

JOURNAL OF THE HOUSE

Fifty-third Legislative Assembly

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Bismarck, January 25, 1993

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

The prayer was offered by the Rev. Ray Martin, First United Methodist Church, Mandan.

The roll was called and all members were present except Representatives Grosz, Huether, and Speaker R. Berg.

A quorum was declared by the Acting 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 2024, SB 2101, SB 2177, SB 2180, SB 2183, SB 2188, SB 2204, SB 2253.

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 1069, HB 1079, HB 1089, HB 1126, HB 1177, HB 1188, HB 1219, HB 1247, HB 1258, HB 1267, HB 1308, HB 1337, HB 1343.

HOUSE ENGROSSING AND ENROLLING REPORT

The following bills were engrossed: HB 1064, HB 1185, HB 1217, HB 1246.

MOTION

REP. D. OLSEN MOVED that HB 1048, which is on the Eleventh order, be rereferred to the **Government and Veterans Affairs Committee**, which motion prevailed. Pursuant to Rep. D. Olsen's motion, HB 1048 was rereferred.

MOTION

REP. A. OLSON MOVED that HB 1250, which is on the Eleventh order, be rereferred to the **Natural Resources Committee**, which motion prevailed. Pursuant to Rep. A. Olson's motion, HB 1250 was rereferred.

MOTION

REP. KELSCH MOVED that HB 1287 be returned to the House floor from the **Judiciary Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

REP. RYDELL REQUESTED the unanimous consent of the House to withdraw HB 1287. There being no objection, it was so ordered by the Acting Speaker.

SIXTH ORDER OF BUSINESS

REP. FREIER 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. FREIER MOVED that the rules be suspended and that the amendments on the Sixth order of business to HB 1009, HB 1045, HB 1230, HB 1238, HB 1301, HB 1333, and HB 1345 be adopted, which motion prevailed.

HB 1009, HB 1045, HB 1230, HB 1238, HB 1301, HB 1333, and HB 1345, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SECOND READING OF HOUSE BILL

HB 1185: A BILL for an Act to amend and reenact section 49-18-32 of the

North Dakota Century Code, relating to filing fees for motor carrier applications.

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 95 YEAS, 0 NAYS, 0 EXCUSED, 3 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; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Acting Speaker Kretschmar

ABSENT AND NOT VOTING: Grosz; Huether; Speaker R. Berg

Engrossed HB 1185 passed and the title was agreed to.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Robert P. Wells.

SECOND READING OF HOUSE BILL

HB 1217: A BILL for an Act to create and enact a new section to chapter 9-10 of the North Dakota Century Code or, in the alternative, a new section to chapter 32-03.2 of the North Dakota Century Code, relating to liability for damages in automobile accidents.

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 95 YEAS, 0 NAYS, 0 EXCUSED, 3 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; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Acting Speaker Kretschmar

ABSENT AND NOT VOTING: Grosz; Huether; Speaker R. Berg

Engrossed HB 1217 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1246: A BILL for an Act to amend and reenact section 23-12-10 of the North Dakota Century Code, relating to designation of smoking areas.

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 95 YEAS, 0 NAYS, 0 EXCUSED, 3 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; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Acting Speaker Kretschmar

ABSENT AND NOT VOTING: Grosz; Huether; Speaker R. Berg

Engrossed HB 1246 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1075: A BILL for an Act to create and enact a new section to chapter 54-52 of the North Dakota Century Code, relating to prior service retiree adjustments under the public employees retirement system; to amend and reenact subdivision a of subsection 4 of section 54-52-17 of the North Dakota Century Code, relating to the computation of benefits under the public employees 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 95 YEAS, 0 NAYS, 0 EXCUSED, 3 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; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Acting Speaker Kretschmar

ABSENT AND NOT VOTING: Grosz; Huether; Speaker R. Berg

HB 1075 passed and the title was agreed to.

MOTION

REP. FREIER MOVED that HB 1260 and HB 1305 be placed at the head of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1260: A BILL for an Act to amend and reenact subsection 1 of section

54-52.1-03.3 of the North Dakota Century Code, relating to eligibility of a surviving spouse to receive for life a member's credit for coverage under the retiree health benefits fund, providing neither received a single lump sum retirement payment.

