

JOURNAL OF THE HOUSE

Fifty-third Legislative Assembly

* * * * *

Bismarck, February 26, 1993

The House convened at 12:45 p.m., with Speaker R. Berg presiding.

The prayer was offered by the Rev. Barry Lee, Church of God of Prophecy, Bismarck.

The roll was called and all members were present except Representatives Bernstein, Gorman, Johnson, Kunkel, Pyle, and Sveen.

A quorum was declared by the Speaker.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2051, SB 2122, SB 2123, SB 2131, SB 2133, SB 2176, SB 2189.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2031, SB 2044, SB 2057, SB 2087, SB 2094, SB 2113, SB 2118, SB 2126, SB 2127, SB 2140, SB 2141, SB 2151, SB 2158, SB 2160, SB 2169, SB 2179.

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

MADAM PRESIDENT: The House has failed to pass: SB 2258.

LEGISLATIVE CHAPLAINCY SCHEDULE
OF DATES FOR THE HOUSE OF REPRESENTATIVES
MARCH

<u>Date</u>	<u>Church/Institution</u>
1 Rev. Wilbur Fisher	Our Savior Lutheran Church, Larimore
2 Father Robert E. Feeney	St. Joseph Catholic Church, Mandan
3 Rev. A. Benjamin Dove (Retired)	Presbyterian Church, Mandan
4 Father Marvin Klemmer	Ascension Catholic Church, Bismarck
5 Rev. Lionel Muthiah (Retired)	United Methodist Church, Mandan
8 Rev. Eric Christiansen	Immanuel Lutheran Church, Rolla
9 Rev. Carlyle Roth	St. Mark Lutheran Church, Minot
10 Father Stephen Zastoupil	Corpus Christi Catholic Church, Bismarck
11 Dr. Ron Rockey	Seventh-Day Adventist Church, Bismarck
12 Rev. Angela Monson	First Lutheran Church, Mandan
15 Rev. Phil Rokke	Free Lutheran Church, Minnewauken
16 Rev. David Baker	Nazarene Church, Mandan
17 Father Vernon Smith	St. John Catholic Church, Pisek
18 Rev. Stephen Eastin	First Presbyterian Church, Mandan
19 Pastor Carell Foss	Trinity Lutheran Church, Cooperstown
22 Rev. John Bushell	Methodist Church, Harvey
23 Pastor Jim McEachran	Bethel Assembly of God, Mandan
24 Rev. Klaus Raab	Bethel Lutheran Church, Harvey
25 Rev. Ray Martin	First United Methodist Church, Mandan
26 Rev. Terry Kern	First Evangelical Free Church, Bismarck
29 Father Hugo L. Blotsky	St. Joseph Catholic Church, Mandan
30 Pastor Earl Thornton	Evangel Temple, Bismarck
31 Deacon Emil Riehl	Christ the King Catholic Church, Mandan

MOTION

REP. KELSCH MOVED that the House take from the table the motion to reconsider the vote by which SB 2258 lost.

RULING BY THE SPEAKER

SPEAKER R. BERG RULED that the motion was out of order because the House was not in possession of SB 2258.

MOTION

REP. MARTINSON MOVED that the House request the return of SB 2258 from the Senate.

REQUEST

REP. OBAN REQUESTED a verification vote on the motion of Rep. Martinson that the House request the return of SB 2258 from the Senate, which request was granted.

The question then was on the motion of Rep. Martinson that the House request the return of SB 2258 from the Senate, which motion prevailed on a verification vote.

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

MADAM PRESIDENT: The House respectfully requests the return of: SB 2258.

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 SB 2120, SB 2161, and SB 2288 be adopted, which motion prevailed.

