century Code, relating to food establishments; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 89 YEAS, 14 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J; Dorso; Enget; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland;

Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Kouba; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; O'Shea; Oban; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Ring; Rydell; Scherber; Shaft; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Stenehjelm; Thompson, K.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, W.

NAYS: Brokaw; DeMers, P; Flaagan; Kingsbury; Lang; Laughlin; Murphy; Schatz; Schindler; Schmidt; Shide; Starke; Thompson, V.; Wilkie

ABSENT AND NOT VOTING: Schneider; Stofferahn; Speaker Kretschmar

HB 1201 passed and the title was agreed to.

HB 1207: A BILL for an Act to create and enact two new sections to chapter 43-06 of the North Dakota Century Code, relating to powers of the state board of chiropractic examiners; to amend and reenact sections 43-06-01, 43-06-02, 43-06-03, 43-06-04, 43-06-08, 43-06-09, 43-06-10, 43-06-10.1, 43-06-11, 43-06-12, 43-06-13, 43-06-15, 43-06-16, and 43-06-19 of the North Dakota Century Code, relating to regulation of the practice of chiropractic; and to repeal section 43-06-14 of the North Dakota Century Code, relating to recording of licenses to practice chiropractic with registers of deeds.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 103 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J; DeMers, P; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; O'Shea; Oban; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjelm; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.

NAYS: None

ABSENT AND NOT VOTING: Aarsvold; Stofferahn; Speaker Kretschmar

HB 1207 passed and the title was agreed to.

HOUSE ENROLLING REPORT

The following resolutions were enrolled: HCR 3014, HCR 3015.

POINT OF PERSONAL PRIVILEGE

REP. AARSVOLD: Madam Speaker: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

The record showed that I did not vote on HB 1207, however, I would have liked to vote "yea" on HB 1207.

SECOND READING OF HOUSE BILL

HB 1219: A BILL for an Act to create and enact a new subsection to section 43-30-16 and a new subsection to section 43-31-14 of the North Dakota Century Code, relating to fees of detectives and detection of deception examiners; and to amend and reenact sections 5-02-04, 23-15-04, subsection 4 of section 43-33-07, subsection 2 of section 43-33-08, sections 43-33-11, 51-04-03, 53-04-02, 53-04-05, 53-04.1-03, and 57-36-02 of the North Dakota Century Code, relating to the transfer of the payment of various license fees collected by the attorney general to the state tax commissioner.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 3 YEAS, 101 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Berg, G.; Murphy; Peterson

NAYS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; O'Shea; Oban; Olsen, D.; Olson, A.; Olson, V.; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjerm; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.

ABSENT AND NOT VOTING: Stofferahn; Speaker Kretschmar

HB 1219 lost.

POINT OF PERSONAL PRIVILEGE

REP. MERTENS: Madam Speaker: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

I would like the record to show that I was tardy and not absent when the recorded roll call vote was taken on HB 1219.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MADAM SPEAKER: The Senate has passed unchanged: HCR 3016.

MOTIONS

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

REP. R. ANDERSON MOVED that the House stand adjourned until 1:00 p.m., Friday, January 13, 1989, which motion prevailed.

The House stood adjourned pursuant to Representative R. Anderson's motion.

ROY GILBREATH, Chief Clerk