

JOURNAL OF THE HOUSE

Fifty-fourth Legislative Assembly

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Bismarck, February 6, 1995

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

The prayer was offered by the Rev. Gregg Schram, Ebenezer Lutheran Church, Northwood.

The roll was called and all members were present except Representative Austin.

A quorum was declared by the Speaker.

SIXTH ORDER OF BUSINESS

REQUEST

REP. DORSO REQUESTED that the amendments to HB 1031 and HB 1250 be voted on as separate items, which request was granted.

The amendments on the Sixth order of business to Engrossed HB 1055, HB 1083, HB 1207, HB 1208, HB 1212, HB 1253, HB 1268, HB 1309, HB 1319, HB 1332, HB 1372, HB 1386, HB 1427, and HB 1432 were adopted.

HB 1432, as amended, was rereferred to the Appropriations Committee.

Engrossed HB 1055, HB 1083, HB 1207, HB 1208, HB 1212, HB 1253, HB 1268, HB 1309, HB 1319, HB 1332, HB 1372, HB 1386, and HB 1427, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

REP. HAGLE MOVED that HB 1031 be placed at the bottom of the Sixth order, which motion prevailed.

SIXTH ORDER OF BUSINESS

HB 1250: REP. BERG (Industry, Business and Labor Committee) MOVED that the amendments on HJ page 378 be adopted, which motion prevailed.

MOTION

REP. DORSO MOVED that HB 1250, as amended, be placed at the top of the Eleventh order on the calendar for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1250: A BILL for an Act to create and enact a new subsection to section 54-44.3-20 and a new section to chapter 65-02 of the North Dakota Century Code, relating to excepting officers and employees of the workers compensation bureau from the central personnel system and requiring the workers compensation bureau to establish a personnel system; to provide for approval of the system; 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 75 YEAS, 22 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bateman; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Christopherson; Clark; Clayburgh; Dalrymple; DeKrey; Delzer; DeWitz; Dorso; Drowdal; Freier; Froseth; Galvin; Gerntholz; Gorder;

Gorman; Grosz; Grumbo; Gunter; Hagle; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Lloyd; Martinson; Mickelson; Monson; Nicholas; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Schimke; Shide; Skarphol; Soukup; Stenehjøm; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Speaker Martin

NAYS: Aarsvold; Boucher; Christenson; Coats; Delmore; Dobrinski; Glassheim; Gulleon; Hanson; Kaldor; Kerzman; Kroeber; Laughlin; Mahoney; Maragos; Mutzenberger; Nichols; Oban; Sandvig; Schmidt; Sitz; Wilkie

ABSENT AND NOT VOTING: Austin

Engrossed HB 1250 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

HB 1031: REP. SVEDJAN (Human Services Committee) MOVED that the amendments on HJ pages 375-376 be adopted, which motion prevailed.

MOTION

REP. FREIER MOVED that HB 1031, as amended, be placed at the top of the Eleventh order, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1031: A BILL for an Act to create and enact a new section to chapter 14-08.1 of the North Dakota Century Code, relating to suspension or revocation of motor vehicle operator's license for nonpayment of child support; and to amend and reenact section 39-06-19 of the North Dakota Century Code, relating to suspension or revocation of a motor vehicle operator's license for nonpayment of child support.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 64 YEAS, 33 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; Delmore; Dobrinski; Dorso; Galvin; Glassheim; Gorder; Gorman; Grumbo; Gulleon; Gunter; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kerzman; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Maragos; Martinson; Mickelson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Payne; Poolman; Price; Rydell; Sabby; Sandvig; Schmidt; Sitz; Stenehjøm; Svedjan; Sveen; Thompson; Thoreson; Wald; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Bateman; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; DeKrey; Delzer; DeWitz; Drovda; Freier; Froseth; Gerntholz; Grosz; Kempenich; Klein; Lloyd; Mahoney; Monson; Olson; Rennerfeldt; Retzer; Schimke; Shide; Skarphol; Soukup; Timm; Tollefson; Torgerson; Walker

ABSENT AND NOT VOTING: Austin

Engrossed HB 1031 passed and the title was agreed to.

POINT OF PERSONAL PRIVILEGE

REP. WALD: Mr. Speaker: I rise on a point of personal privilege.