SB 2120, SB 2161, and SB 2288, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF SENATE BILL

SB 2067: A BILL for an Act to amend and reenact section 54-52-06.2 and subsection 4 of section 54-52-17 of the North Dakota Century Code, relating to the employer contribution and retirement benefits for national guard security officers and firefighters 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 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; 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; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; 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; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Bernstein; Gorman; Johnson; Kunkel; Sveen

SB 2067 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2068: A BILL for an Act to amend and reenact subsections 1, 3, 4, and 5 of section 54-52.1-03 and section 54-52.1-03.1 of the North Dakota Century Code, relating to participation in the uniform group insurance program.

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.; 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; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; 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; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Bernstein; Gorman; Johnson; Kunkel; Sveen

SB 2068 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2070: A BILL for an Act to create and enact a new section to chapter 54-52.2 of the North Dakota Century Code, relating to administration of the deferred compensation plan for public employees.

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.; 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; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Jacobs; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; 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; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Bernstein; Gorman; Huether; Johnson; Kunkel; Sveen

Engrossed SB 2070 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2072: A BILL for an Act to amend and reenact sections 15-20.4-02 and 15-20.4-04 of the North Dakota Century Code, relating to postsecondary educational institutions.

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.; 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; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Jacobs; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; 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; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Bernstein; Gorman; Huether; Johnson; Kunkel; Sveen

Reengrossed SB 2072 passed and the title was agreed to.

SECOND READING OF SENATE BILL

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.

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.; 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; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Jacobs; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; 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; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Bernstein; Gorman; Huether; Johnson; Kunkel; Sveen

SB 2099 passed and the title was agreed to.

SECOND READING OF SENATE BILL

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.

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.; 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; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Jacobs; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; 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; Stenehjelm; Stenson; Svedjan; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Bernstein; Gorman; Huether; Johnson; Kunkel; Sveen

SB 2100 passed and the title was agreed to.

SECOND READING OF SENATE BILL

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.

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.; 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; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Jacobs; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; 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; Stenehjelm; Stenson; Svedjan; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Bernstein; Gorman; Huether; Johnson; Kunkel; Sveen

SB 2102 passed and the title was agreed to.

SECOND READING OF SENATE BILL

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.

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.; 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; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Jacobs; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; 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; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Bernstein; Gorman; Huether; Johnson; Kunkel; Sveen

SB 2103 passed and the title was agreed to.

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2104.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2104.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bill: SB 2104.

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

MADAM PRESIDENT: The Speaker has signed: SB 2104.

SECOND READING OF SENATE BILL

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.

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

NAYS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; 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; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Jacobs; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; 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; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Bernstein; Gorman; Huether; Johnson; Kunkel; Sveen

Engrossed SB 2117 was declared lost.

SECOND READING OF SENATE BILL

SB 2137: A BILL for an Act to amend and reenact section 39-20-06 of the North Dakota Century Code, relating to judicial review when a person's operator's license is suspended or revoked.

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.; 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; Gulleason; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Jacobs; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; 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; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Bernstein; Gorman; Huether; Johnson; Kunkel; Sveen

Engrossed SB 2137 passed and the title was agreed to.

SECOND READING OF SENATE BILL

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.

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, 1 NAY, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; 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; Grosz; Grumbo; Gulleason; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Jacobs; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

NAYS: Ring

ABSENT AND NOT VOTING: Bernstein; Gorder; Gorman; Huether; Johnson; Kunkel; Sveen

Engrossed SB 2173 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2178: A BILL for an Act to amend and reenact subsection 7 of section

15-40.1-08 of the North Dakota Century Code, relating to educational support payments for approved kindergarten programs.

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, 0 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Grosz; Grumbo; Gulleeson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Jacobs; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; 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; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Bernstein; Carlson, C.; Gorder; Gorman; Huether; Johnson; Kunkel; Sveen

SB 2178 passed and the title was agreed to.

MOTION

REP. GATES MOVED that SB 2188 be placed at the foot of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2202: A BILL for an Act to cancel and declare forfeited all or part of water permits numbered 24C, 939, 2432, 578, and 2708, relating to the right of the state industrial school, roughrider industries, North Dakota association of soil conservation districts, and North Dakota state university-Carrington research extension center to appropriate water.

