

JOURNAL OF THE HOUSE

Fifty-fourth Legislative Assembly

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Bismarck, March 9, 1995

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

The prayer was offered by Chaplain Burnie Kunz, Medcenter One, Bismarck.

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

A quorum was declared by the Speaker.

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

MR. PRESIDENT: The House has failed to pass: SB 2321, SB 2339.

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

MR. PRESIDENT: The House has passed unchanged: SB 2095, SB 2121, SB 2170, SB 2171, SB 2172, SB 2173, SB 2174, SB 2248, SB 2289.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2088, SB 2149, SB 2247, SB 2360.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 10:00 a.m., March 9, 1995: HB 1047, HB 1104, HB 1110, HB 1111, HB 1112, HB 1162, HB 1193, HB 1226, HB 1237, HB 1270, HB 1283, HB 1312, HB 1336, HB 1351, HB 1359, HB 1372, HB 1383, HB 1395, HB 1396, HB 1433.

HOUSE ENROLLING REPORT

The following resolution was enrolled: HMR 7001.

HOUSE ENROLLING REPORT

The following bills were enrolled: HB 1023, HB 1057, HB 1080, HB 1092, HB 1108, HB 1115, HB 1119, HB 1125, HB 1139, HB 1147, HB 1148, HB 1157, HB 1181, HB 1203, HB 1232, HB 1233, and HB 1272.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled resolution: HMR 7001.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for his filing at the hour of 11:35 a.m., March 9, 1995: HMR 7001.

MOTION

REP. DORSO MOVED that the House reconsider its action whereby SB 2343 passed, which motion prevailed.

MOTION

REP. DORSO MOVED that SB 2343 be rereferred to the Judiciary Committee, which motion prevailed. Pursuant to Rep. Dorso's motion, SB 2343 was rereferred.

MOTION

REP. DORSO MOVED that the House reconsider its action whereby the committee report was accepted and SB 2420 was placed on the Seventh order of business on the calendar, which motion prevailed.

MOTION

REP. DORSO MOVED that SB 2420 be rereferred to the Political Subdivisions Committee, which motion prevailed. Pursuant to Rep. Dorso's motion, SB 2420 was rereferred.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. RYDELL MOVED that the House do concur in the Senate amendments to Engrossed HB 1046 as printed on HJ page 869, which motion prevailed.

Engrossed HB 1046, as amended, was placed on the Eleventh order of business on today's calendar.

SECOND READING OF HOUSE BILL

HB 1046: A BILL for an Act to amend and reenact section 15-21-18 of the North Dakota Century Code, relating to joint meetings and cooperative activities of the boards of higher education, vocational and technical education, and public school education.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 93 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gerntholz; Glasheim; Gorder; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; 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; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Galvin; Holm; Mahoney; Wald

ABSENT AND NOT VOTING: Brown

Engrossed HB 1046, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KRETSCHMAR MOVED that the House do concur in the Senate amendments to Engrossed HB 1069 as printed on HJ pages 902-903, which motion prevailed.

Engrossed HB 1069, as amended, was placed on the Eleventh order of business on today's calendar.

SECOND READING OF HOUSE BILL

HB 1069: A BILL for an Act to create and enact a new section to chapter 14-03 of the North Dakota Century Code, relating to surnames; and to amend and reenact section 14-03-10 and subsection 3 of section 14-03-17 of the North Dakota Century Code, relating to residency requirements and applications for marriage licenses.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glasheim; Gorder; 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; 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: Brown

Engrossed HB 1069, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WARDNER MOVED that the House do not concur in the Senate amendments to HB 1100 as printed on HJ page 885 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1100: Reps. Kelsch, Stenehjem, Sandvig.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WARDNER MOVED that the House do concur in the Senate amendments to Engrossed HB 1103 as printed on HJ page 870, which motion prevailed.

Engrossed HB 1103, as amended, was placed on the Eleventh order of business on today's calendar.

SECOND READING OF HOUSE BILL

HB 1103: A BILL for an Act to amend and reenact section 44-08-04 of the North Dakota Century Code, relating to state employee travel reimbursement.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; DeMore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; 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: Brown; Huether

Engrossed HB 1103, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KRETSCHMAR MOVED that the House do concur in the Senate amendments to Engrossed HB 1244 as printed on HJ page 914, which motion prevailed.