REQUEST

REP. GORDER REQUESTED that the remarks of Representative Wald be printed in the Journal, which request was granted.

REMARKS OF REPRESENTATIVE WALD

Last Thursday we witnessed an attack by the Bismarck Tribune against the House Republican Caucus that was insulting and unnecessary. Using such inflammatory words as knife wielding, frightening, spear carriers, dynasty, and ringmaster to describe the deletion of \$250,000 from the Indian Affairs appropriations served no useful or constructive purpose.

To quote the Tribune, "The bill was hardly a biggie in terms of either money or real importance in the overall scheme of state government".

To further suggest that House Majority Leader Dorso is orchestrating a campaign of bigotry is ludicrous. It is unfortunate that in our country today, too many people, especially in the media, are more concerned with political correctness than being correct. Regarding our colleague, Rep. Bateman, specifically maligned in the editorial - while he is a no-nonsense, tough-minded legislator, a bigot he is not. The Tribune owes him and his family an apology.

The loyal opposition will seize every opportunity to brand the majority party as uncaring, callous, and generally mean spirited. Too often some in the media are willing accomplices, last Friday comes to mind.

When I entered politics many years ago, a friend of mine said, "Never pick a fight with someone who buys ink by the barrel". Today I may regret not taking his advice.

Mr. Speaker, when the last gavel falls this session, we will see who has been fair to education, children, the elderly, the handicapped, injured workers, and our Native American population.

I take personal comfort knowing that the Republican agenda has generally been the right agenda. The people of North Dakota will judge us on the basis of results, not rhetoric.

It seems to me the last time I counted, the score was Results 75, Rhetoric 23.

SECOND READING OF HOUSE BILL

HB 1221: A BILL for an Act to allow an employer covered under the workers' compensation act to require the use of preferred providers.

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 80 YEAS, 17 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Aarsvold; Boucher; Christenson; Coats; Delmore; Grumbo; Gulleeson; Kaldor; Kerzman; Kroeber; Laughlin; Mahoney; Mutzenberger; Oban; Sandvig; Sitz; Wilkie

ABSENT AND NOT VOTING: Austin

Engrossed HB 1221 passed and the title was agreed to.

MOTION

REP. KRETSCHMAR MOVED that HB 1355, which is on the Eleventh order, be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Rep. Kretschmar's motion, HB 1355 was rereferred.

MOTION

REP. BERG MOVED that HB 1155, which is on the Eleventh order, be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed. Pursuant to Rep. Berg's motion, HB 1155 was rereferred.

MOTION

REP. FREIER MOVED that the House stand in recess until 4:00 p.m., which motion prevailed.

HOUSE ENGROSSING REPORT

The following bills were engrossed: HB 1031, HB 1083, HB 1207, HB 1208, HB 1212, HB 1250, HB 1253, HB 1268, HB 1309, HB 1319, HB 1332, HB 1372, HB 1386, HB 1427, HB 1432.

The following bill was reengrossed: HB 1055.

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 1190, HB 1206, HB 1219, HB 1224, HB 1225, HB 1227, HB 1228, HB 1252, HB 1329.

THE HOUSE RECONVENED pursuant to recess taken with Speaker Martin presiding.

SECOND READING OF HOUSE BILL

HB 1195: A BILL for an Act to create and enact a new section to chapter 65-04 of the North Dakota Century Code, relating to establishing a pilot program for retrospective rating for workers' compensation; 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 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; DeImore; Delzer; DeWitz; Dobrinski; Dorso; Droydal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; 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; Nicholas; 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; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Henegar, D.

HB 1195 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1226: A BILL for an Act to create and enact a new section to chapter 65-02 of the North Dakota Century Code, relating to allowing reinsurance for workers' compensation; to amend and reenact section 65-02-06 of the North Dakota Century Code, relating to expenditures by the workers compensation bureau; and to provide a continuing appropriation.

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 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleeson; Gunter; Hagle; Hanson; Hausauer; 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; Nicholas; 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; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Henegar, D.

HB 1226 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1251: A BILL for an Act to amend and reenact section 65-02-09 of the North Dakota Century Code, relating to the inclusion of advertisements in publications of the workers compensation bureau.

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 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleeson; Gunter; Hagle; Hanson; Hausauer; 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; Nicholas; 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; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Henegar, D.

HB 1251 passed and the title was agreed to.

