

JOURNAL OF THE HOUSE

Fifty-third Legislative Assembly

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Bismarck, January 15, 1993

The House convened at 12:30 p.m., with Speaker R. Berg presiding.

The prayer was offered by Deacon Ed Johnson, United Tribes Tech. College, Bismarck.

The roll was called and all members were present except Representatives Hanson, Martin, Rydell, and Wentz.

A quorum was declared by the Speaker.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2084, SB 2096, SB 2115, SB 2158, SB 2162, SB 2190, SB 2208, SB 2209, SB 2227.

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 1051, HB 1095, HB 1105, HB 1107, HB 1114, HB 1131, HB 1157, HB 1216.

HOUSE ENGROSSING REPORT

The following bills were engrossed: HB 1035, HB 1046, HB 1127, HB 1200.

SIXTH ORDER OF BUSINESS

HB 1093: REP. DORSO (Industry, Business and Labor Committee) MOVED that the amendments on HJ page 157 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

REP. MARAGOS MOVED that the House reconsider its action whereby Engrossed HB 1023 failed to pass, which motion prevailed on a verification vote.

Engrossed HB 1023 was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1023: A BILL for an Act to authorize the state to enter oil and gas tax revenue risk management contracts.

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 48 YEAS, 46 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Berg, J.; Bodine; Boucher; Brodshaug; Carlisle; Cleary; Coats; Dobrinski; Gates; Gerntholz; Glassheim; Goffe; Grumbo; Gulleson; Hausauer; Henegar; Hokana; Huether; Johnson; Kaldor; Kerzman; Kilichowski; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Pyle; Ring; Sitz; St. Aubyn; Stenehjem; Stenson; Sveen; Thorpe; Tollefson; Wardner; Wilkie

NAYS: Austin; Bateman; Belter; Bernstein; Boehm; Brown; Byerly; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Dalrymple; Dewitz; Dorso; Drovdal; Freier; Froseth; Gorder; Gorman; Grosz; Hagle; Holm; Howard; Jacobs; Keiser; Kelsch; Kempenich; Klein; Martinson; Monson; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Schindler;

Shide; Skarphol; Soukup; Svedjan; Torgerson; Wald; Wanzek;
Speaker R. Berg,

ABSENT AND NOT VOTING: Hanson; Martin; Rydell; Wentz

Engrossed HB 1023 was declared lost for want of a Constitutional majority.

SECOND READING OF HOUSE BILL

HB 1035: A BILL for an Act to amend and reenact subsection 1 of section 21-10-01 of the North Dakota Century Code as amended by section 4 of chapter 667 of the 1989 Session Laws of North Dakota as amended by section 2 of chapter 628 of the 1991 Session Laws of North Dakota, relating to the membership of the state investment board; to repeal section 15 of chapter 667 of the 1989 Session Laws of North Dakota as amended by section 5 of chapter 628 of the 1991 Session Laws of North Dakota and to repeal section 5 of chapter 628 of the 1991 Session Laws of North Dakota, relating to the expiration date of the Act establishing the North Dakota state retirement and investment office; to provide for retroactive application of this Act; 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 PASS, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glasheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; 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; Wilkie; Speaker R. Berg,

ABSENT AND NOT VOTING: Hanson; Martin; Rydell; Wentz

Engrossed HB 1035 passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

REP. NICHOLAS MOVED that HB 1273 be returned to the House floor from the Agriculture Committee for the purpose of withdrawal, which motion prevailed.

REQUEST

REP. SVEEN REQUESTED the unanimous consent of the House to withdraw HB 1273. There being no objection, it was so ordered by the Speaker.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Odell Flaagan.

SECOND READING OF HOUSE BILL

HB 1046: A BILL for an Act to transfer boiler inspection duties from the workers compensation bureau to the commissioner of insurance as manager

of the state fire and tornado fund; and to repeal chapter 65-12 of the North Dakota Century Code, relating to boiler inspection.

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; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleon; Hagle; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; 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; Wilkie; Speaker R. Berg,

ABSENT AND NOT VOTING: Hanson; Martin; Rydell; Wentz

Engrossed HB 1046 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1127: A BILL for an Act to amend and reenact section 57-02-08.1 of the North Dakota Century Code, relating to the definition of a permanent and totally disabled person for property tax credit purposes.

