

JOURNAL OF THE HOUSE

Fifty-fourth Legislative Assembly

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Bismarck, January 20, 1995

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

The prayer was offered by the Rev. Angela Monson, First Lutheran Church, Mandan.

The roll was called and all members were present except Representatives Clayburgh, Kretschmar, Nicholas and Wald.

A quorum was declared by the Speaker.

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 2019, SB 2020, SB 2093, SB 2126, SB 2130, SB 2194.

MOTION

REP. OBAN MOVED that HB 1047, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

SIXTH ORDER OF BUSINESS

The amendments on the Sixth order of business to HB 1046, HB 1055, HB 1084, HB 1142, HB 1173, HB 1176, HB 1184, HB 1185, HB 1189, HB 1205, HB 1236, HB 1254, HB 1263, and HB 1315 were adopted.

HB 1046, HB 1055, HB 1084, HB 1142, HB 1173, HB 1176, HB 1184, HB 1185, HB 1189, HB 1205, HB 1236, HB 1254, HB 1263, and HB 1315, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

HOUSE ENGROSSING REPORT

The following bill was engrossed: HB 1101.

SECOND READING OF HOUSE BILL

HB 1085: A BILL for an Act to amend and reenact subsections 1, 2, and 3 of section 43-23-13 of the North Dakota Century Code, relating to real estate broker, mortgage broker, and real estate salesperson license fees.

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 87 YEAS, 8 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Belter; Berg; Bernstein; Boucher; Brown; Carlisle; Carlson; Christenson; Christopherson; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Droydal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gordner; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Soukup; Stenehjerm; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Bateman; Boehm; Byerly; Clark; Jacobs; Kerzman; Skarphol; Torgerson

ABSENT AND NOT VOTING: Clayburgh; Nicholas; Wald

Engrossed HB 1085 passed and the title was agreed to.

MOTION

REP. KRETSCHMAR MOVED that HB 1199, which is on the Eleventh order, be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Rep. Kretschmar's motion, HB 1199 was rereferred.

SECOND READING OF HOUSE BILL

HB 1303: A BILL for an Act to amend and reenact sections 39-04-08 and 39-04-11 of the North Dakota Century Code, relating to motor vehicle number plates.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 14 YEAS, 81 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Belter; Berg; Brown; DeKrey; Delzer; DeWitz; Dobrinski; Dorso; Gorder; Grosz; Hausauer; Maragos; Nottestad; Timm

NAYS: Aarsvold; Austin; Bateman; Bernstein; Boehm; Boucher; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; Delmore; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorman; Grumbo; Gullerson; Gunter; Hagle; Hanson; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Martinson; Mickelson; Monson; Mutzenberger; Nichols; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjlem; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Clayburgh; Nicholas; Wald

Engrossed HB 1303 was declared lost.

SECOND READING OF HOUSE BILL

HB 1101: A BILL for an Act to amend and reenact sections 57-59-03, 57-59-04, 57-59-05, and 57-59-06 of the North Dakota Century Code, relating to the membership and activities of the multistate tax commission; and to repeal section 57-59-07 of the North Dakota Century Code, relating to the multistate tax compact advisory committee.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gullerson; Gunter; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Nichols; Nottestad; Oban; Olson; Payne; Poolman;

Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Clayburgh; Mutzenberger; Nicholas; Wald

Engrossed HB 1101 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1037: A BILL for an Act relating to the creation of a statewide comprehensive plan for the provision of elementary and secondary education and inservice training for teachers.

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 21 YEAS, 73 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Christenson; Coats; Delmore; Dobrinski; Glassheim; Gullerson; Hagle; Hanson; Hausauer; Kaldor; Kerzman; Kroeber; Kunkel; Laughlin; Nichols; Nottestad; Oban; Sandvig; Sitz

NAYS: Austin; Bateman; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Gorman; Grosz; Grumbo; Gunter; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kliniske; Koppelman; Kretschmar; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Schimke; Schmidt; Shide; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Clayburgh; Mutzenberger; Nicholas; Wald

HB 1037 was declared lost.

SECOND READING OF HOUSE BILL

HB 1074: A BILL for an Act to amend and reenact sections 50-06-01, 50-06-01.3, 50-06-05.1, 50-06-16, and 50-16-17 of the North Dakota Century Code, relating to the human services advisory board; and to repeal section 50-06-01.6 of the North Dakota Century Code, relating to the creation of and membership of the human services advisory board.