ROLL CALL

The question being on the passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 11 YEAS, 84 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Cleary; Goffe; Hagle; Kerzman; Kunke1; Mahoney; Maragos; Nicholas; Pyle; Wentz

NAYS: Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovda1; Freier; Froseth; Gates; Gerntholz; Glassheim; Gorder; Gorman; Grumbo; Gulleston; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kilichowski; Klein; Kroeber; Laughlin; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzenk; Wardner; Wilkie; Acting Speaker Kretschmar

ABSENT AND NOT VOTING: Grosz; Huether; Speaker R. Berg

HB 1260 was declared lost.

SECOND READING OF HOUSE BILL

HB 1305: A BILL for an Act to create and enact a new section to chapter 54-52 of the North Dakota Century Code, relating to a benefit adjustment for certain retired members of the public employees 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 NOT PASS, the roll was called and there were 8 YEAS, 86 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Dobrinski; Gulleston; Hagle; Hokana; Klein; Kunke1; Maragos; Wentz

NAYS: 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; Dorso; Drovda1; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grumbo; Hanson; Hausauer; Henegar; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Kroeber; Mahoney; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzenk; Wardner; Wilkie; Acting Speaker Kretschmar

ABSENT AND NOT VOTING: Grosz; Huether; Laughlin; Speaker R. Berg

HB 1305 was declared lost.

SECOND READING OF HOUSE BILL

HB 1091: A BILL for an Act to amend and reenact section 36-15-21 of the North Dakota Century Code, relating to calfhood vaccination against brucellosis; and to repeal section 36-14-02 of the North Dakota Century Code, relating to the killing of an infected animal for human consumption.

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 95 YEAS, 0 NAYS, 0 EXCUSED, 3 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; Grumbo; Gulleon; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Acting Speaker Kretschmar

ABSENT AND NOT VOTING: Grosz; Huether; Speaker R. Berg

HB 1091 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1099: A BILL for an Act to create and enact two new subsections to section 20.1-02-05 and a new subsection to section 20.1-02-15.1 of the North Dakota Century Code, relating to powers of the game and fish director, deputy director, chief game wardens, or district game wardens.

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 79 YEAS, 16 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Berg, J.; Bernstein; Bodine; Boehm; Brodshaug; Byerly; Carlisle; Carlson, C.; Christopherson; Clayburgh; Cleary; Dalrymple; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grumbo; Gulleon; Hanson; Hausauer; Henegar; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kerzman; Kilichowski; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Payne; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Tollefson; Torgerson; Wanzek; Wardner; Wentz; Acting Speaker Kretschmar

NAYS: Belter; Boucher; Brown; Carlson, A.; Coats; DeWitz; Hagle; Hokana; Kempenich; Klein; Olsen, D.; Olson, A.; Poolman; Timm; Wald; Wilkie

ABSENT AND NOT VOTING: Grosz; Huether; Speaker R. Berg

HB 1099 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1117: A BILL for an Act to amend and reenact section 19-13.1-06 of the North Dakota Century Code, relating to commercial feed tonnage reports.

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; Grumbo; Gulleson; Hagle; Hanson; Henegar; Hokana; Holm, Howard; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjøm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Acting Speaker Kretschmar

ABSENT AND NOT VOTING: Grosz; Hausauer; Huether; Speaker R. Berg

HB 1117 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1144: A BILL for an Act to amend and reenact subsections 5, 6, and 7 of section 61-03-05 of the North Dakota Century Code, relating to fees for computer discs, copies of documents, and for the transmission of documents electronically; and to repeal section 61-03-11 of the North Dakota Century Code, relating to furnishing copies.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 7 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Boucher; Carlisle; Clayburgh; Dalrymple; Maragos; Martinson; Wilkie

ABSENT AND NOT VOTING: Grosz; Huether; Stenehjøm; Speaker R. Berg

HB 1144 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1223: A BILL for an Act to amend and reenact subsection 2 of section

36-01-00.1 of the North Dakota Century Code, relating to the definition of domestic animal for purposes of the state board of animal health.

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; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Acting Speaker Kretschmar

ABSENT AND NOT VOTING: Grosz; Howard; Huether; Speaker R. Berg

HB 1223 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1248: A BILL for an Act to amend and reenact sections 19-01-12, 29-29-01, 29-29.1-01, and subsection 3 of section 50-25.2-05 of the North Dakota Century Code, relating to who may issue a search warrant.