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 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleon; Hagle; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; 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; Speaker R. Berg,

ABSENT AND NOT VOTING: Hanson; Martin; Ring; Rydell; Wentz

Engrossed HB 1127 passed and the title was agreed to.

SECOND READING OF HOUSE RESOLUTION

HB 1200: A BILL for an Act to amend and reenact section 54-12-04.2 of the North Dakota Century Code, relating to child sexual abuse investigation and prosecution.

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; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; 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; Wilkie; Speaker R. Berg,

ABSENT AND NOT VOTING: Hanson; Martin; Rydell; Wentz

Engrossed HB 1200 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1024: A BILL for an Act to amend and reenact section 39-06-31 and subdivision g of subsection 4 of section 39-08-01 of the North Dakota Century Code, relating to treatment services for persons convicted of driving while under the influence of drugs or substances.

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 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Grosz; Grumbo; Gulleson; Hagle; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; 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; Wilkie; Speaker R. Berg,

ABSENT AND NOT VOTING: Gorman; Hanson; Martin; Rydell; Wentz

HB 1024 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1059: A BILL for an Act to amend and reenact section 53-08-05 of the North Dakota Century Code, relating to liability of owners of land used for recreational purposes.

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 88 YEAS, 6 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gordor; Gorman; Grosz; Grumbo; Gullison; Hagle; Hausauer; Henegar; Holm; Howard; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martinson; Monson; Nelson; Ness; Nicholas; Nichols; Oban; 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; Wanzenk; Wardner; Wilkie; Speaker R. Berg,

NAYS: Hokana; Huether; Kaldor; Kretschmar; Mutzenberger; Ring

ABSENT AND NOT VOTING: Hanson; Martin; Rydell; Wentz

HB 1059 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1067: A BILL for an Act to create and enact a new section to chapter 28-21 of the North Dakota Century Code, relating to levy when more than one execution is outstanding; to amend and reenact sections 11-15-11, 11-15-17, 11-15-18, 11-15-19, 28-21-07, and 28-21-18 of the North Dakota Century Code, relating to executions; and to repeal sections 28-21-19, 28-21-20, 28-21-21, 28-21-22, 28-21-23, and 28-21-24 of the North Dakota Century Code, relating to amercement of a sheriff or clerk of court.

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 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gordor; Gorman; Grosz; Grumbo; Gullison; Hagle; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; 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; Wanzenk; Wardner; Wilkie; Speaker R. Berg,

ABSENT AND NOT VOTING: Hanson; Martin; Rydell; Wentz

HB 1067 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1074: A BILL for an Act to amend and reenact subsections 6 and 10 of section 15-39.1-04 and section 15-39.1-24 of the North Dakota Century Code, relating to definitions and purchase of additional credit under the teachers' fund for retirement; and to repeal section 15-39.1-09.1 of the North Dakota Century Code, relating to participation of nonpublic schoolteachers in the teachers' fund for retirement.

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 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleston; Hagle; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; 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; Wilkie; Speaker R. Berg,

ABSENT AND NOT VOTING: Hanson; Martin; Rydell; Wentz

HB 1074 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1076: A BILL for an Act to amend and reenact subdivision a of subsection 4 of section 39-03.1-11 of the North Dakota Century Code, relating to retirement benefits under the highway patrolmen's retirement system; to repeal section 39-03.1-24 of the North Dakota Century Code, relating to military service under the highway patrolmen's retirement system; 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 90 YEAS, 4 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bernstein; Bodine; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grumbo; Gulleston; Hagle; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; 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; Wilkie; Speaker R. Berg,

NAYS: Bateman; Boehm; Dorso; Grosz

ABSENT AND NOT VOTING: Hanson; Martin; Rydell; Wentz

HB 1076 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1102: A BILL for an Act to amend and reenact sections 61-24.3-14 and 61-24.3-15 of the North Dakota Century Code, relating to the revenues for operation and maintenance of the southwest pipeline project.