MOTION

REP. NICHOLAS MOVED that HCR 3024 be returned to the House floor from the Agriculture Committee for the purpose of withdrawal, which motion prevailed.

REQUEST

REP. NICHOLAS REQUESTED the unanimous consent of the House to withdraw HCR 3024. There being no objection, it was so ordered by the Speaker.

MOTION

REP. KRETSCHMAR MOVED that HB 1165, which is on the Eleventh order, be rereferred to the Judiciary Committee, which motion prevailed. Pursuant to Rep. Kretschmar's motion, HB 1165 was rereferred.

SECOND READING OF HOUSE BILL

HB 1366: A BILL for an Act to amend and reenact subsection 4 of section 65-01-02 of the North Dakota Century Code, relating to the definition of average weekly wage for purposes of determining workers' compensation benefits.

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 90 YEAS, 6 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Coats; Kaldor; Mahoney; Mutzenberger; Oban; Sandvig

ABSENT AND NOT VOTING: Freier; Henegar, D.

Engrossed HB 1366 passed and the title was agreed to.

MOTION

REP. DORSO MOVED that the House waive the reading of the title to HB 1041, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1041: A BILL for an Act to create and enact a new subsection to section 15-34.1-00.1 and a new section to chapter 54-46 of the North Dakota Century Code, relating to a supervisor of schools and school records; to amend and reenact sections 11-10-10, 11-10-20, subsection 1 of section 11-14-13, sections 15-06-02, 15-08-03, 15-19-03, subsection 3 of section 15-20.4-03, sections 15-21-07, 15-21-15, 15-22-17, 15-22-18, 15-27.1-01, subsection 2 of section 15-27.1-03, sections 15-27.1-04, 15-27.1-10, 15-27.2-01, subsection 7 of section 15-27.2-04, sections 15-27.3-02, 15-27.3-08, 15-27.3-11, 15-27.3-12, 15-27.3-19, 15-27.4-01, 15-27.4-02, 15-27.6-09, 15-27.6-10, 15-29-06, 15-29-07, subsections 16 and 17 of section 15-29-08, subsection 3 of section 15-29-09, sections 15-34.1-03, 15-34.1-04, 15-34.1-06, 15-34.1-07, 15-34.1-10, 15-36-17, 15-38-14, subsection 11 of section 15-39.1-04, sections 15-40.1-09, 15-40.1-17, 15-40.2-05, subsection 4 of section 15-40.2-08, sections 15-41-01, 15-43-03, 15-44-06, 15-47-02.1, 15-47-07, 15-47-13, 15-47-43,

15-49-09, 15-49-11, 21-04-19, 23-03-07, subsection 3 of section 44-11-02, sections 54-01-13.2, 57-15-14, 57-16-04, 57-33.1-09, subsection 3 of section 57-51-15, sections 57-60-15, and 57-62-02 of the North Dakota Century Code, relating to county superintendents of schools; to repeal sections 11-10-10.5, 11-14-14, 15-21-10, 15-22-01, 15-22-02, 15-22-04, 15-22-07, 15-22-09, 15-22-10, 15-22-11, 15-22-12, 15-22-13, 15-22-14, 15-22-15, 15-22-16, 15-22-20, 15-22-25, 15-22-26, 15-27.1-09, 15-35-10, 15-38-02, 15-38-03, 15-40.1-19, 15-47-17, 15-47-23, and 65-04-07 of the North Dakota Century Code, relating to county superintendents of schools; 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 NOT PASS, the roll was called and there were 60 YEAS, 36 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Austin; Bateman; Belter; Berg; Bernstein; Boucher; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Dalrymple; DeKrey; Delmore; DeWitz; Dorso; Gorman; Gulleston; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Kaldor; Keiser; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Lloyd; Martinson; Mickelson; Mutzenberger; Nicholas; Nottestad; Oban; Payne; Poolman; Price; Rennerfeldt; Rydell; Sandvig; Shide; Skarphol; Soukup; Svedjan; Thoreson; Timm; Tollefson; Torgerson; Wald; Wardner; Wentz; Wilkie

NAYS: Aarsvold; Boehm; Brown; Coats; Delzer; Dobrinski; Drovdal; Froseth; Galvin; Gertholz; Glassheim; Gorder; Grosz; Grumbo; Hagle; Jacobs; Johnson; Kelsch; Kempenich; Kerzman; Laughlin; Mahoney; Maragos; Monson; Nichols; Olson; Retzer; Sabby; Schimke; Schmidt; Sitz; Stenehjem; Sveen; Thompson; Walker; Speaker Martin

ABSENT AND NOT VOTING: Freier; Henegar, D.

Engrossed HB 1041 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1051: A BILL for an Act relating to product liability actions against manufacturers of general aviation light aircraft.

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; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Froseth; Galvin; Gertholz; Glassheim; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hagle; Hanson; Hausauer; 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; Nicholas; 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; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Byerly; Freier; Gorder; Henegar, D.

Engrossed HB 1051 passed and the title was agreed to.

MOTION

REP. DORSO MOVED that HB 1243 be moved to the top of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1243: A BILL for an Act relating to aftermarket risk contracts and insurance requirements for purchasers of aircraft and aircraft components manufactured in this state.

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 52 YEAS, 43 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bernstein; Carlisle; Christenson; Christopherson; Clark; Dalrymple; DeKrey; Delmore; DeWitz; Galvin; Gerntholz; Glassheim; Grumbo; Gulleston; Gunter; Hagle; Hanson; Hausauer; Howard; Huether; Johnson; Kaldor; Kelsch; Kerzman; Klein; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Sabby; Shide; Stenehjem; Svedjan; Sveen; Wald; Wentz; Wilkie

NAYS: Bateman; Belter; Berg; Boehm; Boucher; Brown; Carlson; Clayburgh; Coats; Delzer; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gorman; Grosz; Henegar, K.; Holm; Jacobs; Keiser; Kempenich; Kliniske; Martinson; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sandvig; Schimke; Schmidt; Sitz; Skarphol; Soukup; Thompson; Thoreson; Timm; Tollefson; Torgerson; Walker; Wardner; Speaker Martin

ABSENT AND NOT VOTING: Byerly; Gorder; Henegar, D.

HB 1243 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1275: A BILL for an Act to amend and reenact section 40-57.1-03 of the North Dakota Century Code, relating to the distribution of payments in lieu of taxes.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hagle; Hanson; Hausauer; 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; Nicholas; 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; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Byerly; Gorder; Henegar, D.

Engrossed HB 1275 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1276: A BILL for an Act to create and enact two new sections to chapter 54-35 of the North Dakota Century Code, relating to a health insurance mandate review committee and to limitations on proposed legislation mandating, modifying, or eliminating health insurance coverage.

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 92 YEAS, 3 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Galvin; Schimke; Wald

ABSENT AND NOT VOTING: Byerly; Gorder; Henegar, D.

Engrossed HB 1276 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1281: A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to school board authority to impose income taxes for individuals, estates, and trusts for property tax relief; to amend and reenact section 57-15-31 of the North Dakota Century Code, relating to determination of levies of political subdivisions; 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 NOT PASS, the roll was called and there were 34 YEAS, 62 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bateman; Belter; Boehm; Boucher; Brown; Christenson; Dalrymple; DeKrey; Delzer; DeWitz; Drovdal; Galvin; Gerntholz; Glassheim; Grosz; Hagle; Holm; Huether; Kaldor; Kempenich; Kerzman; Laughlin; Monson; Mutzenberger; Nichols; Oban; Olson; Retzer; Sabby; Schimke; Schmidt; Skarphol; Torgerson; Wilkie

NAYS: Aarsvold; Austin; Berg; Bernstein; Carlisle; Carlson; Christopherson; Clark; Clayburgh; Coats; Delmore; Dobrinski; Dorso; Freier; Froseth; Gorder; Gorman; Grumbo; Gullerson; Gunter; Hanson; Hausauer; Henegar, K.; Howard; Jacobs; Johnson; Keiser; Kelsch; Klein; Kliniske; Kopelman; Kretschmar; Kroeber; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Nicholas; Nottestad; Payne; Poolman; Price; Rennerfeldt; Rydell; Sandvig; Shide; Sitz; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Wald; Walker; Wardner; Wentz; Speaker Martin

ABSENT AND NOT VOTING: Byerly; Henegar, D.

Engrossed HB 1281 was declared lost.

