

JOURNAL OF THE HOUSE

Fifty-fifth Legislative Assembly

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Bismarck, February 28, 1997

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

The prayer was offered by Pastor Robert Cheatheam, First Baptist Church, Fargo.

The roll was called and all members were present except Representatives Fairfield, Hawken, Huether, and Mahoney.

A quorum was declared by the Speaker.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFFER

The following communication was received from the Governor at 8:45 a.m., February 21, 1997.

This is to inform you that on February 20, 1997, I signed the following: HB 1120, HB 1107, HB 1105, HB 1070, and HB 1020.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4014, SCR 4020, SCR 4024, SCR 4025, SCR 4027, SCR 4030, SCR 4033, SCR 4034, SCR 4037, SCR 4038, SCR 4039, SCR 4041.

HOUSE ENROLLING REPORT

The following resolution was enrolled: HCR 3006.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled resolution: HCR 3006.

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

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HCR 3006.

SIXTH ORDER OF BUSINESS

SB 2195, as engrossed: REP. BELTER (Finance and Taxation Committee) MOVED that the amendments on HJ pages 753-754 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3041: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of consolidating the State Soil Conservation Committee, State Forest Service, Tourism Department, Parks and Recreation Department, Game and Fish Department, and the State Historical Society of North Dakota into a department of natural resources.

ROLL CALL

The question being on the adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 8 YEAS, 86 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Brusegaard; Kretschmar; Lloyd; Maragos; Poolman; Skarphol; Wald; Wentz

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

ABSENT AND NOT VOTING: Fairfield; Hawken; Huether

HCR 3041 was declared lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3050: A concurrent resolution directing the Legislative Council to study options and transition plans for scheduling the regular legislative session in even-numbered years.

ROLL CALL

The question being on the adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 34 YEAS, 61 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Brusegaard; Callahan; Christenson; DeKrey; Delmore; Drovdal; Gerntholz; Glassheim; Grumbo; Gunter; Hanson; Hausauer; Jensen; Keiser; Kelsh, S.; Kerzman; Kliniske; Kretschmar; Mahoney; Monson; Murphy; Nichols; Niemeier; Nottestad; Oban; Rose; Sabby; Sandvig; Schmidt; Soukup; Warner; Wilkie

NAYS: Axtman; Belter; Berg; Bernstein; Boehm; Brandenburg; Brown; Byerly; Carlisle; Carlson; Christopherson; Clark; Coats; Dalrymple; Delzer; Devlin; Dorso; Fairfield; Freier; Froseth; Galvin; Gorder; Grande; Grosz; Gullerson; Henegar; Jacobs; Johnsen, C.; Johnson, D.; Kelsch, R.; Kempenich; Kilzer; Klein; Koppelman; Kroepin; Kunkel; Lloyd; Maragos; Martinson; Mickelson; Nelson; Nicholas; Olson; Poolman; Price; Renner; Rennerfeldt; Skarphol; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Weisz; Wentz; Speaker Timm

ABSENT AND NOT VOTING: Hawken; Huether

HCR 3050 was declared lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3051: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of scheduling a recess during the early part of the regular legislative session to provide uninterrupted, productive time for standing committee work.

ROLL CALL

The question being on the final passage of the resolution, 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, 2 ABSENT AND NOT VOTING.

YEAS: Delmore; Jensen; Kelsh, S.; Kretschmar; Maragos; Oban

NAYS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gullerson; Gunter; Hanson; Hausauer; Henegar; Jacobs; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kroepin; Kunkel; Lloyd; Mahoney; 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: Hawken; Huether

HCR 3051 was declared lost.

SECOND READING OF SENATE BILL

SB 2058: A BILL for an Act relating to lifeguard qualifications and equipment.

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 18 YEAS, 77 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Callahan; Christenson; Coats; Delmore; Fairfield; Glassheim; Gulleeson; Jacobs; Kelsch, R.; Kelsh, S.; Kerzman; Maragos; Murphy; Nottestad; Oban; Rose; Sandvig; Warner

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

ABSENT AND NOT VOTING: Hawken; Huether

Engrossed SB 2058 was declared lost.

