

JOURNAL OF THE HOUSE

Fifty-third Legislative Assembly.

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Bismarck, January 22, 1993

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

The prayer was offered by Rep. Barbara Pyle.

The roll was called and all members were present except Representatives Gates, Huether, Nicholas, and Rydell.

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 Journal of the Twelfth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 224, after line 1, insert the following: "HB 1028 was rereferred to the Appropriations Committee."

Page 224, line 2, delete "HB 1028,"

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

HOUSE ENGROSSING REPORT

The following bills were engrossed: HB 1103, HB 1167, HB 1168, HB 1170.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2010, SB 2030, SB 2051, SB 2057, SB 2116, SB 2130, SB 2155, SB 2171, SB 2178, SB 2182, SB 2184, SB 2211, SB 2232, SB 2268, SCR 4005, SCR 4006.

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 1097, HB 1098, HB 1109, HB 1112, HB 1166, HB 1182, HB 1187, HB 1239, HB 1279, HB 1295.

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 1064, HB 1185, HB 1217, and HB 1246 be adopted, which motion prevailed.

HB 1064, as amended, was rereferred to the Appropriations Committee.

HB 1185, HB 1217, and HB 1246, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

REP. MARTINSON MOVED that HB 1048, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

MOTION

REP. KRETSCHMAR MOVED that HB 1442 be returned to the House floor from the Judiciary Committee for the purpose of withdrawal, which motion prevailed.

REQUEST

REP. POOLMAN REQUESTED the unanimous consent of the House to withdraw HB 1442. There being no objection, it was so ordered by the Speaker.

MOTION

REP. FREIER MOVED that SCR 4019 be referred to the Employment Committee, which motion prevailed. Pursuant to Rep. Freier's motion, SCR 4019 was referred.

SECOND READING OF HOUSE BILL

HB 1103: A BILL for an Act to create and enact a new subsection to section 57-02-08 of the North Dakota Century Code, relating to a property tax exemption for property leased for agricultural purposes from a governmental entity; to amend and reenact subsection 1 of section 57-02-26 of the North Dakota Century Code, relating to the taxable status of property leased for agricultural purposes from a governmental entity; 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 64 YEAS, 30 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Austin; Bateman; Belter; Boehm; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Dalrymple; DeWitz; Dorso; Drovdal; Freier; Froseth; Gerntholz; Goffe; Gordier; Gorman; Grosz; Gulleson; Hagle; Hausauer; Henegar; Hokana; Holm; Howard; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kretschmar; Kunkel; Laughlin; Maragos; Martin; Martinson; Monson; Ness; Olsen, D.; Olson, A.; Poolman; Porter; Rennerfeldt; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Speaker R. Berg,

NAYS: Aarsvold; Allmaras; Berg, J.; Bernstein; Bodine; Boucher; Brodshaug; Clayburgh; Cleary; Coats; Dobrinski; Glasheim; Grumbo; Hanson; Kaldor; Kerzman; Kilichowski; Kroeber; Mahoney; Mutzenberger; Nelson; Nichols; Oban; Payne; Price; Pyle; Ring; Thorpe; Wentz; Wilkie

ABSENT AND NOT VOTING: Gates; Huether; Nicholas; Rydell

Engrossed HB 1103 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1167: A BILL for an Act to create and enact section 26.1-26-42.1 of the North Dakota Century Code, relating to revocation of nonresident license; and to amend and reenact sections 26.1-01-03.1 and 26.1-26-08 of the North Dakota Century Code, relating to cease and desist authority of the commissioner of insurance and licensing of partnerships or corporations.

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;

Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; 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; Wanzenk; Wardner; Wentz; Wilkie; Speaker R. Berg,

ABSENT AND NOT VOTING: Gates; Huether; Nicholas; Rydell

Engrossed HB 1167 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1168: A BILL for an Act to amend and reenact section 26.1-02-02 and subsection 5 of section 26.1-03-17 of the North Dakota Century Code, relating to the penalty for failure of an insurance company to pay the renewal fee for a certificate of authority and to insurance premium tax credits, penalties, and refunds; and to provide a penalty.

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; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; 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; Wanzenk; Wardner; Wentz; Wilkie; Speaker R. Berg,

ABSENT AND NOT VOTING: Gates; Huether; Nicholas; Rydell

Engrossed HB 1168 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1170: A BILL for an Act to amend and reenact section 26.1-17-04 of the North Dakota Century Code, relating to the powers and election of the board of directors for nonprofit health service corporations.

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; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski;

Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; 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; Wentz; Wilkie; Speaker R. Berg,

ABSENT AND NOT VOTING: Gates; Huether; Nicholas; Rydell

Engrossed HB 1170 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1171: A BILL for an Act to amend and reenact section 6-01-08 of the North Dakota Century Code, relating to senate confirmation for the commissioner of the department of banking and financial institutions for an appointment made when the senate is not in session.