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

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

NAYS: Bateman; Boehm; Brown; Jacobs; Martin; Olsen, D.; Poolman; Soukup

ABSENT AND NOT VOTING: Bernstein; Gorman; Huether; Johnson; Kunkel; Sveen

SB 2202 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2203: A BILL for an Act to amend and reenact sections 61-20-06 and 61-20-07 of the North Dakota Century Code, relating to duties of the state engineer with regard to artesian wells.

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 91 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; 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; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Jacobs; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; 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; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie

ABSENT AND NOT VOTING: Bernstein; Gorman; Huether; Johnson; Kunkel; Sveen; Speaker R. Berg

SB 2203 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2311: A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to an income tax credit for premiums paid for long-term care insurance; and to provide an effective date.

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 55 YEAS, 38 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Belter; Berg, J.; Bodine; Byerly; Carlisle; Carlson, A.; Christopherson; Clayburgh; Cleary; Coats; Dobrinski; Freier; Froseth; Goffe; Gorder; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Keiser; Kerzman; Kilichowski; Kretschmar; Kroeber; Laughlin; Mahoney; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Olsen, D.; Olson, A.; Payne; Rennerfeldt; Ring; Rydell; Shide; Sitz; Skarphol; Soukup; Stenehjem; Stenson; Timm; Torgerson; Wanzek; Wardner

NAYS: Allmaras; Bateman; Boehm; Boucher; Brodshaug; Brown; Carlson, C.; Dalrymple; DeWitz; Dorso; Drovdal; Gates; Gerntholz; Glassheim; Grosz; Grumbo; Howard; Huether; Jacobs; Kaldor; Kelsch; Kempenich; Klein; Maragos; Oban; Poolman; Porter; Price; Pyle; Schindler; St. Aubyn; Svedjan; Thorpe; Tollefson; Wald; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Bernstein; Gorman; Johnson; Kunkel; Sveen

Engrossed SB 2311 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2314: A BILL for an Act to amend and reenact section 28-20-34 of the North Dakota Century Code, relating to the interest rate on judgments for unpaid child support obligations.

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; Allmaras; Berg, J.; Bodine; Boucher; Brodshaug; Carlson, C.; Clayburgh; Cleary; Coats; Dobrinski; Gulleeson; Hanson; Hokana; Huether; Kaldor; Kerzman; Kroeber; Laughlin; Mahoney; Mutzenberger; Nelson; Ness; Nichols; Oban; Pyle; Ring; Wilkie

NAYS: Austin; Bateman; Belter; Boehm; Brown; Byerly; Carlisle; Carlson, A.; Christopherson; Dalrymple; DeWitz; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glasshiem; Goffe; Gorder; Grosz; Grumbo; Hagle; Hausauer; Henegar; Holm; Howard; Jacobs; Keiser; Kelsch; Kempenich; Kilichowski; Klein; Kretschmar; Maragos; Martin; Martinson; Monson; Nicholas; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Speaker R. Berg

ABSENT AND NOT VOTING: Bernstein; Gorman; Johnson; Kunkel; Sveen

SB 2314 was declared lost.

SECOND READING OF SENATE BILL

SB 2380: A BILL for an Act to amend and reenact section 61-16.1-14 of the North Dakota Century Code, relating to contracts for construction or maintenance of water resource district projects.

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

YEAS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Goffe; Gorder; Grosz; Grumbo; Gulleeson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; 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; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Speaker R. Berg

NAYS: Nelson; Ness; Thorpe; Timm; Wilkie

ABSENT AND NOT VOTING: Bateman; Bernstein; Glasshiem; Gorman; Johnson; Kunkel; Sveen

SB 2380 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2399: A BILL for an Act to amend and reenact section 11-11.1-01 of the

North Dakota Century Code, relating to the election question to discontinue a job development authority and to the job development authority board of directors.