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 31 YEAS, 63 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Allmaras; Berg, J.; Brodshaug; Carlisle; Glassheim; Goffe; Grumbo; Gulleson; Hagle; Hausauer; Henegar; Hokana; Kaldor; Keiser; Kroeber; Maragos; Martin; Mutzenberger; Nelson; Ness; Oban; Ring; Rydell; Skarphol; St. Aubyn; Stenehjem; Sveen; Tollefson; Torgerson; Wentz; Acting Speaker Kretschmar

NAYS: Aarsvold; Austin; Bateman; Belter; Bernstein; Bodine; Boehm; Boucher; Brown; Byerly; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Gorder; Gorman; Hanson; Holm; Jacobs; Johnson; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kunkel; Laughlin; Mahoney; Martinson; Monson; Nicholas; Nichols; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Schindler; Shide; Sitz; Soukup; Stenson; Svedjan; Thorpe; Timm; Wald; Wanzek; Wardner; Wilkie

ABSENT AND NOT VOTING: Grosz; Howard; Huether; Speaker R. Berg

HB 1248 was declared lost.

SECOND READING OF HOUSE BILL

HB 1256: A BILL for an Act to amend and reenact subsection 1 of section 54-03-19.1 and section 54-03-19.2 of the North Dakota Century Code, relating to the procedures of the legislative compensation commission

in determining and recommending rates of legislative compensation, expense allowance, and insurance benefits.

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; Grumbo; Gullerson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Acting Speaker Kretschmar

ABSENT AND NOT VOTING: Grosz; Howard; Huether; Speaker R. Berg

HB 1256 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1257: A BILL for an Act to amend and reenact subsection 1 of section 24-06-28, sections 24-06-29, and 24-06-30 of the North Dakota Century Code, relating to obstruction of section lines by trees.

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, 1 NAY, 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; Grumbo; Gullerson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Acting Speaker Kretschmar

NAYS: Wilkie

ABSENT AND NOT VOTING: Grosz; Howard; Huether; Speaker R. Berg

HB 1257 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1263: A BILL for an Act to amend and reenact section 61-24.5-06 of the North Dakota Century Code, relating to election of county directors of the southwest water authority; and to repeal section 57-15-26.7 and

chapter 61-24.2 of the North Dakota Century Code, relating to the west river water supply district.

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; Dalrymple; Dewitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grumbo; Guleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Acting Speaker Kretschmar

ABSENT AND NOT VOTING: Coats; Grosz; Howard; Huether; Speaker R. Berg

HB 1263 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1298: A BILL for an Act relating to the definition of agriculture.

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

NAYS: 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; Grumbo; Guleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Acting Speaker Kretschmar

ABSENT AND NOT VOTING: Grosz; Howard; Huether; Olsen, D.; Speaker R. Berg

HB 1298 was declared lost.

SECOND READING OF HOUSE BILL

HB 1314: A BILL for an Act to create and enact a new subsection to section 61-16.1-09 of the North Dakota Century Code, relating to powers of water resource boards.

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; Gorman; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner; Wentz; Wilkie; Acting Speaker Kretschmar

ABSENT AND NOT VOTING: Grosz; Howard; Huether; Wald; Speaker R. Berg

HB 1314 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1328: A BILL for an Act to create and enact a new section to chapter 39-24 of the North Dakota Century Code, relating to a disputable presumption of snowmobile permission.

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 45 YEAS, 49 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Berg, J.; Bodine; Boucher; Byerly; Carlson, C.; Clayburgh; Cleary; Coats; Gates; Glassheim; Gorder; Grumbo; Gulleson; Hagle; Hanson; Holm; Kaldor; Kerzman; Kilichowski; Kroeber; Laughlin; Mahoney; Maragos; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olson, A.; Porter; Pyle; Rennerfeldt; Ring; Rydell; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Wentz; Wilkie; Acting Speaker Kretschmar

NAYS: Allmaras; Austin; Bateman; Belter; Bernstein; Boehm; Brodshaug; Brown; Carlisle; Carlson, A.; Christopherson; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gerntholz; Goffe; Gorman; Hausauer; Henegar; Hokana; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kunkel; Martin; Martinson; Olsen, D.; Payne; Poolman; Price; Schindler; Shide; Sitz; Skarphol; Soukup; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner

ABSENT AND NOT VOTING: Grosz; Howard; Huether; Speaker R. Berg

HB 1328 was declared lost.