Engrossed HB 1244, as amended, was placed on the Eleventh order of business on today's calendar.

SECOND READING OF HOUSE BILL

HB 1244: A BILL for an Act to create and enact a new section to chapter 29-05 and a new section to chapter 29-29 of the North Dakota Century Code, relating to the release of information contained in arrest and search warrants.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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; 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, 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; Nicholas; 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; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Brown

Engrossed HB 1244, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. TIMM MOVED that the House do concur in the Senate amendments to Engrossed HB 1275 as printed on HJ page 914, which motion prevailed.

Engrossed HB 1275, as amended, was placed on the Eleventh order of business on today's calendar.

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, 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; 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, 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; Nicholas; 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; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Brown

Engrossed HB 1275, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KRETSCHMAR MOVED that the House do not concur in the Senate amendments to HB 1298 as printed on HJ page 869 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1298: Reps. Kretschmar, Stenehjelm, Delmore.

MOTION

REP. DORSO MOVED that SB 2081, 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 Engrossed SB 2037, SB 2115, and Engrossed SCR 4007 were adopted.

Engrossed SB 2037, SB 2115, and Engrossed SCR 4007, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF SENATE BILL

SB 2433: A BILL for an Act to amend and reenact section 34-12-03 of the North Dakota Century Code, relating to unfair labor practices.

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 68 YEAS, 29 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Austin; Bateman; Belter; Berg; Bernstein; Boehm; Byerly; Carlson; Christopherson; Clark; Clayburgh; Dalrymple; DeKrey; Delzer; DeWitz; Dorso; Drovda; Freier; Froseth; Galvin; Gerntholz; Gordner; Gorman; Grosz; Grumbo; Gunter; Hagle; Hausauer; Henegar, D.; Holm; Howard; Jacobs; Johnson; Keiser; Kempenich; Klein; Kliniske; Koppelman; Kunkel; Lloyd; Mickelson; Monson; Nicholas; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Rydell; Sabby; Schimke; Shide; Skarphol; Soukup; Stenehjelm; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Speaker Martin

NAYS: Aarsvold; Boucher; Carlisle; Christenson; Coats; Delmore; Dobrinski; Glassheim; Gulleeson; Hanson; Henegar, K.; Huether; Kaldor; Kelsch; Kerzman; Kretschmar; Kroeber; Laughlin; Mahoney; Maragos; Martinson; Mutzenberger; Nichols; Oban; Retzer; Sandvig; Schmidt; Sitz; Wilkie

ABSENT AND NOT VOTING: Brown

Engrossed SB 2433, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2074: A BILL for an Act to amend and reenact subsection 1 of section

57-02.1-05 of the North Dakota Century Code, relating to computation of payments in lieu of real estate taxes by the game and fish department.

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

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; 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, 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; 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: Brown

Engrossed SB 2074, as amended, passed and the title was agreed to.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1100 and HB 1298 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1100: Reps. Kelsch; Stenehjem; Sandvig
HB 1298: Reps. Kretschmar; Stenehjem; Delmore

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

MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1046, HB 1069, HB 1103, HB 1244, HB 1275.

SECOND READING OF SENATE BILL

SB 2082: A BILL for an Act to create and enact a new section to chapter 40-57.1 of the North Dakota Century Code, relating to assignment of value for foundation aid purposes to new industry property subject to payments in lieu of taxes; 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 6 YEAS, 89 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Berg; Glassheim; Gulleson; Keiser; Laughlin; Rydell

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

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

ABSENT AND NOT VOTING: Brown; Froseth; Howard

SB 2082, as amended, was declared lost.

POINT OF PERSONAL PRIVILEGE

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

MOTION

REP. DROVDAL MOVED that the remarks of Representative Holm be printed in the Journal, which motion prevailed.