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.; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Gates; Gerntholz; Goffe; Gorder; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; 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; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Bernstein; Glassheim; Gorman; Johnson; Kunkel; Sveen

Engrossed SB 2399 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2489: A BILL for an Act to amend and reenact section 61-21-45 of the North Dakota Century Code, relating to bid requirements for certain water projects.

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 89 YEAS, 3 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

NAYS: Ness; Ring; Timm

ABSENT AND NOT VOTING: Bernstein; Glassheim; Gorman; Johnson; Kunkel; Sveen

Engrossed SB 2489 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2510: A BILL for an Act to amend and reenact section 36-21.1-07 of the North Dakota Century Code, relating to the inhumane treatment of wild animals; and to provide a penalty.

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, 5 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bodine; Boehm; Boucher; Brodshaug; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; Dewitz; Dobrinski; Dorso; Drovdal; Froseth; Gates; Gerntholz; Goffe; Gorder; Grosz; Grumbo; Gulleeson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Kretschmar; Kroeber; 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; Thorpe; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie

NAYS: Brown; Freier; Klein; Timm; Speaker R. Berg

ABSENT AND NOT VOTING: Bernstein; Glassheim; Gorman; Johnson; Kunkel; Sveen

Engrossed SB 2510 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2188: A BILL for an Act to amend and reenact sections 15-27.2-01 and 15-27.2-02 of the North Dakota Century Code, relating to school district annexation petitions and requirements for an annexation involving an exchange of property.

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.; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; Dewitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Goffe; Gorder; Grosz; Grumbo; Gulleeson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; 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; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Bernstein; Glassheim; Gorman; Johnson; Kunkel; Sveen

Engrossed SB 2188 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3067: A concurrent resolution directing the Legislative Council to study the scope of the open meetings law, its definitions and exceptions, and common meeting practices in order to assure the public's right and need for access to public meetings and their need for public officials who act and lead in an administratively feasible and effective manner.

MOTION

REP. CLAYBURGH MOVED the previous question, which motion prevailed.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS.

HCR 3067 was declared lost on a verification vote.

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

MR. SPEAKER: The Senate accedes to the House request for the return of: SB 2258.

REQUEST

REP. FREIER REQUESTED that HCR 3061 and HCR 3062 be removed from the Consent Calendar, which request was granted.

**SECOND READING OF HOUSE CONCURRENT RESOLUTIONS
AND SENATE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR**

HCR 3048: A concurrent resolution directing the Legislative Council to study the bill introduction privilege for state agencies.

HCR 3049: A concurrent resolution directing the Legislative Council to study noxious weed laws to determine the feasibility and desirability of identifying purple loosestrife as a noxious weed and instituting appropriate methods of control or eradication.

HCR 3050: A concurrent resolution directing the Legislative Council to study the state's hunting laws to determine what changes can be made to improve the relationship between hunters and private landowners in the state.

HCR 3053: A concurrent resolution directing the Legislative Council to study the imposition and administration of sales, use, motor vehicle excise, and aircraft excise taxes.

HCR 3054: A concurrent resolution directing the Legislative Council to study the supplying of water to rural areas and small towns.

HCR 3057: A concurrent resolution directing the Legislative Council to study the problems and resources available to meet the needs of North Dakota youth age 17 through 21 who are released from the state foster care or court system.

HCR 3058: A concurrent resolution directing the Legislative Council to study the provision of services to blind and visually impaired children and adults.

HCR 3063: A concurrent resolution directing the Legislative Council to study alternatives for establishing mechanisms for facilitating long-term policy development and other foresight processes in North Dakota state and local government.

HCR 3064: A concurrent resolution directing the Legislative Council to study the membership, duties, and responsibilities of all statutory boards, councils, committees, and commissions.

HCR 3066: A concurrent resolution directing the Legislative Council to study products liability statutes as they relate to the aircraft industry.

SCR 4008: A concurrent resolution urging Congress to moderate enforcement of the Safe Drinking Water Act.

SCR 4023: A concurrent resolution directing the Legislative Council to study the development of a Noxious Weed Trust Fund.