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, 1 NAY, 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; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleeson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; 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; Wentz; Wilkie; Speaker R. Berg,

NAYS: Ring

ABSENT AND NOT VOTING: Dalrymple; Gates; Huether; Nicholas; Rydell

HB 1171 passed and the title was agreed to.

MOTION

REP. FREIER MOVED that the House waive the reading of the title to HB 1206, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1206: A BILL for an Act to create and enact a new section to chapter 15-59 of the North Dakota Century Code, relating to payment of tuition to the state by school districts of residence for education of students at the school for the blind and the school for the deaf; and to amend and reenact sections 15-40.2-08, 15-40.2-08.1, 25-06-04, and 25-07-04 of the North Dakota Century Code, relating to the payment of tuition to the state by school districts of residence for the education of students at the school for the blind, the school for the deaf, and the industrial school.

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 3 YEAS, 90 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Oban; Ring; Thorpe

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

ABSENT AND NOT VOTING: Dalrymple; Gates; Huether; Nicholas; Rydell

HB 1206 was declared lost.

SECOND READING OF HOUSE BILL

HB 1272: A BILL for an Act to provide for the court-ordered impoundment of motor vehicles; and to amend and reenact subsection 1 of section 39-26-02 of the North Dakota Century Code, relating to the definition of abandoned motor vehicle.

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 28 YEAS, 65 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Berg, J.; Bodine; Brodshaug; Carlisle; Cleary; Coats; Dobrinski; Glassheim; Grumbo; Gulleson; Henegar; Holm; Jacobs; Kaldor; Kerzman; Mahoney; Maragos; Mutzenberger; Nelson; Ness; Nichols; Oban; Pyle; Ring; Soukup; Sveen; Wentz

NAYS: Allmaras; Austin; Bateman; Belter; Bernstein; Boehm; Boucher; Brown; Byerly; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; DeWitz; Dorso; Drovdal; Freier; Froseth; Gerntholz; Goffe; Gorder; Gorman; Grosz; Hagle; Hanson; Hausauer; Hokana; Howard; Johnson; Keiser; Kelsch; Kempenich; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Martin; Martinson; Monson; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Schindler; Shide; Sitz; Skarphol; St. Aubyn; Stenehjem; Stenson; Svedjan; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wilkie; Speaker R. Berg,

ABSENT AND NOT VOTING: Dalrymple; Gates; Huether; Nicholas; Rydell

HB 1272 was declared lost.

SECOND READING OF HOUSE BILL

HB 1284: A BILL for an Act to create and enact a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to driving record points for following too closely.

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 23 YEAS, 69 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Austin; Bodine; Boucher; Carlisle; Carlson, C.; Coats; Dobrinski; Froseth; Gerntholz; Glassheim; Goffe; Grumbo; Hausauer; Kelsch; Kretschmar; Mahoney; Maragos; Martinson; Poolman; Stenehjem; Sveen; Tollefson; Wentz

NAYS: Aarsvold; Allmaras; Bateman; Belter; Berg, J.; Bernstein; Boehm; Brodshaug; Brown; Byerly; Carlson, A.; Christopherson; Clayburgh; Cleary; Dorso; Drovdal; Freier; Gorder; Gorman; Grosz; Gulleson; Hagle; Hanson; Henegar; Hokana; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kempenich; Kerzman; Kilichowski; Klein; Kroeber; Kunkel; Laughlin; Martin; Monson; Mutzenberger; Nelson; Ness; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Porter; Price; Pyle; Rennerfeldt; Ring; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenson; Svedjan; Thorpe; Timm; Torgerson; Wald; Wanzek; Wardner; Wilkie; Speaker R. Berg,

ABSENT AND NOT VOTING: Dalrymple; DeWitz; Gates; Huether; Nicholas; Rydell

HB 1284 was declared lost.

SECOND READING OF HOUSE BILL

HB 1285: A BILL for an Act to amend and reenact subsection 6 of section 39-01-15 of the North Dakota Century Code, relating to the placement of a motor vehicle mobility-impaired certificate.

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 7 YEAS, 86 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Byerly; Froseth; Maragos; Nelson; Stenehjem; Sveen; Wentz

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

ABSENT AND NOT VOTING: Dalrymple; Gates; Huether; Nicholas; Rydell

HB 1285 was declared lost.

SECOND READING OF HOUSE BILL

HB 1303: A BILL for an Act to amend and reenact section 39-10-22 of the North Dakota Century Code, relating to yielding when vehicles on paved and unpaved roads meet at an intersection.