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, 3 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Carlisle; Carlson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Gorman; Grosz; Grumbo; Gullerson; Gunter; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz;

Skarphol; Soukup; Stenehjelm; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Byerly; Christenson; Glassheim

ABSENT AND NOT VOTING: Clayburgh; Mutzenberger; Nicholas; Wald

HB 1074 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1096: A BILL for an Act to create and enact a new subsection to section 57-38-57 of the North Dakota Century Code, relating to the tax commissioner's use of certain information for income and withholding tax compliance purposes.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 53 YEAS, 41 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Berg; Boucher; Byerly; Carlisle; Carlson; Christenson; Coats; Delmore; Dobrinski; Froseth; Glassheim; Gorder; Grumbo; Gulleston; Hanson; Henegar, D.; Huether; Jacobs; Johnson; Kaldor; Kelsch; Kerzman; Kliniske; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martinson; Mickelson; Monson; Nichols; Nottestad; Oban; Olson; Price; Retzer; Rydell; Sabby; Sandvig; Schmidt; Sitz; Stenehjelm; Sveen; Thompson; Thoreson; Timm; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Austin; Bateman; Belter; Bernstein; Boehm; Brown; Christopherson; Clark; Dalrymple; DeKrey; Delzer; DeWitz; Dorso; Drovda; Freier; Galvin; Gerntholz; Gorman; Grosz; Gunter; Hagle; Hausauer; Henegar, K.; Holm; Howard; Keiser; Kempenich; Klein; Koppelman; Lloyd; Payne; Poolman; Rennerfeldt; Schimke; Shide; Skarphol; Soukup; Svedjan; Tollefson; Torgerson; Walker

ABSENT AND NOT VOTING: Clayburgh; Mutzenberger; Nicholas; Wald

HB 1096 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1133: A BILL for an Act to create and enact a new subsection to section 54-44.1-11 of the North Dakota Century Code, relating to exceptions to the requirement that the office of management and budget cancel unexpended appropriations.

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 2 YEAS, 91 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Boucher; Kroeber

NAYS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson;

Monson; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Clayburgh; Mutzenberger; Nicholas; Stenehjem; Wald

HB 1133 was declared lost.

SECOND READING OF HOUSE BILL

HB 1141: A BILL for an Act to amend and reenact subsection 1 of section 54-14-04.3 of the North Dakota Century Code, relating to state employee severance pay.

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; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glasheim; Gorder; Gorman; Grosz; Grumbo; Gulleon; Gunter; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Clayburgh; Mutzenberger; Nicholas; Stenehjem; Wald

HB 1141 passed and the title was agreed to.

MOTION

REP. FREIER MOVED that the House waive the reading of the titles to HB 1145 and HB 1259, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1145: A BILL for an Act to create and enact two new sections to chapter 10-30.2 of the North Dakota Century Code, relating to the conversion of the operations and resources of the Myron G. Nelson Fund, Incorporated, to a small business investment corporation; to amend and reenact sections 6-03-38, 7-02-10, 10-04-05, 10-04-06, subsection 2 of section 10-30.2-01, sections 10-30.2-07, 10-30.2-11, 10-30.2-12, 10-30.2-13.1, 10-30.2-14, 26.1-05-19, subdivision p of subsection 1 of section 57-38-01.2, and subdivision h of subsection 1 of section 57-38-01.3 of the North Dakota Century Code, relating to reporting requirements and tax credits and permitting investment in the Myron G. Nelson Fund, Incorporated, and a small business investment company; and to repeal chapter 6-09.2 and sections 10-30.2-02, 10-30.2-03, 10-30.2-04, 10-30.2-05, 10-30.2-06, 10-30.2-08, 10-30.2-09, and 10-30.2-10 of the North Dakota Century Code, relating to industrial development bonds and the creation and operation of the Myron G. Nelson Fund, Incorporated.