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

HCR 3048, HCR 3049, HCR 3050, HCR 3053, HCR 3054, HCR 3057, HCR 3058, HCR 3063, HCR 3064, HCR 3066, SCR 4008, and SCR 4023 were declared adopted on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3061: A concurrent resolution directing the Legislative Council to study and establish procedures necessary to implement annual sessions of the Legislative Assembly beginning in 1995 and 1996.

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

HCR 3061 was declared adopted on a verification vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3062: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a unicameral legislature.

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

HCR 3062 was declared lost on a verification vote.

MOTION

REP. KELSCH MOVED that the House take from the table the motion to reconsider the vote by which SB 2258 failed, which motion lost on a verification vote.

MOTION

REP. FREIER MOVED that the rules be suspended and that Engrossed SB 2120, Engrossed SB 2161, and Engrossed SB 2288 be placed on today's Fourteenth order, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2120: A BILL for an Act to amend and reenact section 39-24-05 of the North Dakota Century Code, relating to the disposition of snowmobile registration and trail tax fees and providing for an annual transfer of highway tax distribution fund moneys to the snowmobile fund; and to provide an expiration 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 83 YEAS, 6 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bodine; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Goffe; Gorder; Grosz; Grumbo; Gulleson; Hagle; Hanson; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Laughlin; Mahoney; Maragos; Martin; Martinson;

Monson; Mutzenberger; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenson; Svedjan; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wilkie; Speaker R. Berg

NAYS: Bateman; DeWitz; Dobrinski; Nelson; Nichols; Wentz

ABSENT AND NOT VOTING: Bernstein; Boehm; Glasheim; Gorman; Hausauer; Johnson; Kunkel; Stenehjem; Sveen

Engrossed SB 2120 passed and the title was agreed to.

MOTION

REP. FREIER MOVED that the House waive the reading of the title to SB 2161, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2161: A BILL for an Act to create and enact six new subsections to section 23-01-05 and a new section to chapter 23-13 of the North Dakota Century Code, relating to the duties of the state health officer and storage of petroleum products in aboveground storage tanks; to amend and reenact section 19-01-13, subsection 1 of section 19-03.1-01.1, subsections 4 and 5 of section 19-03.1-37, subsection 1 of section 19-13.1-12, subsection 2 of section 19-20.1-17, section 23-01-01, and subsection 1 of section 43-43-01 of the North Dakota Century Code, relating to the powers and duties of the state department of health and consolidated laboratories; and to repeal sections 19-01-02, 19-10-22.1, 23-01-07, and 23-01-09 of the North Dakota Century Code, relating to the organizational structure and duties of the state department of health and consolidated laboratories.

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 89 YEAS, 0 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bodine; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Goffe; Gorder; Grosz; Grumbo; Gulleason; Hagle; Hanson; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; 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; Stenson; Svedjan; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Bernstein; Boehm; Glasheim; Gorman; Hausauer; Johnson; Kunkel; Stenehjem; Sveen

Engrossed SB 2161 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2288: 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 the value of pollution abatement improvements to certain buildings or facilities; 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 89 YEAS, 0 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bodine; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Goffe; Gorder; Grosz; Grumbo; Gulleston; Hagle; Hanson; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; 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; Stenson; Svedjan; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzenk; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Bernstein; Boehm; Glassheim; Gorman; Hausauer; Johnson; Kunkel; Stenehjem; Sveen

Engrossed SB 2288 passed and the title was agreed to.

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., Monday, March 1, 1993, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2036, as engrossed: 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). Engrossed SB 2036 was placed on the Sixth order on the calendar.

Page 1, line 17, after "unobligated" insert "general fund" and overstrike "district's"

Page 1, line 18, overstrike "interim fund" and insert immediately thereafter "district"

Page 1, line 19, overstrike "the amount authorized by section 57-15-27" and insert immediately thereafter "three-fourths of the actual expenditures, plus an additional twenty thousand dollars"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2048: Human Services Committee (Rep. Rydell, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2048 was placed on the Sixth order on the calendar.