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 8 YEAS, 84 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Boucher; Froseth; Maragos; Olson, A.; Poolman; Shide; St. Aubyn; Wardner

NAYS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bodine; Boehm; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; DeWitz; Dobrinski; Dorso; Drovda; Freier; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nichols; Oban; Olsen, D.; Payne; Porter; Price; Pyle; Rennerfeldt; Ring; Schindler; Sitz; Skarphol; Soukup; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wentz; Wilkie; Speaker R. Berg,

ABSENT AND NOT VOTING: Bernstein; Dalrymple; Gates; Huether; Nicholas; Rydell

HB 1303 was declared lost.

SECOND READING OF HOUSE BILL

HB 1323: A BILL for an Act to create and enact section 54-27-19.2 of the North Dakota Century Code, relating to the reporting of the number of motor vehicles registered under tribal authority on an Indian reservation for the purpose of calculating each county's share of highway tax distribution fund.

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; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; 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; Wentz; Wilkie; Speaker R. Berg,

ABSENT AND NOT VOTING: Dalrymple; Gates; Huether; Nicholas; Rydell

HB 1323 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1350: A BILL for an Act to amend and reenact sections 11-13-12 and 11-18-02 of the North Dakota Century Code, relating to prohibiting the recording of deeds transferring property on which taxes are unpaid but not delinquent.

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 34 YEAS, 58 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Berg, J.; Bodine; Boucher; Brodshaug; Cleary; Coats; DeWitz; Dobrinski; Glassheim; Goffe; Grumbo; Gulleson; Hagle; Hanson; Hokana; Jacobs; Kaldor; Kerzman; Kroeber; Mutzenberger; Nelson; Ness; Nichols; Oban; Pyle; Ring; Schindler; Sitz; Stenson; Thorpe; Wanzek; Wilkie

NAYS: Austin; Bateman; Belter; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Dorso; Drovdal; Freier; Froseth; Gerntholz; Gordor; Gorman; Grosz; Hausauer; Henegar; Holm; Howard; Johnson; Keiser; Kelsch; Kempenich; Kilichowski; Klein; Kretschmar; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Shide; Skarphol; Soukup; St. Aubyn; Stenehjem; Svedjan; Sveen; Timm; Tollefson; Torgerson; Wald; Wardner; Wentz; Speaker R. Berg,

ABSENT AND NOT VOTING: Clayburgh; Dalrymple; Gates; Huether; Nicholas; Rydell

HB 1350 was declared lost.

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 Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Monday, January 25, 1993, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1009: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (22 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1009 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "; and to provide"

Page 1, line 3, remove "a statement of legislative intent"

Page 1, line 11, replace "\$5,485,000" with "\$5,375,000"

Page 1, line 12, replace "\$5,485,000" with "\$5,375,000"

Page 1, remove lines 13 through 17

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 070 - HOMESTEAD TAX CREDIT

HOUSE - To reduce funding to reflect more accurately anticipated expenditures for the 1991-93 biennium. Section 2 of the bill relating to a pro rata distribution of funds in the event the appropriation is inadequate is deleted.

Also, the legislative intent to provide for the pro rata distribution of available funds is eliminated. If the amount appropriated is inadequate, it is expected that a request for a deficiency appropriation will be presented to the 1995 Legislative Assembly.

REPORT OF STANDING COMMITTEE

HB 1045: Judiciary Committee (Rep. Kretschmar, Chairman) recommends

AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1045 was placed on the Sixth order on the calendar.

Page 1, line 4, after the second comma insert "subsection 32 of section 26.1-05-19,"

Page 1, line 20, remove the overstrike over "~~department of~~"

Page 1, line 21, replace "fish and wildlife service" with "agriculture"

Page 6, after line 28, insert:

"SECTION 10. AMENDMENT. Subsection 32 of section 26.1-05-19 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

32. Obligations secured by a pledge of personal property, as follows:
 - a. Tangible personal property, or equipment trust certificates or other instruments evidencing an interest in or debt secured by tangible personal property, if there is a right to receive determined portions of rental, purchase, or other fixed obligatory payments for the use or purchase of such tangible personal property.
 - b. Bonds, notes, or other evidences of indebtedness secured wholly or partially by tangible personal property, provided that at the date of acquisition the amount of such indebtedness does not exceed sixty-six and two-thirds percent of the value of such tangible personal property.

The aggregate outstanding investment made under ~~subsections~~ subdivisions a and b may not exceed five percent of the admitted assets of the life insurance company.

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1075: Government and Veterans Affairs Committee (Rep. D. Olsen, Chairman) recommends DO PASS (10 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). HB 1075 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1091: Agriculture Committee (Rep. Shide, Vice Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1091 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1099: Natural Resources Committee (Rep. A. Olson, Chairman) recommends DO PASS (10 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1099 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1117: Agriculture Committee (Rep. Shide, Vice Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1117 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1144: Natural Resources Committee (Rep. A. Olson, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1144 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1223: Agriculture Committee (Rep. Shide, Vice Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1223 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1230: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1230 was placed on the Sixth order on the calendar.