ROLL CALL

The question being on the final passage of the bill, which has been read, and

has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 1 NAY, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleeson; Gunter; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Rydell

ABSENT AND NOT VOTING: Clayburgh; Mutzenberger; Nicholas; Stenehjem; Wald

HB 1145 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1147: A BILL for an Act to amend and reenact section 19-18-04 of the North Dakota Century Code, relating to pesticide product registration schedules.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 1 NAY, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleeson; Gunter; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: DeWitz

ABSENT AND NOT VOTING: Clayburgh; Mutzenberger; Nicholas; Stenehjem; Wald

HB 1147 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1149: A BILL for an Act to amend and reenact sections 19-13.1-03 and 19-13.1-06 of the North Dakota Century Code, relating to pet food registration and feed inspection fees.

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; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gullerson; Gunter; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Clayburgh; Dorso; Mutzenberger; Nicholas; Stenehjerm; Wald

HB 1149 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1154: A BILL for an Act to create and enact a new subsection to section 15-35-01.1 of the North Dakota Century Code, relating to approval of school construction projects by the superintendent of public instruction.

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 63 YEAS, 30 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Berg; Bernstein; Christenson; Clark; Coats; Dalrymple; Delmore; DeWitz; Dobrinski; Drovdal; Freier; Froseth; Gerntholz; Glassheim; Gorder; Grumbo; Gullerson; Gunter; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martinson; Mickelson; Monson; Nichols; Nottestad; Oban; Olson; Payne; Retzer; Rydell; Sabby; Sitz; Svedjan; Sveen; Thompson; Thoreson; Walker; Wardner; Wentz; Speaker Martin

NAYS: Bateman; Belter; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christopherson; DeKrey; Delzer; Dorso; Galvin; Gorman; Grosz; Klein; Lloyd; Poolman; Price; Rennerfeldt; Sandvig; Schimke; Schmidt; Shide; Skarphol; Soukup; Timm; Tollefson; Torgerson; Wilkie

ABSENT AND NOT VOTING: Clayburgh; Mutzenberger; Nicholas; Stenehjerm; Wald

HB 1154 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1157: A BILL for an Act to amend and reenact section 38-12.1-08 of the North Dakota Century Code, relating to the penalty for improper coal exploration activities; 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 92 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gunter; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Clayburgh; Guleson; Mutzenberger; Nicholas; Stenehjelm; Wald

HB 1157 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1169: A BILL for an Act to create and enact a new section to chapter 57-02.2 of the North Dakota Century Code, relating to tax exemptions for improvements to historically significant property.

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 32 YEAS, 62 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Berg; Bernstein; Boucher; Carlisle; Christenson; Clark; Coats; Dalrymple; Delmore; Dobrinski; Galvin; Gerntholz; Glassheim; Henegar, D.; Huether; Johnson; Kaldor; Kerzman; Kroeber; Maragos; Mickelson; Nichols; Oban; Retzer; Sabby; Sandvig; Schmidt; Sitz; Thompson; Wentz; Speaker Martin

NAYS: Austin; Bateman; Belter; Boehm; Brown; Byerly; Carlson; Christopherson; DeKrey; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Gorder; Gorman; Grosz; Grumbo; Guleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Jacobs; Keiser; Kelsch; Kempenich; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Laughlin; Lloyd; Mahoney; Martinson; Monson; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Rydell; Schimke; Shide; Skarphol; Soukup; Stenehjelm; Svedjan; Sveen; Thoreson; Timm; Tollefson; Torgerson; Walker; Wardner; Wilkie

ABSENT AND NOT VOTING: Clayburgh; Mutzenberger; Nicholas; Wald

HB 1169 was declared lost.

SECOND READING OF HOUSE BILL

HB 1170: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 54-01-05.5 of the North Dakota Century Code, relating to the requirements for the sale of state-owned lands; and to amend and reenact section 15-02-05.1 of the North Dakota Century Code, relating to determination of highest and best use of state land by the commissioner 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 NOT PASS, the roll was called and there were 0 YEAS, 95 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

NAYS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjøm; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Clayburgh; Nicholas; Wald

HB 1170 was declared lost.

SECOND READING OF HOUSE BILL

HB 1194: A BILL for an Act to create and enact a new section to chapter 26.1-26 of the North Dakota Century Code, relating to a statute of limitations for insurance agents and brokers.