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 44 YEAS, 50 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Berg, J.; Bodine; Boehm; Boucher; Brodshaug; Carlisle; Carlson, C.; Christopherson; Cleary; Dobrinski; Dorso; Drovdal; Freier; Gorman; Grumbo; Gulleson; Hausauer; Hokana; Holm; Howard; Huether; Jacobs; Kaldor; Kempenich; Kerzman; Kretschmar; Maragos; Mutzenberger; Nelson; Ness; Oban; Payne; Pyle; Sitz; Skarphol; St. Aubyn; Thorpe; Wald; Wardner; Wilkie

NAYS: Belter; Bernstein; Brown; Byerly; Carlson, A.; Clayburgh; Coats; Dalrymple; DeWitz; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Grosz; Hagle; Henegar; Johnson; Keiser; Kelsch; Kilichowski; Klein; Kroeber; Kunkel; Laughlin; Mahoney; Martinson; Monson; Nicholas; Nichols; Olsen, D.; Olson, A.; Poolman; Porter; Price; Rennerfeldt; Ring; Schindler; Shide; Soukup; Stenehjem; Stenson; Svedjan; Sveen; Timm; Tollefson; Torgerson; Wanzek; Speaker R. Berg,

ABSENT AND NOT VOTING: Hanson; Martin; Rydell; Wentz

HB 1102 was declared lost.

SECOND READING OF HOUSE BILL

HB 1110: A BILL for an Act to amend and reenact sections 61-31-01, 61-31-02, 61-31-03, 61-31-04, 61-31-05, and 61-31-07 of the North Dakota Century Code, relating to the state waterbank program; and to repeal section 61-31-09 of the North Dakota Century Code, relating to notification of denied drainage permits.

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 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; 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; Wilkie; Speaker R. Berg,

ABSENT AND NOT VOTING: Hanson; Martin; Rydell; Wentz

HB 1110 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1130: A BILL for an Act to amend and reenact subdivision e of subsection 13 of section 38-14.1-24 to the North Dakota Century Code, relating to the distance from a permitted area within which an owner or resident of a structure may request a preblasting survey of such structure to be submitted to the public service commission.

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 92 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Coats; Hanson; Maragos; Martin; Rydell; Wentz

HB 1130 passed and the title was agreed to.

SECOND READING OF SENATE BILL

HB 1149: A BILL for an Act to amend and reenact sections 61-24.3-16 and 61-24.3-17 of the North Dakota Century Code, relating to the reserve fund for replacement and extraordinary maintenance of the southwest pipeline project reserve fund.

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 39 YEAS, 55 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Bateman; Berg, J.; Bodine; Boehm; Boucher; Brodshaug; Carlisle; Carlson, C.; Cleary; Dobrinski; Drovdal; Goffe; Gorman; Grosz; Grumbo; Gulleeson; Hausauer; Howard; Jacobs; Kaldor; Kempenich; Kerzman; Kretschmar; Kroeber; Mutzenberger; Nelson; Ness; Oban; Payne; Pyle; Sitz; Stenson; Thorpe; Torgerson; Wald; Wardner; Wilkie

NAYS: Austin; Belter; Bernstein; Brown; Byerly; Carlson, A.; Christopherson; Clayburgh; Coats; Dalrymple; DeWitz; Dorso; Freier; Froseth; Gates; Gerntholz; Glassheim; Gorder; Hagle; Henegar; Hokana; Holm; Huether; Johnson; Keiser; Kelsch; Kilichowski; Klein; Kunkel; Laughlin; Mahoney; Maragos; Martinson; Monson; Nicholas; Nichols; Olsen, D.; Olson, A.; Poolman; Porter; Price; Rennerfeldt; Ring; Schindler; Shide; Skarphol; Soukup; St. Aubyn; Stenehjerm; Svedjan; Sveen; Timm; Tollefson; Wanzek; Speaker R. Berg,

ABSENT AND NOT VOTING: Hanson; Martin; Rydell; Wentz

HB 1149 was declared lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR

HCR 3004: A concurrent resolution directing the Legislative Council to study the North Dakota early childhood tracking system.

HCR 3005: A concurrent resolution directing the Legislative Council to study the provision of services to special needs children from a multiagency perspective.

The question being on the final adoption of the resolutions, which have been read.

HCR 3004 and HCR 3005 were declared adopted on a voice vote.

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 1:00 p.m., Monday, January 18, 1993, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1040: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1040 was placed on the Sixth order on the calendar.

