

JOURNAL OF THE HOUSE

Fifty-fifth Legislative Assembly

* * * * *

Bismarck, February 11, 1997

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

The prayer was offered by the Rev. Wilfred Roset, Lake Assembly of God, Powers Lake.

The roll was called and all members were present except Representatives Aarsvold and Dorso.

A quorum was declared by the Speaker.

MOTION

REP. FREIER MOVED that HB 1019, HB 1137, HB 1139, HB 1140, HB 1141, and HB 1237 be placed at the bottom of the calendar, which motion prevailed.

MOTION

REP. FREIER MOVED that HB 1034, HB 1355, HB 1411, and HB 1472, which are on the Sixth order, be laid over one legislative day, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. FREIER MOVED that the amendments on the Sixth order of business to HB 1046, HB 1111, HB 1142, HB 1159, HB 1162, HB 1176, HB 1249, HB 1258, HB 1267, HB 1281, HB 1282, HB 1306, HB 1314, HB 1346, HB 1352, HB 1357, HB 1381, HB 1420, HB 1421, HB 1427, HB 1433, HB 1434, HB 1436, HB 1437, HB 1442, and HB 1469 be adopted, which motion prevailed.

HB 1427 and HB 1433, as amended, were rereferred to the **Appropriations Committee**.

HB 1046, HB 1111, HB 1142, HB 1159, HB 1162, HB 1176, HB 1249, HB 1258, HB 1267, HB 1281, HB 1282, HB 1306, HB 1314, HB 1346, HB 1352, HB 1357, HB 1381, HB 1420, HB 1421, HB 1434, HB 1436, HB 1437, HB 1442, and HB 1469, as amended, were placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1016: A BILL for an Act to provide an appropriation for defraying the expenses of the division of emergency management.

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, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Drovda; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulletson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroepelin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Speaker Timm

ABSENT AND NOT VOTING: Aarsvold; Dorso; Wilkie

Engrossed HB 1016 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1022: A BILL for an Act to provide an appropriation for defraying the expenses of the state historical society and the international peace garden.

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, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Aarsvold; Dorso

Engrossed HB 1022 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1074: A BILL for an Act to create and enact three new subdivisions to subsection 1 of section 39-09-02 of the North Dakota Century Code, relating to speed limits greater than fifty-five miles an hour; and to amend and reenact subsection 8 of section 39-06.1-06, paragraph 34 of subdivision a of subsection 3 of section 39-06.1-10, and subdivisions f and g of subsection 1 of section 39-09-02 of the North Dakota Century Code, relating to the speed limits and fees and demerits for violations of the speed limit.

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

YEAS: Axtman; Belter; Berg; Boehm; Brandenburg; Brusegaard; Byerly; Callahan; Carlisle; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Fairfield; Freier; Froseth; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Olson; Poolman; Rennerfeldt; Rose; Sandvig; Schmidt; Skarphol; Stenehjem; Svedjan; Sveen; Thompson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Weisz; Wilkie; Speaker Timm

NAYS: Bernstein; Boucher; Brown; Carlson; Drovdal; Galvin; Keiser; Klein; Murphy; Nichols; Niemeier; Nottestad; Oban; Price; Renner; Sabby; Soukup; Thoreson; Warner; Wentz

ABSENT AND NOT VOTING: Aarsvold; Dorso

Engrossed HB 1074 passed and the title was agreed to.

MOTION

REP. FREIER MOVED that the House waive the reading of the titles to HB 1146, HB 1307, HB 1408, and HB 1339, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1146: A BILL for an Act to amend and reenact sections 15-40.1-07.3, 15-40.1-07.4, 15-40.3-01, subsection 2 of section 39-21-18, sections 57-15-13 and 57-15-14.5 of the North Dakota Century Code and section 2 of chapter 701 of the 1989 Session Laws of North Dakota, as amended by section 1 of chapter 656 of the 1991 Session Laws of North Dakota and by section 26 of chapter 3 of the 1993 Session Laws of North Dakota, relating to foundation aid amounts after reorganization of school districts, open enrollment for students moving to new districts, vehicles that may be used as schoolbuses, school district tax levy decisions, education technology supervisors, and special reserve fund withdrawals; and to declare an emergency.

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 93 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroepflin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Aarsvold; Dorso; Keiser; Oban

Reengrossed HB 1146 passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

REP. FREIER MOVED that HB 1307 be placed at the bottom of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1326: A BILL for an Act to amend and reenact subsection 23 of section 57-15-06.7 and section 57-15-26.5 of the North Dakota Century Code, relating to the tax levy limitation for county and rural ambulance services.

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 48 YEAS, 46 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Boehm; Boucher; Brandenburg; Callahan; Carlisle; Christenson; Coats; DeKrey; Delmore; Fairfield; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grumbo; Gulleon; Hawken; Henegar; Huether; Jensen; Johnsen, C.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kilzer; Kretschmar; Kroepflin; Mahoney; Maragos; Martinson; Nichols; Niemeier; Nottestad; Renner; Rose; Sabby; Sandvig; Stenehjem; Svedjan; Sveen; Thorpe; Tollefson; Warner; Weisz; Wentz; Wilkie

NAYS: Axtman; Belter; Berg; Bernstein; Brown; Brusegaard; Byerly; Carlson; Christopherson; Clark; Dalrymple; Delzer; Devlin; Drovdal; Freier; Grande; Grosz; Gunter; Hanson; Hausauer; Jacobs; Johnson, D.; Kempenich; Klein; Kliniske; Koppelman; Kunkel; Lloyd; Mickelson; Monson; Murphy; Nelson; Nicholas; Olson; Poolman; Price; Rennerfeldt; Schmidt; Skarphol; Soukup; Thompson; Thoreson; Torgerson; Wald; Wardner; Speaker Timm

ABSENT AND NOT VOTING: Aarsvold; Dorso; Oban

Engrossed HB 1326 was declared lost for want of a Constitutional majority.

SECOND READING OF HOUSE BILL

HB 1361: A BILL for an Act create and enact a new section to chapter 14-03 of the North Dakota Century Code, relating to premarital counseling; and to amend and reenact section 14-03-22 of the North Dakota Century Code, relating to supplemental marriage license fees.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 14 YEAS, 79 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Boucher; Callahan; Christenson; Coats; Glassheim; Jensen; Kelsh, S.; Niemeier; Oban; Rose; Sandvig; Schmidt; Thorpe; Wentz

NAYS: Axtman; Belter; Berg; Bernstein; Boehm; Brandenburg; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Gorder; Grande; Grosz; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Nottestad; Olson; Poolman; Price; Renner; Rennerfeldt; Sabby; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Speaker Timm

ABSENT AND NOT VOTING: Aarsvold; Dorso; Kerzman; Wilkie

Engrossed HB 1361 was declared lost.

SECOND READING OF HOUSE BILL

HB 1412: A BILL for an Act to create and enact a new subsection to section 10-04-06 of the North Dakota Century Code, relating to a "test the waters" exemption to registration of securities.

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, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

NAYS: Carlson

ABSENT AND NOT VOTING: Aarsvold; Dorso

Engrossed HB 1412 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1449: A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to a sales and use tax exemption for computer and telecommunications equipment in a new or expanding primary sector business; 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 13 YEAS, 82 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; Berg; Coats; Huether; Johnsen, C.; Keiser; Kelsch, R.; Kilzer; Maragos; Martinson; Thorpe; Tollefson; Wentz

NAYS: Belter; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnson, D.; Kelsh, S.; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Mickelson;

Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Torgerson; Wald; Wardner; Warner; Weisz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Aarsvold; Dorso

Engrossed HB 1449 was declared lost.