REMARKS BY REPRESENTATIVE HOLM

Several weeks ago, when the House Education Committee presented House Bill No. 1041 to this Assembly, we assured each of you that there was not a fiscal note attached. The House Assembly members passed the bill 60 to 36. The House Education subcommittee spent many hours with Pat Laubach and the Legislative Council to write a bill to everyone's satisfaction. It was our desire to provide necessary services without imposing an additional fiscal note to the Department of Public Instruction (DPI). During our last meeting with the Legislative Council and Pat Laubach of the DPI, we were given assurances in answer to direct questions that this bill no longer contained a fiscal note. Our subcommittee and the House members acted on House Bill No. 1041 on the basis of the testimony we presented to you.

When Chairman Rydell assigned our subcommittee, she had it chaired by Representative Drovdal, who has many schools under a county superintendent. I was also appointed to the education subcommittee as a "fairness representative", because my county doesn't need the superintendent position. Representative Drovdal labored at every step to write a good piece of legislation for the schools in his district, while keeping the responsibility and control at the county and school district level. In his wisdom, he knew the time may come when this bill may receive a do-pass vote.

When this bill was presented to the Senate Education Committee by DPI on Tuesday morning, it came in with a fiscal note of \$225,000, along with pages of amendments and objections. The House Education subcommittee members worked with the DPI in good faith, and we were led to believe that we addressed every concern Pat Laubach had with the 62-page bill.

Now, I wish to respond to a remark made by a school principal and quoted in Wednesday's Bismarck Tribune. He said, "This bill was sold to the House committee under false pretenses". I have my testimony from our House hearing and I heard every comment on the bill. I stand by every word of our testimony. House Bill No. 1041 was thoroughly researched by Legislative Council's legal service, and Pat Laubach attended all our meetings, which I might add, were many hours. We thought the DPI was at least neutral on the bill, and they assured us there was no fiscal note.

Due to the actions of DPI on Tuesday, I want to go on record with several points I have listed below:

1. The House Education Committee put in many good faith hours to write a good piece of legislation utilizing the assistance of Legislative Council and DPI. It is my belief that our committee did just that--we wrote, presented, and favorably voted a good educational bill.
2. House Bill No. 1041 is our legislation, and it crossed over to the Senate without a \$225,000 fiscal note attached. I did not expect DPI to intercept it, or rewrite it. This is game playing and I

don't think it is appropriate, nor should it be their prerogative to alter our piece of legislation. Once this bill was passed, I believe that if DPI still had some problems with it, they should have exhibited common courtesy by contacting us to help resolve the issues. Instead, they waited until after it crossed over to the Senate, and then took it upon themselves to alter the bill to meet their satisfaction. Our entire subcommittee, along with the full committee, has been available at the Capitol every day to answer questions and resolve issues. In addition, many of us can be reached in the evenings as well. There simply isn't a justifiable reason for DPI to take things into their own hands by rewriting this bill and then presenting it to the Senate Education Committee with a fiscal note attached.

3. In answer to Ron Stastney's remark that counties cannot keep a superintendent, I would suggest that this is "permissive" legislation, and if a county wants to have ten superintendents, they can go ahead and have them.
4. If the DPI now feels their staff can't handle this statute without an additional \$225,000, I would suggest they replace some of their 132 employees with those who are competent enough to work within a reasonable budget.

When I came to Bismarck, I came to work for the people in my district--and all the people of North Dakota. I did not come here to waste endless hours playing games with an agency whose very reason for existence is to work for the people of this state. Many of my colleagues in the Legislature tell me that this happens all the time. I feel that members of this Legislative Assembly are working far too hard to put up with this kind of nonsense from an agency.

Finally, I want to say that I intentionally used names, but my intent is not to paint with a broad brush. There are people working in DPI whom I am deeply indebted to. Many have worked long endless hours to give us answers and support. The citizens of our state are fortunate to employ these people. They serve them well.