MOTION

REP. NICHOLAS MOVED that HB 1353 be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3009: A concurrent resolution regarding the approval of state agency use of block grant funds, and authorizing the Budget Section of the Legislative Council to hold the required legislative hearings on state plans for the receipt and expenditure of new or revised block grants as passed by Congress.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3009 was 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 order of business and at the conclusion of that order, the House stand adjourned until 1:00 p.m., Tuesday, January 26, 1993, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1011: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (20 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1011 was placed on the Sixth order on the calendar.

Page 1, line 5, remove "out of any"

Page 1, line 6, remove "moneys in"

Page 1, line 10, replace "\$2,724,004" with "\$2,661,994"

Page 1, line 12, replace "841,390" with "845,617"

Page 1, remove line 15

Page 1, line 17, replace "\$3,908,666" with "\$3,846,656"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 616 - SEED DEPARTMENT

HOUSE - This amendment makes the following changes to Governor Sinner's executive budget recommendation to reflect Governor Schafer's recommended appropriations for the Seed Department:

- The salaries and wages line item is decreased by \$62,010 from the Seed Department fund, of which \$13,057 is for reduced health insurance costs and \$48,953 is to reflect the Schafer salary increase recommendation.
- The operating expenses line item is increased by \$4,227 from the Seed Department fund and the interagency legal fees line item of \$4,227 is deleted to reflect Governor Schafer's recommendation regarding legal fees charged by the Attorney General.

In total, this amendment reduces the Seed Department's appropriation by \$62,010 from the Seed Department fund.

REPORT OF STANDING COMMITTEE

HB 1066: Education Committee (Rep. Gates, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1066 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1072: Government and Veterans Affairs Committee (Rep. D. Olsen, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1072 was placed on the Sixth order on the calendar.

Page 13, line 19, after "to" insert "the retirement benefits of"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1082: Transportation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1082 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "limited waiver of the sovereign"

Page 1, line 3, remove "immunity of the" and replace "transportation regarding its" with "transportation's"

Page 1, line 9, remove "- Limited waiver of"

Page 1, line 10, remove "sovereign immunity"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1122: Education Committee (Rep. Gates, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1122 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "in certain cases"

Page 1, line 14, remove "1."

Page 2, remove lines 1 through 28

Page 3, remove lines 1 through 10

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1158: Education Committee (Rep. Gates, Chairman) recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1158 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1183: Education Committee (Rep. Gates, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1183 was placed on the Sixth order on the calendar.

Page 12, line 27, overstrike "However, no attorney's fees or"

Page 12, overstrike line 28

Page 12, line 29, overstrike "when the parent, guardian, or", overstrike "adult", remove "with disabilities", and overstrike "submitted a"

Page 13, overstrike lines 1 and 2

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1289: Education Committee (Rep. Gates, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1289 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "including" with "and for summer school" and after "education" insert "at any grade level"

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1291: Education Committee (Rep. Gates, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1291 was placed on the Sixth order on the calendar.

Page 1, line 9, after the first "the" insert "lower of the county average cost per student or the" and overstrike "Such"

Page 1, line 10, overstrike "costs" and insert immediately thereafter "The full cost"

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1300: Education Committee (Rep. Gates, Chairman) recommends DO PASS (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1300 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1325: Transportation Committee (Rep. Belter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1325 was placed on the Sixth order on the calendar.

Page 1, line 13, remove "initiate," and after "continue" remove the comma

Page 3, line 19, replace "is" with "are"

Page 3, line 21, replace "collision" with "pursuit"

Page 3, line 22, remove "who is being, has been, or believes"

Page 3, remove line 23

Page 3, line 24, remove "motor vehicle"

Re-number accordingly

REPORT OF PROCEDURAL COMMITTEE

SCR 4019: Employment Committee (Rep. Rydell, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SCR 4019 was placed on the Sixth order on the calendar.

Page 5, after line 29, insert:

"Irma Holstrom, Telephone Attendant

\$58.00"

Page 6, after line 14, insert:

"BE IT FURTHER RESOLVED, that each employee of the Fifty-third Legislative Assembly is entitled to an additional one dollar per day for each previous regular session of the Legislative Assembly during which that employee was paid for at least forty-five days, as either an employee of the Senate or House, and to receive this additional compensation, which may not exceed five dollars per day, that employee must certify to the Legislative Council the year of each regular

session during which that employee was employed as required by this resolution; and"

Renumber accordingly

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

ROY GILBREATH, Chief Clerk