

## JOURNAL OF THE HOUSE

## Fifty-fourth Legislative Assembly

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Bismarck, January 17, 1995

The House convened at 8:30 a.m., with Speaker Martin presiding.

The prayer was offered by Representative Alice Olson.

The roll was called and all members were present except Representatives Bernstein, Dobrinski and Rydell.

A quorum was declared by the Speaker.

## SIXTH ORDER OF BUSINESS

The amendments to HB 1102, HB 1107, HB 1108, and HB 1167 were adopted.

HB 1102, HB 1107, HB 1108 and HB 1167, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

## REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your procedural Employment Committee (Rep. Rydell, Chairman) submits the following names for the positions specified below:

## 1995 HOUSE EMPLOYEES

Staff Assistants to Majority Leader

Mary Kelly	Grand Forks
Jeff Peterson	Bloomington, MN

Staff Assistants to Minority Leader

April Fairfield	Jamestown
Scott Immel	Hatton

Chief Committee Clerk

Laurie Kaelberer	New Salem
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Assistant Appropriations Committee Clerks

Verna R. Kohls	Bismarck
Betty Owen	Bismarck
Pam Geiger	Mandan

Committee Clerks

Lois A. Schmidt	Bismarck
James McWilliams	Bismarck
Kris Reich	Bismarck
Judi Kallis	Bismarck
Janice Stein	Mandan
Lavata Becker	Bismarck
Sandi Hohbein	Bismarck
Kathy Mayer	Bismarck
Jim Raile	Mandan

Assistant Committee Clerks

Diana Bossert	Mandan
Bertha Knell	Bismarck

Assistant Sergeants-at-Arms

Craig S. Perry	Bismarck
Pam Washburn	Grand Forks
Brenda Huff	Mandan

Pages and Bill Book Clerks

Scott Power	Bismarck
Ken Radenz	Bowbells
Carl Strum	Sentinel Butte
Erin Peck	Bismarck

Andi Thon Emerson	Bismarck
James Mandigo	Bismarck
Steven Alt	New Leipzig
Marion Bassingwaite	Oakes
Rollo Gerrard	Devils Lake

Telephone Attendants

Arlene Flanders	Robinson
Danya Dietrich	Bismarck
Irma Holmstrom	Bismarck

Bill Room Clerk

Audrey Ely	Bismarck
Eli Nemer	Bismarck
Faye Caya	Mandan

Journal Room Clerks

Herb T. Mittelstedt	Mandan
Hella Keller	Bismarck

Parking Lot Attendant

Jamie Sprague	Dawson
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REP. RYDELL MOVED that the report be adopted, which motion prevailed.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2048, SB 2115, SB 2118, SB 2134, SB 2199.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4015, SCR 4016.

**MOTION**

REP. HANSON MOVED that the House reconsider its action whereby HB 1043 failed to pass. On a verification vote the Speaker stated there were 48 "AYE" votes and the motion passed. Rep. Kretschmar rose on a Point of Order citing House Rule 318 which states that reconsideration of the question, other than the adoption of amendments before the end of the next legislative day requires a majority vote of the members-elect, which would be 50 votes. In view of Rep. Kretschmar's Point of Order, Speaker Martin ruled that the motion to reconsider HB 1043 failed.

**REQUEST**

REP. HANSON REQUESTED a Call of the House.

**REQUEST**

REP. DORSO REQUESTED what the record showed with respect to absent members. The Chief Clerk announced that the Second Order of Business roll call at the beginning of the Session showed that Reps. Bernstein, Dobrinski, and Rydell were absent. The roll was called again and the record showed that Rep. Bernstein and Rep. Dobrinski were absent.

**MOTION**

REP. HANSON MOVED that we dispense with the Call of the House, which motion prevailed.

**MOTION**

REP. SVEDJAN MOVED that HB 1179 be returned to the House floor from the Human Services Committee for the purpose of withdrawal, which motion prevailed.

**REQUEST**

REP. CARLISLE REQUESTED the unanimous consent of the House to withdraw HB 1179. There being no objection, it was so ordered by the Speaker.

**MOTION**

REP. SOUKUP MOVED that HB 1307 be returned to the House floor from the

Political Subdivisions Committee for the purpose of withdrawal, which motion prevailed.

**REQUEST**

REP. SCHIMKE REQUESTED the unanimous consent of the House to withdraw HB 1307. There being no objection, it was so ordered by the Speaker.

**REQUEST**

REP. DALRYMPLE REQUESTED a recorded roll call vote again on the motion to reconsider the action whereby HB 1043 failed.

**RULING BY THE SPEAKER**

SPEAKER MARTIN RULED that the vote by which the reconsideration of HB 1043 failed, would stand.

**MOTION**

REP. OLSON MOVED that HB 1198 be returned to the House floor from the Natural Resources Committee for the purpose of withdrawal, which motion prevailed.

**REQUEST**

REP. WARDNER REQUESTED the unanimous consent of the House to withdraw HB 1198. There being no objection, it was so ordered by the Speaker.

**HOUSE ENGROSSING REPORT**

The following bills were engrossed: HB 1102, HB 1107, HB 1108, and HB 1167.

**MOTION**

REP. WARDNER MOVED that HB 1191 be returned to the House floor from the Government and Veterans Affairs Committee for the purpose of withdrawal, which motion prevailed.