SECOND READING OF SENATE BILL

SB 2152: A BILL for an Act to amend and reenact subsection 4 of section 6-09-15.5 of the North Dakota Century Code, relating to the beginning farmer revolving loan fund interest rate.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 89 YEAS, 6 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; Delmore; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Gorman; Grosz; Grumbo; Gulleon; Gunter; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; 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; Torgerson; Wald; Walker; Wardner; Wentz; Speaker Martin

NAYS: DeKrey; Delzer; Glassheim; Huether; Laughlin; Wilkie

ABSENT AND NOT VOTING: Brown; Howard; Tollefson

SB 2152, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2195: A BILL for an Act to amend and reenact subsection 2 of section 4-18.1-03, subsections 1, 2, 6, and 7 of section 4-18.1-04, sections 4-18.1-12, 4-18.1-17, subsection 2 of section 4-18.1-18, and section 4-18.1-22 of the North Dakota Century Code, relating to renaming the milk stabilization board the milk marketing board, the executive officer of the milk marketing board, and assessments by the milk marketing board.

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 63 YEAS, 32 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Berg; Boucher; Carlisle; Christenson; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Dobrinski; Dorso; Drovdal; Froseth; Galvin; Gerntholz; Glassheim; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kempenich; Kerzman; Kliniske; Koppelman; Kroeber; Kunkel; Laughlin; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Price; Retzer; Rydell; Sabby; Sandvig; Schmidt; Shide; Sitz; Svedjan; Sveen; Thompson; Thoreson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Austin; Bateman; Belter; Bernstein; Boehm; Byerly; Carlson; Christopherson; Clark; Delzer; DeWitz; Freier; Gorder; Gorman; Grosz; Kelsch; Klein; Kretschmar; Lloyd; Mahoney; Maragos; Martinson; Payne; Poolman; Rennerfeldt; Schimke; Skarphol; Soukup; Stenehjerm; Timm; Tollefson; Torgerson

ABSENT AND NOT VOTING: Brown; Howard; Mickelson

Engrossed SB 2195, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2238: A BILL for an Act to amend and reenact section 11-18-02.2 of the North Dakota Century Code, relating to statements of full consideration for property deeds.

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 12 YEAS, 84 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Austin; Berg; Carlson; Froseth; Glassheim; Hanson; Hausauer; Kaldor; Kroeber; Mickelson; Poolman; Thoreson

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

ABSENT AND NOT VOTING: Brown; Howard

Engrossed SB 2238, as amended, was declared lost.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR

SCR 4017: A concurrent resolution directing the Legislative Council to study the coroner system in the state, the issuance of death certificates, and whether certain information in death certificates should be exempt from open records requirements.

SCR 4024: A concurrent resolution directing the Legislative Council to study the fiscal impact of major economic development projects on political subdivisions.

SCR 4032: A concurrent resolution directing the Legislative Council to study the library system in North Dakota, including the role and mission of the state library, cooperative library ventures, and research and information systems to determine if the citizens of this state have access to essential library services that are delivered efficiently.

SCR 4039: A concurrent resolution designating Larry Woiwode as Poet Laureate of North Dakota.

SCR 4048: A concurrent resolution directing the Legislative Council to study the implications of North Dakota tax policy on the telecommunications industry and to determine the need for tax reform in the telecommunications industry.

SCR 4051: A concurrent resolution directing the Legislative Council to study property tax assessment for irrigated and nonirrigated agricultural land.

ROLL CALL

The question being on the final adoption of the resolutions, which have been read, the roll was called and there were 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; 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; Gulleon; Gunter; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; 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: Brown; Howard

SCR 4017, Engrossed SCR 4024, SCR 4032, SCR 4039, SCR 4048, and SCR 4051 were declared adopted on a recorded roll call vote.

MOTION

REP. FREIER MOVED that the absent member 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 10:30 a.m., Friday, March 10, 1995, which motion prevailed.

REPORT OF STANDING COMMITTEE

HCR 3009: Joint Constitutional Revision Committee (Rep. Brown, Chairman) recommends DO PASS (8 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HCR 3009 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3031: Joint Constitutional Revision Committee (Rep. Brown, Chairman) recommends DO NOT PASS (9 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HCR 3031 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3037: Joint Constitutional Revision Committee (Rep. Brown, Chairman) recommends DO NOT PASS (10 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3037 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2001, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends DO PASS (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2001 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2002, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends DO PASS (21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2002 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2007, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends DO PASS (20 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2007 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2041, as reengrossed: Human Services Committee (Rep. Svedjan, Chairman) recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Reengrossed SB 2041 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2044, as reengrossed: Human Services Committee (Rep. Svedjan, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Reengrossed SB 2044 was placed on the Sixth order on the calendar.