Page 1, line 11, after the underscored period insert "The course must be available on videotape."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2049, as engrossed: Natural Resources Committee (Rep. A. Olson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO**

PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2049 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "governor to appoint a committee" with "office of management and budget" and after "prepare" insert "and submit to the governor and the legislative council"

Page 1, line 5, replace "planning committee" with "plan"

Page 1, replace line 6 with "Submission to the governor and legislative council. By July 1, 1994, the office of management and budget in consultation with the state department of health and consolidated laboratories"

Page 1, remove line 7

Page 1, line 8, remove "least five state employees. By July 1, 1994, the committee"

Page 1, line 9, replace "state department of health and consolidated laboratories" with "governor and the legislative council"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2069: Government and Veterans Affairs Committee (Rep. D. Olsen, Chairman) recommends DO PASS (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2069 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2084, as engrossed: Political Subdivisions Committee (Rep. Martin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2084 was placed on the Sixth order on the calendar.

Page 1, line 2, after "with" insert "a financial institution, the Bank of North Dakota, and"

Page 1, line 10, replace "is participating in a loan program of the municipal bond bank" with "elects to invest public funds under this section"

Page 1, remove lines 11 through 14

Page 1, line 15, replace "Any" with "A public corporation may deposit", remove "described in this section may be deposited", and after "with" insert "a financial institution, the Bank of North Dakota, or"

Page 1, line 16, replace ", which may either deposit the funds in the" with "for investment"

Page 1, line 17, remove "Bank of North Dakota or invest the funds"

Page 2, after line 6, insert:

"3. The interest rate paid by a depository on a deposit under this section must be the same as the investment yield to the depository on the money market mutual fund less a negotiated administrative fee."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2085, as engrossed: Political Subdivisions Committee (Rep. Martin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended,

recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2085 was placed on the Sixth order on the calendar.

Page 2, line 22, after "~~population~~" insert "subject to section 21-02-10" and remove the overstrike over the overstruck comma

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2088, as engrossed: Agriculture Committee (Rep. Nicholas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2088 was placed on the Sixth order on the calendar.

Page 1, line 8, replace "The" with "A"

Page 1, line 9, replace "for each species of captive wildlife is five dollars" with "must be prescribed by rule" and remove "No person may be"

Page 1, remove lines 10 and 11

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2119: Government and Veterans Affairs Committee (Rep. D. Olsen, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2119 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2129: Transportation Committee (Rep. Belter, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2129 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2130, as engrossed: Transportation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2130 was placed on the Sixth order on the calendar.

Page 4, line 8, replace "uniform federal" with "Americans with disabilities"

Page 4, line 9, replace "standards" with "guidelines"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2138: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2138 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2139: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2139 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2156, as engrossed: Government and Veterans Affairs Committee (Rep. D. Olsen, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2156 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2162, as engrossed: Agriculture Committee (Rep. Nicholas, Chairman)

recommends **DO PASS** (11 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Engrossed SB 2162 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2168: Government and Veterans Affairs Committee (Rep. D. Olsen, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2168 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2177, as engrossed: Education Committee (Rep. Gates, Chairman) recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2177 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2183, as engrossed: Education Committee (Rep. Gates, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2183 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2211: Political Subdivisions Committee (Rep. Martin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2211 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "base" with "bases"

Page 1, line 3, remove "maintenance"

Page 1, line 7, remove "maintenance"

Page 1, line 8, replace "public" with "telecommunications"

Page 1, line 9, replace "utility" with "company" and replace "telephone" with "emergency 911"

Page 1, line 10, remove "service"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2232: Political Subdivisions Committee (Rep. Martin, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2232 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2247, as engrossed: Political Subdivisions Committee (Rep. Martin, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2247 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2251, as engrossed: Political Subdivisions Committee (Rep. Martin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2251 was placed on the Sixth order on the calendar.