SECOND READING OF HOUSE BILL

HB 1452: A BILL for an Act to create and enact a new section to chapter 23-01 of the North Dakota Century Code, relating to the provision of nursing services in the public schools.

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 26 YEAS, 67 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Boucher; Brandenburg; Callahan; Christenson; Christopherson; Coats; Delmore; Drovdal; Fairfield; Glassheim; Grumbo; Gulleeson; Hanson; Hawken; Jensen; Kelsh, S.; Kerzman; Kretschmar; Mahoney; Maragos; Oban; Rose; Sandvig; Schmidt; Thorpe; Wentz

NAYS: Axtman; Belter; Berg; Bernstein; Boehm; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Freier; Froseth; Galvin; Gerntholz; Grande; Grosz; Gunter; Hausauer; Henegar; Huether; Jacobs; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kilzer; Klein; Kliniske; Koppelman; Kroeplin; Kunkel; Lloyd; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Olson; Poolman; Price; Renner; Rennerfeldt; Sabby; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Aarsvold; Brown; Dorso; Gorder

Engrossed HB 1452 was declared lost.

SECOND READING OF HOUSE BILL

HB 1464: A BILL for an Act to create and enact two new sections to chapter 65-01 of the North Dakota Century Code, relating to definitions and the duties and rights of the North Dakota workers compensation bureau, employers, and employees.

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 28 YEAS, 66 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Boucher; Brandenburg; Callahan; Christenson; Coats; Delmore; Fairfield; Grumbo; Gulleeson; Hanson; Huether; Kelsh, S.; Kerzman; Kroeplin; Mahoney; Maragos; Nichols; Niemeier; Oban; Rose; Sandvig; Schmidt; Sveen; Thorpe; Warner; Weisz; Wentz; Wilkie

NAYS: Axtman; Belter; Berg; Bernstein; Boehm; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Grande; Grosz; Gunter; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Lloyd; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nottestad; Olson; Poolman; Price; Renner; Rennerfeldt; Sabby; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Speaker Timm

ABSENT AND NOT VOTING: Aarsvold; Dorso; Gorder

Engrossed HB 1464 was declared lost.

SECOND READING OF HOUSE BILL

HB 1225: A BILL for an Act to create and enact a new section to chapter 51-07 of the North Dakota Century Code, relating to the paying of an insurance deductible or offering of a rebate by a seller of goods or services; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 83 YEAS, 10 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Callahan; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; Delmore; Devlin; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Grande; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Mahoney; Maragos; Mickelson; Murphy; Nicholas; Nichols; Niemeier; Nottestad; Oban; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Wentz; Wilkie; Speaker Timm

NAYS: Byerly; Carlisle; DeKrey; Delzer; Lloyd; Martinson; Monson; Nelson; Olson; Weisz

ABSENT AND NOT VOTING: Aarsvold; Dorso; Gorder; Grosz

HB 1225 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1227: A BILL for an Act to amend and reenact section 65-01-09 of the North Dakota Century Code, relating to subrogation interests 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 86 YEAS, 8 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; Belter; Berg; Bernstein; Boehm; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Grande; Grosz; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

NAYS: Boucher; Christenson; Coats; Delmore; Fairfield; Kelsh, S.; Murphy; Sandvig

ABSENT AND NOT VOTING: Aarsvold; Dorso; Gorder

HB 1227 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1271: A BILL for an Act to create and enact a new subsection to section 55-08-05 of the North Dakota Century Code, relating to the sale of alcohol on the parks and recreation department's property; and to amend and reenact subsection 6 of section 55-08-05 of the North Dakota Century Code, relating to liquor concessions on property controlled by the parks and recreation department.

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 12 YEAS, 82 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Coats; Glassheim; Hawken; Johnsen, C.; Keiser; Kelsch, R.; Kretschmar; Maragos; Martinson; Stenehjelm; Wald; Speaker Timm

NAYS: Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Drovdal; Freier; Froseth; Galvin; Gerntholz; Grande; Grosz; Grumbo; Gullerson; Gunter; Hanson; Hausauer; Henegar; Huether; Jacobs; Jensen; Johnson, D.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kroeplin; Kunkel; Lloyd; Mahoney; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wardner; Warner; Weisz; Wentz; Wilkie

ABSENT AND NOT VOTING: Aarsvold; Dorso; Gorder

HB 1271 was declared lost.

SECOND READING OF HOUSE BILL

HB 1294: A BILL for an Act to amend and reenact subsection 3 of section 21-03-07 of the North Dakota Century Code, relating to bonding for federal aid bridge projects.

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 54 YEAS, 39 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; Boucher; Brandenburg; Brown; Callahan; Christenson; Coats; Dalrymple; Delmore; Devlin; Fairfield; Froseth; Gerntholz; Glassheim; Grumbo; Gullerson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Koppelman; Kretschmar; Kroeplin; Mahoney; Maragos; Martinson; Murphy; Nicholas; Nichols; Niemeier; Nottestad; Oban; Rose; Sabby; Sandvig; Schmidt; Stenehjelm; Sveen; Thoreson; Thorpe; Wardner; Warner; Wilkie

NAYS: Belter; Berg; Bernstein; Boehm; Brusegaard; Byerly; Carlisle; Carlson; Christopherson; Clark; DeKrey; Delzer; Drovdal; Freier; Galvin; Grande; Grosz; Jensen; Klein; Kliniske; Kunkel; Lloyd; Mickelson; Monson; Nelson; Olson; Poolman; Price; Renner; Rennerfeldt; Skarphol; Soukup; Svedjan; Thompson; Tollefson; Torgerson; Wald; Weisz; Speaker Timm

ABSENT AND NOT VOTING: Aarsvold; Dorso; Gorder; Wentz

HB 1294 passed and the title was agreed to.

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 2009, SB 2045, SB 2088, SB 2108, SB 2236, SB 2370, SCR 4019.

MOTION

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

THE HOUSE RECONVENED pursuant to recess taken, with Speaker Timm presiding.

CORRECTION AND REVISION OF THE JOURNAL

MR. SPEAKER: Your **Committee on Correction and Revision of the Journal (Rep. DeKrey, Chairman)** has carefully examined the Journal of the Twenty-sixth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 323, after line 45, insert:

"REQUEST

REP. FREIER REQUESTED a ruling by the Speaker with reference to House Rule 329 as it applies to HB 1360.

RULING BY THE SPEAKER

SPEAKER TIMM RULED that HB 1360 did not have a direct appropriation in the bill and that it affected the interagency budgets only, therefore HB 1360 did not have to be rereferred to the **Appropriations Committee**."

REP. NOTTESTAD MOVED that the report be adopted, which motion prevailed.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

The following communication was received from the Governor at 10:30 a.m., February 11, 1997:

This is to inform you that on February 11, 1997, I signed the following: HB 1059, HB 1060, HB 1091, HB 1108, HB 1113, HB 1126, HB 1130, and HB 1148.

ANNOUNCEMENT BY THE SPEAKER

SPEAKER TIMM ANNOUNCED that members of the **Judiciary Committee** would be late and would be excused from voting the early part of the afternoon session.

SECOND READING OF HOUSE BILL

HB 1300: A BILL for an Act to amend and reenact sections 39-04-10.7, 39-04-19, and 39-21-41.4 of the North Dakota Century Code, relating to motor vehicle registration fees for farm vehicles.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 2 YEAS, 74 NAYS, 0 EXCUSED, 21 ABSENT AND NOT VOTING.