SECOND READING OF SENATE BILL

SB 2090: A BILL for an Act to amend and reenact section 39-09-01 of the North Dakota Century Code, relating to careless driving involving snow removal equipment; to provide a penalty; and to declare an emergency.

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 85 YEAS, 10 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; Delmore; Delzer; Devlin; Dorso; Fairfield; Freier; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleeson; Gunter; Hanson; Hausauer; Henegar; 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; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Wentz; Wilkie

NAYS: Brown; DeKrey; Drovdal; Froseth; Mahoney; Murphy; Nelson; Price; Weisz; Speaker Timm

ABSENT AND NOT VOTING: Hawken; Huether

Engrossed SB 2090 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2092: A BILL for an Act to amend and reenact section 40-21-08 of the North Dakota Century Code, relating to the arrangement of candidate names on city ballots.

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

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleeson; Gunter; Hanson; Hausauer; Henegar; 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; Soukup;

Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Hawken; Huether; Skarphol

Engrossed SB 2092 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2130: A BILL for an Act to amend and reenact section 18-02-07 of the North Dakota Century Code, relating to cooperation of the state forester with rural fire departments and rural fire protection districts; and to repeal sections 18-02-01, 18-02-02, 18-02-03, 18-02-04, 18-02-05, 18-02-06, 18-02-08, and 18-02-09 of the North Dakota Century Code, relating to forest fire wardens.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 95 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleason; Gunter; Hanson; Hausauer; Henegar; 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: Hawken; Huether

SB 2130 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2155: A BILL for an Act to amend and reenact subsections 1 and 2 of section 57-51-06 of the North Dakota Century Code, relating to the filing of well production reports by electronic media and waiver of the requirement to file producer's 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 94 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleason; Gunter; Hanson; Hausauer; Henegar; 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: Delzer

ABSENT AND NOT VOTING: Hawken; Huether

SB 2155 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2156: A BILL for an Act to amend and reenact section 57-51-09 of the North Dakota Century Code, relating to the time allowed for assessment of gross production and oil extraction tax and the audit of returns.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 95 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Guleson; Gunter; Hanson; Hausauer; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; 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; 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: Hawken; Huether

SB 2156 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2170: A BILL for an Act to amend and reenact section 23-06-03 of the North Dakota Century Code, relating to the duty of counties to bury deceased residents or inmates of public institutions.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Guleson; Gunter; Hanson; Hausauer; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroepflin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Nelson; 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: DeKrey; Murphy; Olson; Weisz

ABSENT AND NOT VOTING: Hawken; Huether

SB 2170 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2190: A BILL for an Act to amend and reenact subsection 2 of section 16.1-05-01 and subsection 1 of section 16.1-05-02 of the North Dakota Century Code, relating to the appointment of election judges and clerks.

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 81 YEAS, 14 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Brandenburg; Brusegaard; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey;

Delmore; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grumbo; Gunter; Hanson; Hausauer; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroepflin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Niemeier; Nottestad; Oban; Poolman; Price; Renner; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Torgerson; Wald; Wardner; Weisz; Wentz; Wilkie; Speaker Timm

NAYS: Boehm; Boucher; Brown; Byerly; Delzer; Devlin; Grosz; Gulleson; Murphy; Nichols; Olson; Rennerfeldt; Tollefson; Warner

ABSENT AND NOT VOTING: Hawken; Huether

SB 2190 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2204: A BILL for an Act to amend and reenact subdivision d of subsection 17 of section 4-22-26, sections 11-14-10, 11-14-16, and 40-40-13 of the North Dakota Century Code, relating to distribution of tax revenues to political subdivisions; 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 2 YEAS, 93 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Keiser; Nottestad

NAYS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Henegar; 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; 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: Hawken; Huether

Engrossed SB 2204 was declared lost.

SECOND READING OF SENATE BILL

SB 2219: A BILL for an Act to amend and reenact section 54-03-20 of the North Dakota Century Code, relating to expense reimbursement of members of the legislative assembly; to provide for retroactive application; and to declare an emergency.

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 31 YEAS, 64 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Christenson; Christopherson; