

JOURNAL OF THE HOUSE

Fifty-fourth Legislative Assembly

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Bismarck, February 23, 1995

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

The prayer was offered by the Rev. Dick Owens, Trinity Lutheran Church, Bismarck.

The roll was called and all members were present except Representatives Bateman, Boehm, Dalrymple, D. Henegar, and Mutzenberger.

A quorum was declared by the Speaker.

MOTION

REP. DORSO MOVED that SB 2132 and SB 2136, which are on the Fourteenth order, be rereferred to the Finance and Taxation Committee, which motion prevailed. Pursuant to Rep. Dorso's motion, SB 2132 and SB 2136 were rereferred.

MOTION

REP. BERG MOVED that SB 2230 be returned to the House floor from the Industry, Business and Labor Committee and be rereferred to the Human Services Committee, which motion prevailed. Pursuant to Rep. Berg's motion, SB 2230 was rereferred.

MOTION

REP. FREIER MOVED that the House waive the reading of the title to SB 2124, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2124: A BILL for an Act to amend and reenact sections 15-03-05.2, 15-03-16, 15-35-01.1, and 15-60-10 of the North Dakota Century Code, relating to the distribution of income earned by the permanent funds managed by the board of university and school lands, continuing appropriations for certain board of university and school lands investment fees, approval of school district construction projects, and issuance of school construction loans; and to repeal section 15-03-15 of the North Dakota Century Code, relating to the approval of farm loans and investments 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 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Belter; Berg; Bernstein; 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; 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: Bateman; Boehm; Henegar, D.

Engrossed SB 2124 passed and the title was agreed to.

MOTION

REP. DORSO MOVED that Engrossed SB 2176, which is on the Fourteenth order, be rereferred to the Appropriations Committee, which motion prevailed. Pursuant to Rep. Dorso's motion, Engrossed SB 2176 was rereferred.

SECOND READING OF SENATE BILL

SB 2189: A BILL for an Act to amend and reenact subsection 1 of section 57-38-62 of the North Dakota Century Code, relating to exemptions from estimated tax payment requirements; 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 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Belter; Berg; Bernstein; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drowdal; 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: Bateman; Boehm; Henegar, D.

SB 2189 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2191: A BILL for an Act to amend and reenact section 57-38-30.1, subsection 4 of section 57-38-40, and subsection 5 of section 57-38-62 of the North Dakota Century Code, relating to the corporate income tax credit for new industry, claims for refunds of individual income taxes attributable to a net operating loss, and definition of net tax liability for estimated tax payment purposes; 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 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Belter; Berg; Bernstein; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drowdal; 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: Bateman; Boehm; Henegar, D.

SB 2191 passed and the title was agreed to.

SECOND READING OF SENATE BILL

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.

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

YEAS: Aarsvold; Belter; Berg; Bernstein; 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; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; 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

NAYS: Austin; Lloyd

ABSENT AND NOT VOTING: Bateman; Boehm; Henegar, D.

SB 2199 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2333: A BILL for an Act to amend and reenact subsection 2 of section 15-28-09 of the North Dakota Century Code, relating to filing deadlines for school elections.

ROLL CALL

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

YEAS: Aarsvold; Austin; Belter; Berg; Bernstein; 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; 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: Bateman; Boehm; Henegar, D.

SB 2333 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION ON CONSENT CALENDAR

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.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, the roll was called and there were 94 YEAS, 1 NAY, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Belter; Berg; Bernstein; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; 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

NAYS: DeWitz

ABSENT AND NOT VOTING: Bateman; Boehm; Henegar, D.

SCR 4015 was declared adopted on a recorded roll call vote.

MOTION

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

MOTION

REP. FREIER MOVED that the House be on the Fifth order of business and at the conclusion of that order, the House stand adjourned until 1:00 p.m., Friday, February 24, 1995, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2078: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2078 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2092, as engrossed: Human Services Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2092 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2129: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2129 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2144: Education Committee (Rep. Rydell, Chairman) recommends **DO PASS** (12 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). SB 2144 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

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

Page 1, line 3, after "tax" insert "; and to declare an emergency"

Page 1, after line 13, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2162, as engrossed: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends DO PASS (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2162 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2197, as engrossed: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends DO PASS (10 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2197 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2201: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2201 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2222: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends DO PASS (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2222 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2266: Human Services Committee (Rep. Svedjan, Chairman) recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2266 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2287: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2287 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2299: Human Services Committee (Rep. Svedjan, Chairman) recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2299 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2364, as engrossed: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2364 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2431: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2431 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2479: Industry, Business and Labor Committee (Rep. Berg, Chairman)

recommends **DO PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2479 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2493: Natural Resources Committee (Rep. Olson, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2493 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2523: Human Services Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2523 was placed on the Fourteenth order on the calendar.

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

ROY GILBREATH, Chief Clerk