YEAS: Jensen; Mickelson

NAYS: Axtman; Belter; Berg; Bernstein; Brandenburg; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; Delzer; Devlin; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glasheim; Gorder; Grande; Grosz; Grumbo; Gullerson; Hanson; Hausauer; Henegar; Huether; Jacobs; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kerzman; Kilzer; Klein; Kliniske; Kroeplin; Kunkel; Lloyd; Martinson; Monson; Murphy; Nelson; Nicholas; Nichols; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Skarphol; Soukup; Svedjan; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Aarsvold; Boehm; Boucher; Callahan; DeKrey; Delmore; Dorso; Fairfield; Gunter; Hawken; Kelsh, S.; Kempenich; Koppelman; Kretschmar; Mahoney; Maragos; Niemeier; Nottestad; Sabby; Stenehjem; Sveen

HB 1300 was declared lost.

SECOND READING OF HOUSE BILL

HB 1319: A BILL for an Act to amend and reenact section 39-12-03 of the North Dakota Century Code, relating to weight-restricted roads.

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 22 YEAS, 57 NAYS, 0 EXCUSED, 18 ABSENT AND NOT VOTING.

YEAS: Belter; Boehm; Boucher; Brandenburg; Byerly; Christenson; Christopherson; Delzer; Drovdal; Galvin; Glasheim; Grosz; Gullerson; Huether; Jacobs; Kempenich; Lloyd; Mickelson; Nelson; Renner; Sandvig; Speaker Timm

NAYS: Axtman; Berg; Bernstein; Brown; Brusegaard; Carlisle; Carlson; Clark; Coats; Dalrymple; Devlin; Freier; Froseth; Gerntholz; Gorder; Grande; Grumbo; Hanson; Hausauer; Henegar; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kerzman; Kilzer; Klein; Kliniske; Kroeplin; Kunkel; Martinson; Monson; Murphy; Nicholas; Nichols; Oban; Olson; Poolman; Price; Rennerfeldt; Rose; Schmidt; Skarphol; Soukup; Svedjan; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie

ABSENT AND NOT VOTING: Aarsvold; Callahan; DeKrey; Delmore; Dorso; Fairfield; Gunter; Hawken; Kelsh, S.; Koppelman; Kretschmar; Mahoney; Maragos; Niemeier; Nottestad; Sabby; Stenehjem; Sveen

HB 1319 was declared lost.

SECOND READING OF HOUSE BILL

HB 1358: A BILL for an Act to amend and reenact section 14-09-06.3 of the North Dakota Century Code, relating to the costs of custody investigations and reports.

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 79 YEAS, 0 NAYS, 0 EXCUSED, 18 ABSENT AND NOT VOTING.

YEAS: Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; Delzer; Devlin; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleason; Hanson; Hausauer; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Kroeplin; Kunkel; Lloyd; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Skarphol; Soukup; Svedjan; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Aarsvold; Callahan; DeKrey; Delmore; Dorso; Fairfield; Gunter; Hawken; Kelsh, S.; Koppelman; Kretschmar; Mahoney; Maragos; Niemeier; Nottestad; Sabby; Stenehjem; Sveen

HB 1358 passed and the title was agreed to.

MOTION

REP. FREIER MOVED that HB 1386 be placed at the bottom of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1404: A BILL for an Act to create and enact a new section to chapter 26.1-25 of the North Dakota Century Code, relating to insurance discounts for motorcyclists who wear protective headgear.

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 10 YEAS, 69 NAYS, 0 EXCUSED, 18 ABSENT AND NOT VOTING.

YEAS: Boucher; Glassheim; Gulleason; Kilzer; Nichols; Oban; Rose; Warner; Wentz; Wilkie

NAYS: Axtman; Belter; Berg; Bernstein; Boehm; Brandenburg; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; Delzer; Devlin; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Grande; Grosz; Grumbo; Hanson; Hausauer; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kerzman; Klein; Kliniske; Kroeplin; Kunkel; Lloyd; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Olson; Poolman; Price; Renner; Rennerfeldt; Sandvig; Schmidt; Skarphol; Soukup; Svedjan; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Weisz; Speaker Timm

ABSENT AND NOT VOTING: Aarsvold; Callahan; DeKrey; Delmore; Dorso; Fairfield; Gunter; Hawken; Kelsh, S.; Koppelman; Kretschmar; Mahoney; Maragos; Niemeier; Nottestad; Sabby; Stenehjem; Sveen

HB 1404 was declared lost.

MOTION

REP. FREIER MOVED that HB 1438 be moved to the top of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1438: A BILL for an Act to amend and reenact subsection 1 of section 26.1-40-01 and subsection 4 of section 26.1-40-11 of the North Dakota Century Code, relating to automobile insurance rating differentials; 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 NOT PASS, the roll was called and there were 19 YEAS, 59 NAYS, 0 EXCUSED, 19 ABSENT AND NOT VOTING.

YEAS: Belter; Boehm; Brusegaard; Christopherson; Clark; Delzer; Glassheim; Grosz; Kliniske; Kunkel; Lloyd; Mickelson; Nelson; Oban; Poolman; Renner; Rose; Sandvig; Soukup

NAYS: Axtman; Berg; Bernstein; Brandenburg; Brown; Byerly; Carlisle; Carlson; Christenson; Coats; Dalrymple; Devlin; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Grande; Grumbo; Gulleeson; Hanson; Hausauer; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kerzman; Kilzer; Klein; Kroepin; Martinson; Monson; Murphy; Nicholas; Olson; Price; Rennerfeldt; Schmidt; Skarphol; Svedjan; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Aarsvold; Boucher; Callahan; DeKrey; Delmore; Dorso; Fairfield; Gunter; Hawken; Kelsh, S.; Koppelman; Kretschmar; Mahoney; Maragos; Niemeier; Nottestad; Sabby; Stenehjem; Sveen

HB 1438 was declared lost.

MOTION

REP. FREIER MOVED that HB 1443 be placed at the top of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1443: A BILL for an Act to create and enact a new section to chapter 39-22 of the North Dakota Century Code, relating to motor vehicle dealer advertising requirements.

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 6 YEAS, 73 NAYS, 0 EXCUSED, 18 ABSENT AND NOT VOTING.

YEAS: Glasshiem; Oban; Rose; Sandvig; Schmidt; Wilkie

NAYS: Axtman; Belter; Berg; Bernstein; Boehm; Brandenburg; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; Delzer; Devlin; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Grande; Grosz; Grumbo; Gulleeson; Hanson; Hausauer; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Kroepin; Kunkel; Lloyd; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Olson; Poolman; Price; Renner; Rennerfeldt; Skarphol; Soukup; Svedjan; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Speaker Timm

ABSENT AND NOT VOTING: Aarsvold; Boucher; Callahan; DeKrey; Delmore; Dorso; Fairfield; Gunter; Hawken; Koppelman; Kretschmar; Mahoney; Maragos; Niemeier; Nottestad; Sabby; Stenehjem; Sveen

HB 1443 was declared lost.

MOTION

REP. FREIER MOVED that HB 1446 be placed at the top of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1446: A BILL for an Act to amend and reenact sections 57-15-01.1 and 57-15-20 of the North Dakota Century Code, relating to mill levy limitations for townships; 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 NOT PASS, the roll was called and there were 9 YEAS, 69 NAYS, 0 EXCUSED, 19 ABSENT AND NOT VOTING.