Page 1, line 10, remove "or" and after "unit" insert ", or park district"

Page 1, line 17, remove "or" and after "unit" insert ", or park district"

Page 1, line 18, remove "or"

Page 1, line 19, after "unit" insert ", or park district"

Page 2, line 8, remove "or"

Page 2, line 9, after "unit" insert ", or park district"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2252: Transportation Committee (Rep. Belter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2252 was placed on the Sixth order on the calendar.

Page 1, line 13, after "39-04-10.6" insert ", trailers, travel trailers,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2254, as engrossed: Transportation Committee (Rep. Belter, Chairman) recommends DO NOT PASS (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2254 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2269, as engrossed: Agriculture Committee (Rep. Nicholas, Chairman) recommends DO NOT PASS (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2269 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2281, as engrossed: Political Subdivisions Committee (Rep. Martin, Chairman) recommends DO PASS (10 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2281 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2293, as engrossed: Finance and Taxation Committee (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2293 was placed on the Sixth order on the calendar.

Page 1, line 9, remove "penalties for failure to file wage information returns,"

Page 1, line 13, remove "to provide a penalty;"

Page 5, line 11, remove "Every employer not required to withhold state income tax shall"

Page 5, remove lines 12 through 20

Page 5, line 21, remove "6."

Page 6, line 1, replace "7." with "5."

Page 6, line 11, replace "8." with "6."

Page 6, line 20, replace "9." with "7."

Page 7, line 1, replace "10." with "8."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2299: Transportation Committee (Rep. Belter, Chairman) recommends DO NOT PASS (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2299 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2335: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (11 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). SB 2335 was placed on the Sixth order on the calendar.

Page 1, line 13, after "inventory" insert "The lender must first offer the inventory for sale to the wholesaler. In the case of a lender foreclosing upon a security interest in beer inventory for which the lender has a security interest, the lender must dispose of the beer inventory within ninety days of obtaining possession of the inventory"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2342, as engrossed: Natural Resources Committee (Rep. A. Olson, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2342 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2345: Transportation Committee (Rep. Belter, Chairman) recommends DO NOT PASS (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). SB 2345 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2346, as engrossed: Natural Resources Committee (Rep. A. Olson, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2346 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2352: Government and Veterans Affairs Committee (Rep. D. Olsen, Chairman) recommends DO NOT PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2352 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2372: Transportation Committee (Rep. Belter, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2372 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2375, as engrossed: Political Subdivisions Committee (Rep. Martin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2375 was placed on the Sixth order on the calendar.

Page 1, line 13, after the period insert "Each county shall maintain and upgrade the equipment necessary to continue the operation of the Uniform Commercial Code central indexing system."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2383: Transportation Committee (Rep. Belter, Chairman) recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2383 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2386: Natural Resources Committee (Rep. A. Olson, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2386 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2468: Finance and Taxation Committee (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS,

0 NAYS, 2 ABSENT AND NOT VOTING). SB 2468 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "repeal" with "amend and reenact"

Page 1, line 2, remove "eliminating" and after the first "the" insert "expiration date of the"

Page 1, line 5, replace "REPEAL" with "AMENDMENT"

Page 1, line 6, replace "repealed." with "amended and reenacted as follows:

SECTION 4. EXPIRATION DATE. Section 3 of this Act is effective through June 30, ~~1993~~ 1995, and after that date is ineffective."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3042: Political Subdivisions Committee (Rep. Martin, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (12 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HCR 3042 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3055: Government and Veterans Affairs Committee (Rep. D. Olsen, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3055 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3056: Transportation Committee (Rep. Belter, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HCR 3056 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3059: Political Subdivisions Committee (Rep. Martin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (9 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HCR 3059 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "state" with "North Dakota Housing Finance Agency"

Page 1, line 3, remove "housing authority"

Page 1, line 16, replace "state housing" with "North Dakota Housing Finance Agency"

Page 1, line 17, remove "authority"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3060: Political Subdivisions Committee (Rep. Martin, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3060 was placed on the Tenth order on the calendar.

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

ROY GILBREATH, Chief Clerk