Page 2, line 6, overstrike "a life insurance" and insert immediately thereafter "an"

Page 2, line 7, replace "or a" with "licensed for the sale of life insurance or" and replace "agent" with ", or both,"

Page 2, line 8, after the second "of" insert "continuous"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1238: Judiciary Committee (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1238 was placed on the Sixth order on the calendar.

Page 1, line 8, after "person" insert "1."

Page 1, line 12, overstrike "1." and insert immediately thereafter "a."

Page 1, line 14, overstrike "2." and insert immediately thereafter "b."

Page 1, line 15, overstrike "3." and insert immediately thereafter "c."

Page 1, line 17, overstrike "4." and insert immediately thereafter "d."

Page 1, line 19, overstrike "5." and insert immediately thereafter "e."

Page 1, line 20, overstrike "6." and insert immediately thereafter "f."

Page 2, line 1, overstrike "7." and insert immediately thereafter "g."

Page 2, line 3, replace "8." with "h."

Page 2, after line 5, insert:

"2. This section does not apply to constitutionally protected activity. If an individual claims to have been engaged in a constitutionally protected activity, the court shall determine the validity of the claim as a matter of law and, if found valid, shall exclude evidence of the activity."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1248: Judiciary Committee (Rep. Kretschmar, Chairman) recommends DO PASS (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1248 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1250: Natural Resources Committee (Rep. A. Olson, Chairman) recommends DO NOT PASS (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1250 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1256: Judiciary Committee (Rep. Kretschmar, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1256 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1257: Political Subdivisions Committee (Rep. Soukup, Vice Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1257 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1260: Government and Veterans Affairs Committee (Rep. D. Olsen, Chairman) recommends DO NOT PASS (9 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). HB 1260 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1263: Political Subdivisions Committee (Rep. Soukup, Vice Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1263 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1298: Agriculture Committee (Rep. Shide, Vice Chairman) recommends DO NOT PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1298 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1301: Judiciary Committee (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1301 was placed on the Sixth order on the calendar.

Page 1, line 10, replace ", if" with "any person", replace "by" with "for in", and replace "party, a representative of any" with "state committee"

Page 1, line 11, remove "recognized federation of the party"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1305: Government and Veterans Affairs Committee (Rep. D. Olsen, Chairman) recommends DO NOT PASS (10 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). HB 1305 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1314: Political Subdivisions Committee (Rep. Soukup, Vice Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1314 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1328: Transportation Committee (Rep. Belter, Chairman) recommends DO NOT PASS (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1328 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1333: Government and Veterans Affairs Committee (Rep. D. Olsen, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (9 YEAS, 1 NAY, 4 ABSENT AND NOT VOTING). HB 1333 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "to provide an effective date;"

Page 3, remove lines 1 and 2

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1345: Judiciary Committee (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1345 was placed on the Sixth order on the calendar.

Page 1, line 10, after "or" insert "obtaining or attempting to obtain public assistance by"

Page 1, line 13, remove "to obtain or attempt to obtain"

Page 1, line 14, remove "public assistance"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1353: Agriculture Committee (Rep. Shide, Vice Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1353 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3009: Appropriations Committee (Rep. Dalrymple, Chairman) recommends DO PASS (20 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3009 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE BILLS

SB 2027: A BILL for an Act to allow a state agency or institution to provide for child care services.

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

SB 2041: A BILL for an Act to amend and reenact section 12.1-20-16 of the North Dakota Century Code, relating to the appointment of a guardian ad litem to represent a person with a developmental disability in prosecution of sex offenses.

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

SB 2117: A BILL for an Act to amend and reenact section 25-01-01.1 of the North Dakota Century Code, relating to the composition of the state council on developmental disabilities.

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

SB 2156: A BILL for an Act to amend and reenact section 54-46-08 of the North Dakota Century Code, relating to retention schedules for state records.

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

SB 2173: A BILL for an Act to amend and reenact subsection 2 of section 39-12-04 of the North Dakota Century Code, relating to height limitations on vehicles; and to declare an emergency.

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

SB 2192: A BILL for an Act to amend and reenact sections 49-06-23 and 49-22-22 of the North Dakota Century Code, relating to expenses of siting proceedings paid into the public utility valuation revolving fund and to siting fees and costs.

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

SB 2219: A BILL for an Act to amend and reenact section 64-02-10 of the North Dakota Century Code, relating to the fees to test or calibrate weighing and measuring devices; to provide an effective date; and to provide an expiration date.

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

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

ROY GILBREATH, Chief Clerk