YEAS: Christenson; Glassheim; Grumbo; Huether; Kroeplin; Kunkel; Nicholas; Oban; Warner

NAYS: Axtman; Belter; Berg; Bernstein; Boehm; Brandenburg; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christopherson; Clark; Dalrymple; Delzer; Devlin; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Grande; Grosz; Gulleson; Hanson; Hausauer; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Lloyd; Martinson; Mickelson; Monson; Murphy; Nelson; Nichols; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Skarphol; Soukup; Svedjan; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Aarsvold; Boucher; Callahan; Coats; DeKrey; Delmore; Dorso; Fairfield; Gunter; Hawken; Koppelman; Kretschmar; Mahoney; Maragos; Niemeier; Nottestad; Sabby; Stenehjem; Sveen

HB 1446 was declared lost.

ANNOUNCEMENT BY THE SPEAKER

SPEAKER TIMM ANNOUNCED that the **Judiciary Committee** had returned to the House chambers.

MOTION

REP. FREIER MOVED that HB 1447 be placed at the top of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1447: A BILL for an Act to create and enact a new section to chapter 57-38 and a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to an income tax credit for individuals, estates, and trusts for cost of tuition and textbooks for attendance by a dependent at an elementary or secondary school; 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 NOT PASS, the roll was called and there were 19 YEAS, 70 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

YEAS: Belter; Bernstein; Boehm; Brusegaard; Carlson; Delzer; Galvin; Grande; Johnsen, C.; Kerzman; Kilzer; Klein; Murphy; Nelson; Renner; Rennerfeldt; Sandvig; Thompson; Tollefson

NAYS: Axtman; Berg; Boucher; Brandenburg; Brown; Byerly; Carlisle; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Devlin; Drovdal; Fairfield; Freier; Froseth; Gerntholz; Glassheim; Gorder; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kliniske; Kroeplin; Kunkel; Lloyd; Maragos; Martinson; Mickelson; Monson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Rose; Sabby; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Thoreson; Thorpe; Torgerson; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Aarsvold; Callahan; Dorso; Koppelman; Kretschmar; Mahoney; Sveen; Wald

HB 1447 was declared lost.

SECOND READING OF HOUSE BILL

HB 1405: A BILL for an Act to amend and reenact sections 20.1-12-05, 20.1-12-06, and 20.1-12-07 of the North Dakota Century Code, relating to the operation of private shooting preserves; and to repeal section 20.1-12-06.1 of the North Dakota Century Code, relating to harvest of game birds on private shooting preserves.

ROLL CALL

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

YEAS: Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Guleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Maragos; Martinson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Aarsvold; Dorso; Mahoney; Mickelson

HB 1405 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1408: A BILL for an Act to create and enact a new section to chapter 20.1-15 of the North Dakota Century Code, relating to consumption of alcohol while hunting; to amend and reenact section 20.1-15-05, subsection 1 of section 20.1-15-07, subsection 2 of section 20.1-15-08, sections 20.1-15-11, and 20.1-15-13 of the North Dakota Century Code, relating to alcohol or drug level for purposes of determining hunting while intoxicated; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 32 YEAS, 62 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Boucher; Callahan; Christenson; Clark; Delmore; Fairfield; Gerntholz; Glassheim; Gorder; Grande; Guleson; Huether; Jensen; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kliniske; Mickelson; Niemeier; Oban; Poolman; Price; Rose; Sabby; Sandvig; Schmidt; Stenehjem; Tollefson; Warner; Wentz; Wilkie

NAYS: Axtman; Belter; Berg; Bernstein; Boehm; Brandenburg; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christopherson; Coats; Dalrymple; DeKrey; Delzer; Devlin; Drovdal; Freier; Froseth; Galvin; Grosz; Grumbo; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Johnsen, C.; Johnson, D.; Keiser; Kilzer; Klein; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Maragos; Martinson; Monson; Murphy; Nelson; Nicholas; Nichols; Nottestad; Olson; Renner; Rennerfeldt; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Torgerson; Wald; Wardner; Weisz; Speaker Timm

ABSENT AND NOT VOTING: Aarsvold; Dorso; Mahoney

HB 1408 was declared lost.

SECOND READING OF HOUSE BILL

HB 1423: A BILL for an Act to create and enact a new section to chapter 11-33 and a new section to chapter 40-47 of the North Dakota Century Code, relating to enforcement of covenants.

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 3 YEAS, 91 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Johnsen, C.; Martinson; Tollefson

NAYS: Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroepflin; Kunkel; Lloyd; Maragos; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Aarsvold; Dorso; Mahoney

HB 1423 was declared lost.

MOTION

REP. FREIER MOVED that HB 1472 be placed at the top of the Sixth order of business on the calendar, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. FREIER MOVED that the amendments on the Sixth order of business to HB 1472 be adopted, which motion prevailed.

MOTION

REP. FREIER MOVED that HB 1472, as amended, not be rereferred to the **Appropriations Committee** and be placed on the Eleventh order for immediate second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1472: A BILL for an Act to create and enact a new section to chapter 54-34.3 of the North Dakota Century Code, relating to the establishment of a rural development fund; and to provide an appropriation.

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 43 YEAS, 51 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Boucher; Brandenburg; Brown; Callahan; Christenson; Coats; DeKrey; Delmore; Devlin; Drovdal; Fairfield; Froseth; Galvin; Glassheim; Gorder; Grosz; Grumbo; Gulleon; Gunter; Hausauer; Jacobs; Keiser; Kelsh, S.; Kempenich; Kerzman; Kretschmar; Kroepflin; Maragos; Murphy; Nelson; Nichols; Niemeier; Oban; Poolman; Rose; Sandvig; Schmidt; Sveen; Thompson; Thorpe; Warner; Weisz; Wilkie

NAYS: Axtman; Belter; Berg; Bernstein; Boehm; Brusegaard; Byerly; Carlisle; Carlson; Christopherson; Clark; Dalrymple; Delzer; Freier; Gerntholz; Grande; Hanson; Hawken; Henegar; Huether; Jensen; Johnsen, C.; Johnson, D.; Kelsch, R.; Kilzer; Klein; Kliniske; Koppelman; Kunkel; Lloyd; Martinson; Mickelson; Monson; Nicholas; Nottestad; Olson; Price; Renner; Rennerfeldt; Sabby; Skarphol; Soukup; Stenehjem; Svedjan; Thoreson; Tollefson; Torgerson; Wald; Wardner; Wentz; Speaker Timm

ABSENT AND NOT VOTING: Aarsvold; Dorso; Mahoney

HB 1472, as amended, was declared lost.

MOTION

REP. FREIER MOVED that HB 1001 be placed at the top of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1001: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the governor; and to amend and reenact sections 54-07-04 and 54-08-03 of the North Dakota Century Code, relating to the salaries of the governor and lieutenant governor.

ROLL CALL

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

YEAS: Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Aarsvold; Dorso; Mahoney; Nicholas

HB 1001 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1430: 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 bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 38 YEAS, 56 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Belter; Boucher; Brandenburg; Brusegaard; Callahan; Christenson; Coats; DeKrey; Delmore; Delzer; Fairfield; Froseth; Gerntholz; Glassheim; Gorder; Grosz; Grumbo; Gulleon; Hawken; Huether; Kelsh, S.; Kerzman; Lloyd; Maragos; Monson; Murphy; Nichols; Niemeier; Oban; Rose; Sandvig; Schmidt; Sveen; Thompson; Thorpe; Warner; Weisz; Wilkie

NAYS: Axtman; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Christopherson; Clark; Dalrymple; Devlin; Drovdal; Freier; Galvin; Grande; Gunter; Hanson; Hausauer; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Martinson; Mickelson; Nelson; Nicholas; Nottestad; Olson; Poolman; Price; Renner; Rennerfeldt; Sabby; Skarphol; Soukup; Stenehjem; Svedjan; Thoreson; Tollefson; Torgerson; Wald; Wardner; Wentz; Speaker Timm

ABSENT AND NOT VOTING: Aarsvold; Dorso; Mahoney

HB 1430 was declared lost.