Page 8, line 7, overstrike "four" and insert immediately thereafter "three"

Page 28, line 18, after "governor" insert ", the provisions of the amendment to section 52-02-01 of the North Dakota Century Code in section 22 of this Act relating to appointment by the commissioner of labor, and section 35 of this Act"

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1053: Natural Resources Committee (Rep. A. Olson, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1053 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1104: Government and Veterans Affairs Committee (Rep. D. Olsen, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1104 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1129: Natural Resources Committee (Rep. A. Olson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1129 was placed on the Sixth order on the calendar.

Page 1, line 2, after "to" insert "surface coal mine"

Page 1, line 3, remove "after violation of a law or rule in connection with any surface"

Page 1, line 4, remove "coal mining operation"

Page 1, line 16, overstrike "incurred by the applicant in"

Page 1, line 17, overstrike "connection with any surface coal mining operation"

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1151: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO

PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1151 was placed on the Sixth order on the calendar.

Page 2, line 8, remove "or bank holding company"

Page 2, line 9, after "supervision" insert "and may require the bank to provide information on the holding company that owns the bank"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1153: 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 1153 was placed on the Sixth order on the calendar.

Page 1, line 9, after "board" insert ", state credit union board,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1160: Natural Resources Committee (Rep. A. Olson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1160 was placed on the Sixth order on the calendar.

Page 2, line 13, overstrike "twenty-five" and insert immediately thereafter "twelve" and after "dollars" insert "and fifty cents"

Page 2, line 20, overstrike "one"

Page 2, line 21, overstrike "hundred fifty" and insert immediately thereafter "seventy-five"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1162: Political Subdivisions Committee (Rep. Soukup, Vice Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1162 was placed on the Sixth order on the calendar.

Page 1, line 20, replace "twenty" with "twenty-five"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1169: Natural Resources Committee (Rep. A. Olson, Chairman) recommends DO PASS (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1169 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1175: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1175 was placed on the Sixth order on the calendar.

Page 3, line 18, overstrike "must" and insert immediately thereafter "may"

Page 3, line 19, overstrike "but may"

Page 3, line 20, overstrike "not be within the corporate limits of another city." and after "~~rendered~~" insert an underscored period

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1197: Political Subdivisions Committee (Rep. Soukup, Vice Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1197 was placed on the Sixth order on the calendar.

Page 1, line 14, after "economic" insert ", structural"

Page 1, line 15, replace "benefits" with "impacts"

Page 1, remove lines 16 through 20

Page 1, line 21, replace "4." with "3."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1220: Transportation Committee (Rep. Belter, Chairman) recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1220 was placed on the Eleventh order on the calendar.

FIRST READING OF HOUSE BILLS

Reps. Maragos, Glasheim, Henegar and Sens. Lips, Mushik introduced:

HB 1369: A BILL for an Act to amend and reenact section 44-08-04 of the North Dakota Century Code, relating to travel reimbursements for state officials and employees.

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

Reps. Grumbo, Huether introduced:

HB 1370: A BILL for an Act to create and enact section 11-19.1-07.2 of the North Dakota Century Code, relating to appointment of persons who may make a declaration of death in certain circumstances when the coroner or assistant coroner is unavailable.

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

Reps. Aarsvold, Kaldor, Kerzman and Sens. Kelsh, Kinnoin, O'Connell introduced:

HB 1371: A BILL for an Act to freeze property tax levy authority of political subdivisions; to provide an effective date; and to provide an expiration date.

Was read the first time and referred to the **Finance and Taxation Committee.**

Reps. Aarsvold, Coats, Gates, Boehm and Sens. Evanson, Heinrich introduced:

HB 1372: A BILL for an Act to provide an appropriation for educators' professional development programs.

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

Reps. Brodshaug, Dorso, Porter, Ring and Sen. DeMers introduced:

HB 1373: A BILL for an Act to amend and reenact section 23-01-05 of the North Dakota Century Code, relating to the qualifications of the state health officer and the appointment of an advisory committee to the state health officer.

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

Reps. Hanson, Nicholas, A. Olson and Sens. Marks, Redlin, Traynor introduced:

HB 1374: A BILL for an Act to amend and reenact subsection 1 of section 10-06-04.3 of the North Dakota Century Code, relating to acquisition of farmland or ranchland by nonprofit organizations.