**REQUEST**

REP. DROVDAL REQUESTED the unanimous consent of the House to withdraw HB 1191. There being no objection, it was so ordered by the Speaker.

**MOTION**

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

**MOTION**

REP. FREIER MOVED that the House be on the Fifth, Twelfth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:30 a.m., Wednesday, January 18, 1995, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

HB 1036: Education Committee (Rep. Rydell, Chairman) recommends DO NOT PASS (10 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1036 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

HB 1037: Education Committee (Rep. Rydell, Chairman) recommends DO NOT PASS (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1037 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

HB 1040: Education Committee (Rep. Rydell, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1040 was placed on the Sixth order on the calendar.

Page 2, line 5, replace "a" with "an academic"

Page 2, line 6, replace "hold" with "participate in"

Page 2, line 7, after "meetings" insert "in addition to, instead of, or in conjunction with the regular board meetings required by subsection 2. Multiboard meetings must be" and after "joint" insert "academic"

Page 2, line 8, replace "with other school boards" with "and must be held"

Page 2, line 9, replace "At its" with "In addition to any other requirements set forth in section 44-04-20, the presidents of each"

Page 2, line 10, remove "annual meeting, a" and replace "issue a schedule of planned" with "ensure that public notice of each multiboard meeting in which the school board will participate is published in the major local newspapers of general circulation at least one week before the meeting date"

Page 2, line 11, remove "multiboard meetings"

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

HB 1115: Agriculture Committee (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1115 was placed on the Sixth order on the calendar.

Page 1, line 18, after "votes" insert "eligible to be cast"

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

HB 1120: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1120 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "and" with "or" and after "commissions" insert ", the judicial branch, and political subdivisions"

Page 1, line 7, after "commission" insert ", the judicial branch, or any political subdivision"

Page 1, replace line 10 with "To assess and account for the credit card interchange to the respective state agency, board, or commission, the Bank of North Dakota is the processing depository for credit card transactions of state agencies, boards, or commissions. The judicial branch may accept payment by credit card for any fees, costs, or other assessments required or imposed under state law or court rule."

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

HB 1133: Appropriations Committee (Rep. Dalrymple, Chairman) recommends DO NOT PASS (22 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1133 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

HB 1152: Judiciary Committee (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1152 was placed on the Sixth order on the calendar.

Page 2, line 3, overstrike "thirty" and insert immediately thereafter "ten"

Page 2, line 8, remove "be required"

Page 2, line 9, remove "to"

Page 2, line 11, replace "act" with "Act"

Page 3, line 28, replace "thirty" with "ten"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

HB 1242: Judiciary Committee (Rep. Kretschmar, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1242 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

HB 1293: Finance and Taxation Committee (Rep. Timm, Chairman) recommends DO NOT PASS (9 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). HB 1293 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

HB 1298: Judiciary Committee (Rep. Kretschmar, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1298 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

HB 1299: Judiciary Committee (Rep. Kretschmar, Chairman) recommends DO PASS (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1299 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

HB 1302: Finance and Taxation Committee (Rep. Timm, Chairman) recommends DO PASS (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1302 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

HB 1303: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (20 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1303 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "; to"

Page 1, remove lines 3 and 4

Page 1, line 5, remove "center; to provide an appropriation; and to declare an emergency"

Page 2, remove lines 19 through 28

Page 3, remove lines 1 through 13

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

HOUSE - This amendment removes the project authorization, authority to issue bonds, and the appropriation of \$1,400,000 from the proceeds of the bond issuance for a law enforcement training facility and the emergency clause.

#### FIRST READING OF SENATE BILLS

SB 2048: A BILL for an Act to amend and reenact section 39-06.1-03 of the North Dakota Century Code, relating to appeals of noncriminal traffic violations.

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

**SB 2115:** A BILL for an Act to amend and reenact section 40-18-15.1 of the North Dakota Century Code, relating to transfer of municipal court cases to district court when a jury trial is not waived.  
Was read the first time and referred to the **Judiciary Committee**.

**SB 2118:** A BILL for an Act to amend and reenact section 27-08.1-02 of the North Dakota Century Code, relating to commencement of small claims actions.  
Was read the first time and referred to the **Judiciary Committee**.

**SB 2134:** A BILL for an Act to amend and reenact section 52-06-01 of the North Dakota Century Code, relating to eligibility for unemployment compensation benefits.  
Was read the first time and referred to the **Industry, Business and Labor**.

**SB 2199:** A BILL for an Act to amend and reenact section 54-27-15.1 of the North Dakota Century Code, relating to unpaid state treasurer's checks.  
Was read the first time and referred to the **Finance and Taxation Committee**.

#### FIRST READING OF SENATE CONCURRENT RESOLUTIONS

**SCR 4015:** A concurrent resolution directing the Legislative Council to study the property tax assessment system of the state, with emphasis on the potential benefits to the system from improved technology and sharing of resources.  
Was read the first time and referred to the **Finance and Taxation Committee**.

**SCR 4016:** A concurrent resolution directing the Legislative Council to study tax preferences, with emphasis on property tax preferences that may be granted at the discretion of political subdivisions or that were created as economic development incentives.  
Was read the first time and referred to the **Finance and Taxation Committee**.

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

**ROY GILBREATH, Chief Clerk**