MOTION

REP. GORDER MOVED that the House reconsider its action whereby HB 1360 failed to pass for want of a Constitutional majority.

REQUEST

REP. CLARK REQUESTED a recorded roll call vote on the motion to reconsider the action whereby HB 1360 failed to pass for want of a Constitutional majority, which request was granted.

ROLL CALL

The question being on the motion to reconsider the action whereby HB 1360 failed to pass for want of a Constitutional majority, the roll was called and there were 58 YEAS, 36 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bernstein; Carlisle; Christenson; Christopherson; Clark; Coats; DeKrey; Delmore; Fairfield; Freier; Gerntholz; Glassheim; Gordier; Grosz; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroepflin; Kunkel; Maragos; Martinson; Mickelson; Nicholas; Nottestad; Oban; Poolman; Price; Sabby; Schmidt; Soukup; Stenehjerm; Svedjan; Sveen; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Weisz; Wentz

NAYS: Axtman; Belter; Berg; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlson; Dalrymple; Delzer; Devlin; Drovdal; Froseth; Galvin; Grande; Jacobs; Kerzman; Lloyd; Monson; Murphy; Nelson; Nichols; Niemeier; Olson; Renner; Rennerfeldt; Rose; Sandvig; Skarphol; Thompson; Warner; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Aarsvold; Dorso; Mahoney

So the motion to reconsider the action whereby HB 1360 failed to pass for lack of a Constitutional majority prevailed.

SECOND READING OF HOUSE BILL

HB 1360: A BILL for an Act to amend and reenact subsection 2 of section 44-08-04 of the North Dakota Century Code, relating to state officer and employee expense reimbursement.

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 49 YEAS, 45 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; Bernstein; Boehm; Carlisle; Christenson; Christopherson; Clark; Coats; DeKrey; Delmore; Fairfield; Glassheim; Gordier; Grumbo; Hawken; Henegar; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kilzer; Klein; Kliniske; Kretschmar; Kunkel; Maragos; Martinson; Mickelson; Nicholas; Nottestad; Poolman; Price; Sabby; Schmidt; Soukup; Stenehjerm; Svedjan; Sveen; Thoreson; Tollefson; Torgerson; Wald; Wardner; Weisz; Wentz; Speaker Timm

NAYS: Belter; Berg; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlson; Dalrymple; Delzer; Devlin; Drovdal; Freier; Froseth; Galvin; Gerntholz; Grande; Grosz; Gulleston; Gunter; Hanson; Hausauer; Huether; Jacobs; Kerzman; Koppelman; Kroepflin; Lloyd; Monson; Murphy; Nelson; Nichols; Niemeier; Oban; Olson; Renner; Rennerfeldt; Rose; Sandvig; Skarphol; Thompson; Thorpe; Warner; Wilkie

ABSENT AND NOT VOTING: Aarsvold; Dorso; Mahoney

HB 1360 passed and the title was agreed to.

MOTION

REP. FREIER MOVED that the House reconsider its action whereby HB 1360 passed and that HB 1360 be rereferred to the **Appropriations Committee**, which motion prevailed.

RULING BY THE SPEAKER

SPEAKER TIMM RULED that since Rep. Freier was not on the prevailing side, his motion was out of order, therefore HB 1360 was not rereferred to the **Appropriations Committee** and the action by which it passed was not reconsidered.

MOTION

REP. KEMPENICH MOVED that the House reconsider its action whereby HB 1360 passed and that HB 1360 be rereferred to the **Appropriations Committee**, which motion failed on a verification vote.

REQUEST

REP. BYERLY REQUESTED a ruling by the Speaker with reference to House Rule 329.

RULING BY THE SPEAKER

SPEAKER TIMM RULED yesterday that it did not apply yesterday and therefore does not apply today for the same reasons.

MOTION

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

MOTION

REP. FREIER MOVED that the House be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Wednesday, February 12, 1997, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1002, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1002 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "1,673,208" with "1,663,480"

Page 1, line 16, replace "2,863,463" with "2,853,735"

Page 1, line 21, replace "3,304,463" with "3,294,735"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 108 - SECRETARY OF STATE

HOUSE - The salaries and wages line item is reduced by \$9,728 from the general fund to reduce the funding provided in the executive budget for the clerk III position of \$48,393 to \$38,665, which is the amount estimated to be needed for the position for the 1997-99 biennium.

REPORT OF STANDING COMMITTEE

HB 1004, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1004 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "3,591,925" with "3,318,570"

Page 1, line 14, replace "5,670,287" with "5,396,932"

Page 1, line 16, replace "3,852,233" with "3,578,878"

Page 1, line 19, replace "\$5,000,837" with "\$4,750,982", replace "\$594,450" with "\$580,950", and replace "\$75,000" with "\$65,000"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 117 - STATE AUDITOR

HOUSE - This amendment makes the following changes:

	1997-99 EXECUTIVE RECOMMENDATION	REMOVE INFORMATION TECHNOLOGY AUDITORS	REMOVE UNFUNDED DEPUTY POSITION	REMOVE EQUITY RAISES FOR VETERAN AUDITORS	TOTAL HOUSE CHANGES	HOUSE VERSION
Administration	\$ 260,308					\$ 260,308
Division of local government audits	1,133,560					1,133,560
Division of state audits	3,591,925	\$ (197,239)		\$ (76,116)	\$ (273,355)	3,318,570
Mineral royalty auditing	<u>684,494</u>					<u>684,494</u>
Total all funds	\$5,670,287	\$ (197,239)		\$ (76,116)	\$ (273,355)	\$5,396,932
Less estimated income	<u>1,818,054</u>					<u>1,818,054</u>
General fund	\$3,852,233	\$ (197,239)		\$ (76,116)	\$ (273,355)	\$3,578,878
FTE	57.00	(3.00)	(1.00)		(4.00)	53.00
Salaries and wages	\$5,000,837	\$ (173,739)		\$ (76,116)	\$ (249,855)	\$4,750,982
Operating expenses	594,450	(13,500)			(13,500)	580,950
Equipment	<u>75,000</u>	<u>(10,000)</u>			<u>(10,000)</u>	<u>65,000</u>
Total all funds	\$5,670,287	\$ (197,239)		\$ (76,116)	\$ (273,355)	\$5,396,932
Less estimated income	<u>1,818,054</u>					<u>1,818,054</u>
General fund	\$3,852,233	\$ (197,239)		\$ (76,116)	\$ (273,355)	\$3,578,878

REPORT OF STANDING COMMITTEE

HB 1023, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1023 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "3,930,740" with "4,016,740"

Page 1, line 15, replace "5,958,584" with "5,872,584"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 750 - DEPARTMENT OF PARKS AND RECREATION

HOUSE - This amendment makes the following changes:

	1997-99 EXECUTIVE RECOMMENDATION	CAPITAL IMPROVEMENT FUNDING SOURCES	HOUSE VERSION
Salaries and wages	\$4,106,703		\$4,106,703
Operating expenses	3,486,751		3,486,751
Equipment	284,370		284,370
Capital improvements	1,536,500		1,536,500
Grants	<u>475,000</u>		<u>475,000</u>
Total	\$9,889,324	\$0	\$9,889,324
General fund	\$5,958,584	\$(86,000) ¹	\$5,872,584
Special funds	<u>3,930,740</u>	<u>86,000</u> ¹	<u>4,016,740</u>
Total	\$9,889,324	\$0	\$9,889,324
FTE	38.00		38.00