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

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kroeber; Kunkel; Laughlin; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjøm; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Gerntholz; Kretschmar; Lloyd; Mahoney; Schimke

ABSENT AND NOT VOTING: Clayburgh; Nicholas; Wald

HB 1194 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1202: A BILL for an Act to amend and reenact subsection 15 of section 57-02-08 of the North Dakota Century Code, relating to the farm buildings property tax exemption as it applies to producers of nontraditional livestock; 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 78 YEAS, 17 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Austin; Bateman; Belter; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Delzer; DeWitz;

Dobrinski; Dorso; Drovdal; Freier; Froseth; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gunter; Hagle; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Laughlin; Lloyd; Maragos; Martinson; Mickelson; Monson; Nichols; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schmidt; Shide; Skarphol; Soukup; Stenehjøm; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Walker; Wardner; Wentz; Speaker Martin

NAYS: Aarsvold; Berg; Boucher; Christenson; Coats; Delmore; Galvin; Gulleston; Hanson; Kaldor; Kroeber; Mahoney; Mutzenberger; Oban; Schimke; Sitz; Wilkie

ABSENT AND NOT VOTING: Clayburgh; Nicholas; Wald

HB 1202 passed and the title was agreed to.

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 1040, HB 1115, HB 1120, HB 1152.

REQUEST AND ANNOUNCEMENT

SPEAKER MARTIN REQUESTED that the Chief Clerk announce that HB 1439 is assigned to the Judiciary Committee rather than the Government and Veterans Affairs Committee and HB 1373 is assigned to the Government and Veterans Affairs Committee rather than the Judiciary Committee.

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., Monday, January 23, 1995, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1039: Education Committee (Rep. Rydell, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1039 was placed on the Sixth order on the calendar.

Page 2, line 11, after "7." insert "Region means those eight areas of the state, each consisting of several counties, established by governor's executive order 1978-12 dated October 5, 1978.

8."

Page 2, line 16, overstrike "8." and insert immediately thereafter "9."

Page 2, line 17, overstrike "9." and insert immediately thereafter "10."

Page 2, line 23, remove "established by the governor's"

Page 2, line 24, remove "executive order 1978-12 dated October 5, 1978,"

Page 6, line 11, overstrike "The county" and insert immediately thereafter "County"

Page 7, line 29, replace "committee" with "nonoperating school district"

- Page 8, line 1, overstrike "dissolve" and insert immediately thereafter "be dissolved" and overstrike "attach the nonoperating school district" and insert immediately thereafter "attached"
- Page 10, line 24, remove the overstrike over "~~any of~~"
- Page 11, line 17, after "students" insert "residing"
- Page 11, line 18, overstrike "subject" and replace "to" with "identified in"
- Page 12, line 7, remove the overstrike over "~~any of~~"
- Page 12, line 13, remove the overstrike over "~~any of~~"
- Page 12, line 22, overstrike "The" and insert immediately thereafter "Any"
- Page 12, line 23, remove ", if"
- Page 13, line 1, replace "by" with "to"
- Page 13, line 5, after "balance" insert "to be credited"
- Page 15, line 14, remove the overstrike over "~~Prior to the~~", after "~~completion~~" insert "effective date", and remove the overstrike over "~~of the~~"
- Page 15, line 15, remove the overstrike over "annexation" and replace "The" with ", the"
- Page 17, line 2, after "in" insert "which" and replace "region" with "school districts are located"
- Page 21, line 27, remove the overstrike over "~~Prior to the~~"
- Page 21, line 28, after "~~completion~~" insert "effective date", remove the overstrike over "~~of the reorganization~~", and replace "The" with ", the"
- Page 24, line 6, after the second "committee" insert "of the region in which the administrative headquarters of the school district to be dissolved is located"
- Page 24, line 17, overstrike "county" and insert immediately thereafter "region"
- Page 26, overstrike line 23
- Page 26, line 24, remove "region" and overstrike "other than that which included the district to be"
- Page 26, overstrike lines 25 through 27
- Page 26, line 28, overstrike "committee of the other", remove "region", and overstrike "in which it is"
- Page 26, overstrike line 29
- Page 27, line 1, overstrike "8. If the" and overstrike "committees cannot agree upon an order attaching the"
- Page 27, line 2, overstrike "territory to adjoining districts, the"
- Page 27, line 3, remove "committee", overstrike the first "of the", remove "region", and overstrike "in which the majority of the"
- Page 27, overstrike line 4