Page 1, line 15, replace "shall" with "may" and replace "at least" with "up to"

Page 1, line 17, replace "the department" with "a child" and replace "place a child" with "be placed"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2054, as engrossed: Education Committee (Rep. Rydell, Chairman) recommends DO PASS (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2054 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2140: Transportation Committee (Rep. Belter, Chairman) recommends DO NOT PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2140 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2215, as engrossed: Political Subdivisions Committee (Rep. Soukup, Chairman) recommends DO PASS (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Engrossed SB 2215 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2216: Political Subdivisions Committee (Rep. Soukup, Chairman) recommends DO PASS (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). SB 2216 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2230, as engrossed: Human Services Committee (Rep. Svedjan, Chairman) recommends DO PASS (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2230 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2263: Appropriations Committee (Rep. Dalrymple, Chairman) recommends DO PASS (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2263 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2283, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends DO PASS (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2283 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2290, as engrossed: Education Committee (Rep. Rydell, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2290 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2296: Political Subdivisions Committee (Rep. Soukup, Chairman) recommends DO PASS (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). SB 2296 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2297, as engrossed: Political Subdivisions Committee (Rep. Soukup, Chairman) recommends DO PASS (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Engrossed SB 2297 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2336: 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). SB 2336 was placed on the Sixth order on the calendar.

Page 2, line 2, replace "64.76" with "16.19"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2356, as engrossed: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2356 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2399: Transportation Committee (Rep. Belter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2399 was placed on the Sixth order on the calendar.

Page 1, line 21, after the period insert "Unless a party submits the dispute to the American arbitration association, the arbitrators must be selected in accordance with this section."

Page 3, line 8, replace "to the extent those rules do not conflict with North Dakota law" with ". If the rules of the American arbitration association conflict with North Dakota law, North Dakota law governs"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2416, as engrossed: Transportation Committee (Rep. Belter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2416 was placed on the Sixth order on the calendar.

Page 1, line 3, after "purchaser" insert "; and to provide an effective date"

Page 1, line 17, replace "must" with "may"

Page 1, line 18, after "guide" insert "and must be based on average retail value"

Page 1, after line 21, insert:

"SECTION 2. EFFECTIVE DATE. This Act becomes effective on January 1, 1996."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2476, as reengrossed: Natural Resources Committee (Rep. Olson, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2476 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2508: Transportation Committee (Rep. Belter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2508 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "licensed" with "an advanced practice registered" and remove "practitioner"

Page 1, line 15, replace "licensed" with "an advanced practice registered"

Page 1, line 16, remove "practitioner"

Page 1, line 18, replace "licensed" with "an advanced practice registered" and remove "practitioner"

Page 1, line 20, replace "nurse practitioner's" with "advanced practice registered nurse's"

Page 2, line 2, after "or" insert "an advanced practice registered" and remove "practitioner"

Page 2, line 16, replace "nurse practitioner's" with "an advanced practice registered nurse's"

Page 2, line 20, replace "nurse practitioner's" with "an advanced practice registered nurse's"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2511: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2511 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2522: Agriculture Committee (Rep. Nicholas, Chairman) recommends DO PASS (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2522 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2535, as engrossed: Education Committee (Rep. Rydell, Chairman) recommends DO PASS (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2535 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4006: Education Committee (Rep. Rydell, Chairman) recommends DO PASS (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SCR 4006 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4029: Natural Resources Committee (Rep. Olson, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (10 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING). SCR 4029 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4030: Human Services Committee (Rep. Svedjan, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SCR 4030 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4040: Natural Resources Committee (Rep. Olson, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (12 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). SCR 4040 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4041: Natural Resources Committee (Rep. Olson, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (11 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). SCR 4041 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4044: Natural Resources Committee (Rep. Olson, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (12 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). SCR 4044 was placed on the Tenth order on the calendar.

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

ROY GILBREATH, Chief Clerk