¹ The source of funds for the following capital improvement projects is changed from the general fund to the other funds available from park income or other sources:

		1997-99 EXECUTIVE BUDGET RECOMMENDATIONS		HOUSE VERSION		
	General Fund	Special Funds	Total	General Fund	Special Funds	Total
Turtle River State Park roads - Chip and seal	\$30,000	\$45,000	\$75,000		\$75,000	\$75,000
Icelandic State Park roads - Chip and seal	20,000	30,000	50,000		50,000	50,000
Fort Stevenson State Park - Road overlays	28,000	42,000	70,000		70,000	70,000
Lake Metigoshe State Park roads - Chip and seal	<u>8,000</u>	<u>12,000</u>	<u>20,000</u>		<u>20,000</u>	<u>20,000</u>
Total	\$86,000	\$129,000	\$215,000	\$0	\$215,000	\$215,000

REPORT OF STANDING COMMITTEE

HB 1024, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1024 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "60,000" with "30,000"

Page 1, line 13, replace "4,067,195" with "4,037,195"

Page 1, line 15, replace "3,887,195" with "3,857,195"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 740 - TOURISM DEPARTMENT

HOUSE - The grants line item is reduced by \$30,000 from the general fund. This change provides \$30,000 rather than \$60,000 of general fund support for the Horizons magazine.

REPORT OF STANDING COMMITTEE

HB 1058: Natural Resources Committee (Rep. Olson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 5 NAYS, 3 ABSENT AND NOT VOTING). HB 1058 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to create and enact a new section to chapter 23-01 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to the establishment of the environmental advisory board;"

Page 1, line 3, remove "23-25-02, 23-25-04, subsection 1 of section 54-07-01.2, and"

Page 1, line 4, remove "sections", after "61-28-02" insert "61-28-03,", and after the second "the" insert "powers, procedures, and composition of the"

Page 1, line 5, replace "; and to repeal section 61-28-03 of the North Dakota Century" with a period

Page 1, remove line 6

Page 1, line 15, remove the overstrike over "~~water pollution~~"

Page 1, line 16, remove the overstrike over "~~control board~~" and remove the first "department of health"

Page 2, remove lines 10 through 31

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 22

Page 5, line 28, remove the overstrike over "~~state water pollution control~~" and remove "environmental advisory"

Page 7, after line 2, insert:

"SECTION 3. AMENDMENT. Section 61-28-03 of the North Dakota Century Code is amended and reenacted as follows:

61-28-03. State water pollution prevention agency - Board.

1. ~~There is hereby created and established a~~ The state water pollution control board. ~~The board shall consist~~ consists of ~~ten~~ thirteen persons. ~~It shall~~ The board must include the ~~heads of the departments of~~ state health officer, ~~water conservation~~ state engineer, ~~director of the game and fish~~

department, the state geologist, and ~~six citizen~~ nine other members appointed by the governor, three of whom must be representatives of production agriculture, two of whom must be representatives of manufacturing and processing, one of whom must be a representative of the solid fuels industry, one of whom must be a representative of the environmental sciences, and one of whom must be a representative of county or municipal government. Municipal, industrial, and wildlife interests shall each be represented by a citizen member. Agricultural interests shall be represented by three citizen members. The executive secretary of the board shall be the chief sanitary engineer of the department.

2. Of the ~~six~~ nine members appointed by the governor, each shall serve six-year terms, ~~except that of those four first appointed, two shall be appointed for three years, and two shall be for six years.~~ The governor may fill any vacancy in the appointed membership of the board, and may remove any appointed member for cause.
3. The board shall select its own chairman from among its members. The heads of departments on the board may, by official order filed with the executive secretary of the board, designate a representative of the person's department to perform the duties of the member making the designation. Such That person, if any, designated pursuant to this section, shall have the powers and be subject to the duties and responsibilities of the appointing office.
4. All members of the board shall serve without compensation for their duties, but ~~shall~~ must be reimbursed for necessary travel and other expenses incurred in the performance of their official duties. Reimbursement ~~shall~~ must be paid out of funds allocated to the department for water pollution control.
5. The department shall provide the board with copies of maps, plans, documents, studies, surveys, and all other necessary information in order that the board may be fully cognizant of the current status of water pollution and its control in the state and to enable the board to advise the department in development of programs for the prevention and control of pollution of waters in the state.
6. The board shall hold at least one regular meeting each year, and any additional meetings the chairman deems necessary, at a time and place to be determined by the chairman. Upon written request of any three members the chairman shall call a special meeting. Seven members constitute a quorum.
7. The board shall consider and make recommendations regarding any rules and standards relating to water quality or pollution, ground water protection, and safe drinking of water that are adopted by the department. The department may not take final action on any rules or standards without consulting the board. The board shall consider any other matters related to the purposes of this chapter and may make recommendations on its own initiative to the department concerning the administration of this chapter."

Page 8, remove lines 14 and 15

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1071: Natural Resources Committee (Rep. Olson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1071 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "to provide an appropriation:"

Page 1, line 13, remove the overstrike over "~~(Effective through June 30,~~", after "**1997**" insert "**1999**", and remove the overstrike over ")"

Page 1, line 16, overstrike "Twenty" and insert immediately thereafter "Thirty"

Page 2, line 15, overstrike "Sixty" and insert immediately thereafter "Fifty"

Page 2, line 17, remove the overstrike over "~~(Effective July 1,~~", after "1997" insert "1999", and remove the overstrike over "~~) Allocation of moneys in oil extraction tax development"~~

Page 2, remove the overstrike over lines 18 and 19

Page 2, line 20, remove the overstrike over "4.", after "Ten" insert "Twenty", and remove the overstrike over "~~percent must be allocated and credited to the sinking fund established for~~"

Page 2, remove the overstrike over lines 21 through 31

Page 3, remove the overstrike over lines 1 through 10

Page 3, line 11, remove the overstrike over "3.", after "Seventy" insert "Sixty", and remove the overstrike over "~~percent must be allocated and credited to the state's general fund for~~"

Page 3, remove the overstrike over line 12

Page 3, remove lines 13 through 17

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1265: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1265 was placed on the Sixth order on the calendar.

Page 2, line 7, remove ", or adaptations to motor vehicles"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1332: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1332 was placed on the Sixth order on the calendar.

Page 1, line 1, after "enact" insert "a new subdivision to subsection 6 of section 57-38-38 and"

Page 1, line 2, after "to" insert "the exemption of penalties on refunded income taxes from an amended return or claim and"

Page 1, line 11, overstrike "interest" and replace "refundable for overpayment of income taxes relating to an interest" with "If, for any portion of the time period over which interest is otherwise computed under this section on a refund, interest was previously computed under subsection 1 of section 57-38-45 on additional tax due for any tax period, the interest computed on the refund for that portion of the time period must be computed at the same rate and the same manner that was used in computing the interest on the additional tax due, but only to the extent that the amount of the refund does not exceed the amount of the additional tax due."