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

Reps. Bernstein, Freier and Sen. Krebsbach introduced:

HB 1375: A BILL for an Act to amend and reenact section 51-14-03 of the North Dakota Century Code, relating to the limitation on credit service charges.

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

Reps. Droydal, Kempenich, Sitz, Sveen and Sens. Dotzenrod, Andrist introduced:

HB 1376: A BILL for an Act to provide for organization and dissolution of township park districts incorporating territory in organized and unorganized townships.

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

Reps. Keiser, Clayburgh, Nicholas, Nichols, Stenson and Sen. Kelsh introduced:

HB 1377: A BILL for an Act to limit a lender's liability to third parties for environmental damage.

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

Reps. Kerzman, Stenson and Sen. Mathern introduced:

HB 1378: A BILL for an Act to create and enact a new section to chapter 29-01 and a new section to chapter 29-08 of the North Dakota Century Code, relating to rules of criminal procedure governing discovery by the prosecution and bail factors.

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

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Reps. Rydell, Keiser, Hanson, Christopherson introduced:

HCR 3018: A concurrent resolution directing the Legislative Council to study the feasibility of forming multicounty health districts statewide.

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

Reps. Nelson, Mahoney, Wardner, Gates, Boucher, Cleary introduced:

HCR 3019: A concurrent resolution directing the Legislative Council to study veterans' preference employment laws.

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

Reps. Poolman, Rydell, Stenehjem, Kelsch and Sens. Maxson, W. Stenehjem introduced:

HCR 3020: A concurrent resolution directing the Legislative Council to study the data collection systems relating to the criminal justice system in North Dakota, including law enforcement, prosecutors, and courts, and the data collection systems of other states.

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

FIRST READING OF SENATE BILLS

SB 2026: A BILL for an Act to amend and reenact section 50-06-06.6 of the North Dakota Century Code, relating to leases of real and personal property by the department of human services.

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

SB 2085: A BILL for an Act to amend and reenact sections 21-02-10 and 21-02-13 of the North Dakota Century Code, relating to certificates of indebtedness.

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

SB 2099: A BILL for an Act to amend and reenact sections 15-04-10 and 15-06-26 of the North Dakota Century Code, relating to the place of sale or leasing of property owned by the board of university and school lands and appointment of a person to conduct the leasing of these properties.

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

SB 2100: A BILL for an Act to amend and reenact section 15-09-04 of the North Dakota Century Code, relating to the type of instrument used by the board of university and school lands to convey property.

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

SB 2102: A BILL for an Act to amend and reenact sections 15-03-05.1 and 15-03-05.2 of the North Dakota Century Code, relating to calculation and distribution to fund beneficiaries of income that has been earned by the board of university and school lands.

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

SB 2103: A BILL for an Act to amend and reenact sections 15-06-27, 15-06-28, and 15-08-06 of the North Dakota Century Code, relating to cash sale of land by the board of university and school lands and the procedure for executing and delivering purchase agreements and contracts to the purchaser.

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

SB 2119: A BILL for an Act to repeal chapters 37-24, 37-25, and 54-17.1 of the North Dakota Century Code relating to Vietnam veterans' educational assistance, Vietnam conflict veterans' adjusted compensation, and Vietnam veterans' bonus bond issue.

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

SB 2133: A BILL for an Act to create and enact a new section to chapter 24-02 of the North Dakota Century Code, relating to the authority of the director of the department of transportation to contract with adjoining states and provinces concerning highway projects; and to amend and reenact sections 24-02-11, 24-02-17, and 24-02-19 of the North Dakota Century Code, relating to the confidentiality of financial records of minority contractors, a fee for providing copies of records, and bidding requirements.

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

SB 2139: A BILL for an Act to amend and reenact subsection 1 of section 4-35-12 of the North Dakota Century Code, relating to the regulation of outlets for distribution of pesticides.

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

SB 2148: A BILL for an Act to amend and reenact subsection 1 of section 12-48-15 of the North Dakota Century Code, relating to penitentiary inmate accounts.

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

SB 2163: A BILL for an Act to amend and reenact section 23-16-09 of the North Dakota Century Code, relating to confidentiality of certain information obtained by the state department of health and consolidated laboratories.

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

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

ROY GILBREATH, Chief Clerk