Page 27, line 5, overstrike "and attachment to the state board"

Page 27, line 6, remove ". After" and overstrike "holding a hearing such as the one"

Page 27, line 7, overstrike "described in subsections 1 and 2,", remove "the state board shall", and overstrike "dissolve"

Page 27, line 8, remove "the district", overstrike "and attach the district", and overstrike "or the"

Page 27, line 9, overstrike "unorganized territory", overstrike "in", remove "a", overstrike "manner", remove "which", and overstrike "will"

Page 27, line 10, overstrike "provide the best educational opportunities for"

Page 27, line 12, remove "the affected students" and overstrike the period

Page 27, overstrike line 13

Page 27, line 14, overstrike "all" and overstrike "committees."

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1051: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1051 was placed on the Sixth order on the calendar.

Page 1, line 21, after the period insert "The term also includes a person who modifies, maintains, alters, repairs, or installs aircraft components in aircraft in accordance with federal aviation administration regulations and holds a repair station certificate issued by the federal aviation administration."

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1070: Natural Resources Committee (Rep. Olson, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1070 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1078: Political Subdivisions Committee (Rep. Soukup, Chairman) recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1078 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1186: Transportation Committee (Rep. Belter, Chairman) recommends DO NOT PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1186 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1197: Political Subdivisions Committee (Rep. Soukup, Chairman) recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1197 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1232: Transportation Committee (Rep. Belter, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1232 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1239: Transportation Committee (Rep. Belter, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1239 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1256: Human Services Committee (Rep. Svedjan, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1256 was placed on the Sixth order on the calendar.

Page 1, line 21, after the first underscored comma insert "a public health setting,"

Page 2, line 16, remove "in another state"

Page 2, line 28, overstrike "The"

Page 3, overstrike lines 1 and 2

Page 3, line 18, after "plans" insert "to be approved by the supervising dentist"

Page 8, line 3, after "licensed" insert "and has been actively practicing dentistry"

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1285: Transportation Committee (Rep. Belter, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1285 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3006: Education Committee (Rep. Rydell, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3006 was placed on the Tenth order on the calendar.

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

MR. SPEAKER: The President has signed: HCR 3015.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for his filing at the hour of 1:52 p.m., January 20, 1995: HCR 3015.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Rep. Austin introduced:

HCR 3020: A concurrent resolution urging the Governor to recognize the North Dakota Interagency Coordinating Council's concerns relating to the health care needs of children and that any health care reform should ensure that children and families with special needs have access to physical and emotional health care.

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

Reps. Svedjan, Rydell and Sens. Nalewaja, DeMers, Mathern introduced:

HCR 3021: A concurrent resolution directing the Legislative Council to study the issues and concerns relating to fetal alcohol syndrome.

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

Reps. Svedjan, Rydell and Sens. DeMers, Mathern introduced:

HCR 3022: A concurrent resolution directing the Legislative Council to study the structure and function of local public health units.

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

Reps. Mahoney, Svedjan introduced:

HCR 3023: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of eliminating preexisting condition exclusions in long-term care insurance coverage.

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

FIRST READING OF SENATE BILLS

SB 2019: A BILL for an Act making an appropriation for the distribution of state aid distribution fund revenue to political subdivisions of the state of North Dakota; and to provide a statement of legislative intent.

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

SB 2020: A BILL for an Act making an appropriation for defraying the expenses of the state seed department.

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

SB 2093: A BILL for an Act to amend and reenact section 27-20-51 of the North Dakota Century Code, relating to disclosure of juvenile court records.

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

SB 2126: A BILL for an Act to amend and reenact section 15-07-10 of the North Dakota Century Code, relating to the repurchase of nongrant lands by the original mortgagor following foreclosure.

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

SB 2130: A BILL for an Act to amend and reenact section 12.1-17-07 of the North Dakota Century Code, relating to annoying or harassing emergency telephone calls; and to provide a penalty.

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

SB 2194: A BILL for an Act to amend and reenact subsections 3 and 4 of section 12.1-32-07 of the North Dakota Century Code, relating to community constraints and conditions as intermediate measures to avoid probation revocation.

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

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

ROY GILBREATH, Chief Clerk