Page 1, remove lines 12 through 15

Page 1, line 20, remove "initial"

Page 2, line 2, after "~~later~~" insert an underscored comma

Page 2, line 3, replace ". Interest accrues through the date of payment unless payment is made" with ", to the date of payment of the refund, except that if the refund payment is made within forty-five days of the date the amended return or claim is filed, interest accrues to the date the amended return or claim is filed"

Page 2, line 4, remove "within forty-five days of the date of the filing of the amended return or claim"

Page 2, line 10, replace "except no interest accrues for refunds paid under" with "to the date of payment of the refund, except that if the refund payment is made within forty-five days"

of the date the amended return or claim is filed, to claim the refund attributable to the net operating loss or capital loss carryback, interest accrues to the date the amended return or claim is filed"

Page 2, remove lines 11 and 12

Page 2, line 13, remove "capital loss carryback"

Page 2, after line 15, insert:

"SECTION 2. A new subdivision to subsection 6 of section 57-38-38 of the North Dakota Century Code is created and enacted as follows:

If a determination is made under subdivision a of this subsection that additional tax is due and the tax commissioner has previously refunded income taxes related to the amended return or claim, subsection 2 of section 57-38-45 does not apply to the refunded amount."

Page 3, line 12, after "If" insert an underscored comma, replace "calculation" with "time", and replace ", with respect to either the tax period" with "over which interest is otherwise computed under this subsection on additional tax due"

Page 3, line 13, remove "at issue or another tax period"

Page 3, line 14, replace ", interest to be computed this" with "on a refund for any tax period, the interest computed on the additional tax due for that portion of the time period"

Page 3, line 15, remove "subsection with respect to the amount"

Page 3, line 16, replace the first "a" with "the same" and replace "consistent with the previous calculations" with "that was used in computing the interest on the refund, but only to the extent that the amount of the additional tax due does not exceed the amount of the refund"

Page 3, line 17, replace "an" with "there was no" and replace "was applied" with "that was applied to the following tax period's estimated tax"

Page 3, line 18, replace "that" with "the" and after "amount" insert "of the deficiency that is equal to or less than the amount of the overpayment applied"

Page 4, line 12, replace "or the commissioner previously has" with an underscored period

Page 4, remove line 13

Page 4, line 22, replace "A taxpayer" with "An individual or corporation"

Page 4, line 23, replace "taxpayer's" with "individual's or corporation's" and remove the second "the"

Page 4, line 24, replace "taxpayer" with "individual or corporation"

Page 4, line 25, replace "taxpayer" with "individual or corporation"

Page 4, line 26, replace "taxpayer" with "individual or corporation"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1342: Natural Resources Committee (Rep. Olson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1342 was placed on the Sixth order on the calendar.

Page 1, line 1, after "38-08.1-01" insert "and a new subsection to section 38-08.1-04.1"

Page 1, line 2, after "exploration" insert "and to notification requirements for geophysical exploration permitholders" and remove "and"

Page 1, line 3, remove "subsections 1, 2, and 7 of section"

Page 1, line 4, after "1" insert ", 3,"

Page 1, line 5, replace "and section" with "sections" and after "38-08.1-06.1" insert ", and 57-62-03.1"

Page 1, line 6, after "requirements" insert "and enforcement funding; to provide an appropriation; and to declare an emergency"

Page 2, line 1, overstrike "person" and replace ", including contractors and subcontractors," with "geophysical exploration contractor"

Page 2, line 6, after "~~person~~" insert "if the contractor intends to conduct shot hole operations or in the amount of twenty-five thousand dollars if the contractor intends to use any other method of geophysical exploration", replace "person, including contractors and subcontractors," with "subcontractor engaged by the geophysical exploration contractor for the", and replace "or plugging" with "of"

Page 2, line 7, remove the first "a" and replace "hole" with "holes"

Page 2, line 17, after the first "the" insert "geophysical exploration contractor's"

Page 2, line 19, after the period insert "If the surety does not renew the drilling or plugging bond, the surety's liability under the bond ceases two years from the date the drilling and plugging covered by the bond was last conducted in this state."

Page 4, line 6, replace "Subsections 1, 2, and 7 of section" with "Section"

Page 4, line 7, replace "are" with "is"

Page 4, after line 7, insert:

"38-08.1-04. Application for permit to engage in geophysical exploration.

Any person desiring to engage in geophysical exploration ~~within this state shall prior to before~~ actually engaging in ~~such the~~ exploration, shall file an application for a permit to engage in geophysical exploration with the ~~board of county commissioners in each county in which exploration is to be carried on~~ commission. The application for a permit for geophysical exploration must include the following ~~information:~~"

Page 4, after line 14, insert:

- "3. The name and address of the resident agent for service of process of the person intending to engage in geophysical exploration.
4. The date upon which geophysical exploration is to begin.
5. The approximate number and depth of any drill holes and the specific location of any drill holes or a description of the property on which the geophysical exploration is to be conducted described by township, range, section, and quarter section.
6. ~~A certificate from the industrial commission indicating that the person intending to engage in geophysical exploration and any subcontractors to be employed by that person have each filed with the industrial commission a good and sufficient surety bond.~~"

Page 4, line 15, overstrike "7."

Page 4, after line 17, insert:

"Applications filed with the board of county commissioners under this section must be maintained in a manner separate and apart from any other records or indices concerning the land described in the application. The person making application for a geophysical exploration permit shall file an amended application whenever there is any new information or a change in the information contained in the application on file with the ~~board of county commissioners~~ commission."

Page 4, line 18, after "1" insert ", 3,"

Page 4, line 21, overstrike "board of county commissioners or its designee" and insert immediately thereafter "commission"

Page 4, line 25, overstrike "any county" and insert immediately thereafter "this state"

Page 4, line 26, overstrike "board of county commissioners" and insert immediately thereafter "commission"

Page 4, after line 26, insert:

"3. The permit must be signed by the ~~chairman~~ director of the ~~board of county commissioners~~ commission's oil and gas division or ~~that person's~~ the director's designee and ~~must bear the official county seal.~~ The permit is valid and effective for all ~~geophysical crews of the permittee for a one-year period in which it is issued~~ one year."

Page 4, after line 30, insert:

"**SECTION 6.** A new subsection to section 38-08.1-04.1 of the North Dakota Century Code is created and enacted as follows:

The permitholder shall notify the county auditor or the auditor's designee at least twenty-four hours, excluding Saturdays and holidays, before the permitholder commences geophysical exploration in the county. Notice must include the approximate time schedule and location of the planned activity."

Page 5, line 3, overstrike "**County**" and overstrike "**to notify industrial commission**" and insert immediately thereafter "**Notification**"

Page 5, line 4, after "**permit**" insert "**- Revocation - Suspension**", remove "board of", overstrike "county", remove the overstrike over "~~commission~~", remove "commissioners", and overstrike "of any county in which a permit is"

Page 5, line 5, overstrike "issued" and overstrike "commission" and insert immediately thereafter "board of county commissioners of the county in which the lands are located"

Page 5, line 15, overstrike the first "or" and insert immediately thereafter an underscored comma, after "damage" insert ", or undue stress", and overstrike "similar factors that"

Page 5, line 16, overstrike "could cause undue stress to the normal physical well-being within the county" and insert immediately thereafter "other physical features. For these same reasons, a board of county commissioners, upon notice to the permitholder and the commission, also may suspend, for not longer than forty-eight hours, a permit for operations within the county"

Page 5, line 21, overstrike "**- Complaint of property owner**"

Page 5, line 26, overstrike "Upon written request by the owner or"

Page 5, overstrike lines 27 and 28

Page 5, line 29, overstrike "description of the worksite sufficiently exact to permit location and identification of the site. This" and insert immediately thereafter "The notice also"

Page 5, line 31, overstrike "The request must be based upon a written complaint of the property owner or"

Page 6, overstrike lines 1 through 5

Page 6, line 19, overstrike "Any person violating this subsection is guilty of an infraction."