SECOND READING OF HOUSE BILL

HB 1306: A BILL for an Act to create and enact a new section to chapter 21-03 and a new section to chapter 57-38 of the North Dakota Century Code, relating to payment of a portion of school district bonds with proceeds of a school district income tax and school board authority to impose income taxes for individuals, estates, and trusts; 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 55 YEAS, 40 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Bernstein; Boehm; Boucher; Brown; Carlisle; Coats; DeKrey; Delmore; Delzer; DeWitz; Froseth; Galvin; Gerntholz; Glassheim; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hausauer; Howard; Huether; Kaldor; Kempenich; Kerzman; Kliniske; Kretschmar; Kroeber; Laughlin; Lloyd; Mahoney; Monson; Mutzenberger; Nichols; Nottestad; Olson; Rennerfeldt; Retzer; Sabby; Schimke; Schmidt; Shide; Skarphol; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wardner; Wilkie; Speaker Martin

NAYS: Berg; Carlson; Christenson; Christopherson; Clark; Clayburgh; Dalrymple; Dobrinski; Dorso; Drovdal; Freier; Gorder; Gunter; Hanson; Henegar, K.; Holm; Jacobs; Johnson; Keiser; Kelsch; Klein; Koppelman; Kunkel; Maragos; Martinson; Mickelson; Oban; Payne; Poolman; Price; Rydell; Sandvig; Sitz; Soukup; Stenehjem; Svedjan; Sveen; Wald; Walker; Wentz

ABSENT AND NOT VOTING: Byerly; Henegar, D.; Nicholas

Engrossed HB 1306 passed and the title was agreed to.

MOTION

REP. FREIER MOVED that the absent member 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 8:00 a.m., Tuesday, February 7, 1995, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1004: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1004 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "1,701,697" with "1,620,212"

Page 1, line 15, replace "4,407,361" with "4,325,876"

Page 1, line 16, replace "4,000,650" with "3,919,165"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 627 - TRANSPORTATION INSTITUTE

HOUSE - This amendment makes the following changes:

	1995-97 EXECUTIVE RECOMMENDATION	REMOVE VACANT POSITION	TOTAL CHANGES	HOUSE VERSION
Salaries and wages	\$1,701,697	\$(81,485) ¹	\$(81,485)	\$1,620,212
Operating expenses	1,310,664		0	1,310,664
Equipment	45,000		0	45,000
Grants	<u>1,350,000</u>		<u>0</u>	<u>1,350,000</u>
Total	\$4,407,361	\$(81,485)	\$(81,485)	\$4,325,876
General fund	\$ 406,711		\$ 0	\$ 406,711
Special funds	<u>4,000,650</u>	<u>\$(81,485)</u>	<u>(81,485)</u>	<u>3,919,165</u>
Total	\$4,407,361	\$(81,485)	\$(81,485)	\$4,325,876
FTE	12	-1	-1	11

¹ Removes 1 FTE vacant position expected to be vacant for six months or more.

REPORT OF STANDING COMMITTEE

HB 1011: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1011 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "268,800" with "288,800"

Page 1, line 12, replace "478,800" with "498,800"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 665 - STATE FAIR ASSOCIATION

HOUSE - The premiums line item is increased by \$20,000 from the general fund, from \$268,800 to \$288,800.

REPORT OF STANDING COMMITTEE

HB 1057, as engrossed: Natural Resources Committee (Rep. Olson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed HB 1057 was placed on the Sixth order on the calendar.

Page 1, line 10, remove "The"

Page 1, remove lines 11 through 15

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1129: Agriculture Committee (Rep. Nicholas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1129 was placed on the Sixth order on the calendar.

Page 1, line 3, after "forester" insert "; and to provide for legislative intent"

Page 2, after line 25, insert:

"SECTION 2. Legislative intent - Privatization. It is the intent of the legislative assembly that the centennial trees

commission, as it exists on July 31, 1995, form a private not-for-profit corporation or similar entity. The state forester may make grants to the corporation or similar entity for the purpose of planting trees."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1177: Agriculture Committee (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1177 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "September" with "August" and replace "1991" with "1995"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1182, as engrossed: Natural Resources Committee (Rep. Olson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (9 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1182 was placed on the Sixth order on the calendar.