Page 8, after line 7, insert:

"**SECTION 11. AMENDMENT.** Section 57-62-03.1 of the North Dakota Century Code is amended and reenacted as follows:

57-62-03.1. Oil and gas impact grant fund - Continuing appropriation. The moneys accumulated in the oil and gas impact grant fund must be allocated as provided by law and as appropriated by the legislative assembly for distribution through grants by

the energy development impact office to oil and gas development impacted cities, counties, school districts, and other taxing districts or for industrial commission enforcement of laws and rules relating to geophysical exploration in this state. The amounts deposited in the oil and gas impact grant fund under subsection 1 of section 57-51-15 are hereby appropriated as a standing and continuing appropriation to the energy development impact office for grants as provided in this section.

SECTION 12. APPROPRIATION. There is hereby appropriated out of any moneys in the lands and minerals trust fund, not otherwise appropriated, the sum of \$125,000, or so much of the sum as may be necessary, and from the oil and gas impact grant fund, not otherwise appropriated, the sum of \$125,480, or so much of the sum as may be necessary, to the oil and gas division of the industrial commission, for the purpose of enforcement of laws and rules relating to geophysical exploration in the state, for the biennium beginning July 1, 1997, and ending June 30, 1999.

SECTION 13. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1370: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1370 was placed on the Sixth order on the calendar.

Page 1, line 8, replace "for" with ", including" and after "chelation" insert an underscored comma

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1410: Natural Resources Committee (Rep. Olson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (8 YEAS, 5 NAYS, 3 ABSENT AND NOT VOTING). HB 1410 was placed on the Sixth order on the calendar.

Page 1, line 3, after "standards" insert "; and to amend and reenact section 23-01-02 of the North Dakota Century Code, relating to the composition of the health council"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 23-01-02 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

23-01-02. Health council - Members, terms of office, vacancies, compensation, officers, meetings. The health council consists of ~~nine~~ eleven members appointed by the governor in the following manner: Four persons from the health care field ~~and~~ five persons representing consumer interests, one person from the energy industry, and one from the manufacturing and processing industry. The governor may select members to the council from recommendations submitted by trade, professional, and consumer organizations. On the expiration of the term of any member, the governor, in the manner provided by this section, shall appoint for a term of three years, persons to take the place of members whose terms on the council are about to expire. The officers of the council must be elected annually. Any state agency may serve in an advisory capacity to the health council at the discretion of the council. The council shall meet at least twice each year and at other times as the council or its chairman may direct. The health council shall have as standing committees any committees the council may find necessary. The chairman of the council shall select the members of these committees. The members of the council are entitled to receive the same compensation per day as provided in section 54-35-10 for members of the legislative council and their necessary mileage and travel expenses as provided in sections 54-06-09 and 44-08-04 while attending council meetings or in the performance of any special duties as the council may direct. The per diem and expenses must be audited and paid in the manner in which the expenses of state officers are audited and paid. The compensation provided for in this section may not be paid to any member of the council who received salary or other compensation as a regular employee of the state, or any of its political subdivisions, or any institution or industry operated by the state."

Page 1, underscore lines 7 through 15

Page 1, line 16, underscore "property", replace "and" with an underscored comma, and underscore " a cost-benefit analysis that affirmatively demonstrates that the"

Page 1, underscore line 17

Page 1, line 18, underscore "the anticipated costs" and replace ". Further, the department may not adopt such rules or" with ", and"

Page 1, remove lines 19 through 21

Page 1, line 22, remove "analysis", underscore "the independent peer reviews required by this section", and replace ", and any other" with an underscored period

Page 1, remove lines 23 through 24

Page 2, underscore lines 1 through 31

Page 3, underscore lines 1 through 31

Page 4, underscore lines 1 through 19

Page 4, line 20, underscore "section govern." and insert immediately thereafter "This section does not apply, however, to existing rules that set air quality standards for odor, hydrogen sulfide, visible and fugitive emissions, or emission standards for particulate matter and sulfur dioxide, but does apply to any new rules governing such matters."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1080: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **DO PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1080 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1184: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO NOT PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1184 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1189: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1189 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1277: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO NOT PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1277 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1295: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO NOT PASS** (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1295 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1313: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1313 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1329: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO NOT PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1329 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1369: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO NOT PASS** (13 YEAS, 6 NAYS, 3 ABSENT AND NOT VOTING). HB 1369 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1398: Human Services Committee (Rep. Price, Chairman) recommends **DO NOT PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1398 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1439: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO NOT PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1439 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1454: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO NOT PASS** (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1454 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1477: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1477 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2347: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO PASS** (18 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). SB 2347 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3030: Human Services Committee (Rep. Price, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3030 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3031: Human Services Committee (Rep. Price, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3031 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3032: Human Services Committee (Rep. Price, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HCR 3032 was placed on the Tenth order on the calendar.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Reps. Schmidt, Boucher, Gulleson, D. Johnson and Sens. Kringstad, Urlacher introduced:

HCR 3037: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of providing property tax relief through alternative state and local revenue sources.

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

Reps. Delmore, Hawken, Nicholas and Sens. St. Aubyn, W. Stenehjem, Watne introduced:

HCR 3038: A concurrent resolution directing the Legislative Council to study assessment and taxation of mobile homes, park model trailers, recreational vehicles, and similar housing alternatives.

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

FIRST READING OF SENATE BILLS

SB 2009: A BILL for an Act to provide an appropriation for defraying the expenses of the state fair association.

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

SB 2045: A BILL for an Act to create and enact chapter 12-55.1 of the North Dakota Century Code, relating to the pardon advisory board and to pardons, conditional pardons, reprieves, and commutations; to amend and reenact subsection 5 of section 12-60-16.2, subsections 15 and 17 of section 12.1-34-02, subsection 4 of section 12.1-34-03, subsection 5 of section 27-20-52, subsection 1 of section 28-32-01, and subsection 1 of section 54-07-01.2 of the North Dakota Century Code, relating to the pardon advisory board and to membership of boards; and to repeal chapter 12-55 of the North Dakota Century Code, relating to pardons, reprieves, and commutations.

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

SB 2088: A BILL for an Act to amend and reenact subsection 1 of section 54-44-11, sections 54-44.4-02, and 54-44.4-03 of the North Dakota Century Code, relating to providing a

continuing appropriation from the state purchasing operating fund, delegation of purchasing authority by the director of the office of management and budget, and cooperation with political subdivisions for purchasing; and to provide a continuing appropriation.

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

SB 2108: A BILL for an Act to amend and reenact sections 12-47-01, 12-47-02, 12-47-18.1, 12-47-34, 12-47-36, 12-48-15, and subsection 2 of section 29-27-07 of the North Dakota Century Code, relating to penitentiary facilities and to inmate transfers, escapes, records, and moneys; and to repeal section 32-22-36 of the North Dakota Century Code, relating to writs for transfer of prisoners.

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

SB 2236: A BILL for an Act to amend and reenact section 26.1-06.1-29 of the North Dakota Century Code, relating to insurance company setoff in liquidation or rehabilitation; and to declare an emergency.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

SB 2370: A BILL for an Act to create and enact a new section to chapter 11-10 of the North Dakota Century Code, relating to terms of office for county commissioners.

Was read the first time and referred to the **Political Subdivisions Committee**.

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4019: A concurrent resolution directing the Legislative Council to study the adequacy of transportation funding in North Dakota.

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

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

ROY GILBREATH, Chief Clerk