Page 1, line 17, after the period insert "This section does not apply to land within a city's limits or to open water."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1272: Natural Resources Committee (Rep. Olson, Chairman) recommends DO PASS (11 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). HB 1272 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1296: Political Subdivisions Committee (Rep. Soukup, Chairman) recommends DO NOT PASS (7 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). HB 1296 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1337: Finance and Taxation Committee (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1337 was placed on the Sixth order on the calendar.

Page 1, line 2, after "for" insert "individual" and after "purposes" insert "derived from sale"

Page 1, line 3, replace "a corporation" with "certain corporations" and replace "has" with "have"

Page 1, line 11, replace "that" with "doing business in the primary sector which"

Page 1, line 12, replace "fair market value" with "per share price"

Page 1, line 13, after "transfer" insert "at any time the company qualifies under this section"

Page 1, line 14, replace "day the agreement to relocate to this state became effective" with "date of relocation" and after the period insert "This section applies only to holders of record of the relocating company's securities on the date of relocation."

Page 2, after line 1, insert:

"a. "Date of relocation" means the date on which the corporation files its first job service North Dakota United States department of labor job survey."

Page 2, line 2, replace "a." with "b."

Page 2, line 3, remove "on the day on which the relocation"

Page 2, line 4, remove "agreement became effective"

Page 2, line 8, replace "b." with "c."

Page 2, line 12, replace "c." with "d."

Page 2, line 13, remove "and corporate headquarters"

Page 2, line 14, replace "d." with "e."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1346: Political Subdivisions Committee (Rep. Soukup, Chairman) recommends DO PASS (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1346 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1421: Natural Resources Committee (Rep. Olson, Chairman) recommends DO NOT PASS (10 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING). HB 1421 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2077: Finance and Taxation Committee (Rep. Timm, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2077 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2132: Finance and Taxation Committee (Rep. Timm, Chairman) recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2132 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2136: Finance and Taxation Committee (Rep. Timm, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2136 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2150: Finance and Taxation Committee (Rep. Timm, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2150 was placed on the Fourteenth order on the calendar.

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 2010, SB 2063, SB 2072, SB 2220, SB 2258, SB 2266, SB 2270, SB 2315, SB 2391, SCR 4025.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2071.

FIRST READING OF SENATE BILLS

SB 2010: A BILL for an Act to provide an appropriation for defraying the expenses of the insurance commissioner; and to amend and reenact section 26.1-01-09 of the North Dakota Century Code, relating to the salary of the insurance commissioner.

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

SB 2063: A BILL for an Act to create and enact a new section to chapter 15-40.1 of the North Dakota Century Code, relating to per student payments for special education; and to amend and reenact subsection 3 of section 15-40.1-06, subsection 6 of section 15-40.2-08, sections 15-59-02.1, 15-59-06, and 15-59-07 of the North Dakota Century Code, relating to school district liability for special needs students.

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

SB 2072: A BILL for an Act to amend and reenact subsections 3, 5, 7, and 8 of section 20.1-03-11 of the North Dakota Century Code, relating to gratis and landowner preference hunting licenses.

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

SB 2220: A BILL for an Act to amend and reenact subsection 7 of section 55-08-05, sections 55-08-06, and 55-08-06.2 of the North Dakota Century Code, relating to motor vehicle and senior citizen passport park entrance fees.

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

SB 2258: A BILL for an Act to repeal section 39-04-20 and chapter 49-18 of the North Dakota Century Code, relating to motor carriers.

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

SB 2266: A BILL for an Act to create and enact a new section to chapter 50-11.1 of the North Dakota Century Code, relating to the suspension of an early childhood facility license during a child abuse or neglect investigation.

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

SB 2270: A BILL for an Act to create and enact five new sections to chapter 43-29 of the North Dakota Century Code, relating to licensure of veterinary technicians, veterinary technician services, and automatic licensure for certified veterinary technicians; and to amend and reenact section 43-29-09 of the North Dakota Century Code, relating to the adoption of rules by the board of veterinary medical examiners.

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

SB 2315: A BILL for an Act to provide a penalty for hazing.

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

SB 2391: A BILL for an Act to create and enact a new section to chapter 54-44.2 of the North Dakota Century Code, relating to access to computer data maintained by state agencies.

Was read the first time and referred to the **Finance and Taxation Committee**.

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4025: A concurrent resolution directing the Legislative Council to study access to computer data bases or electronically filed or stored information by state agencies.

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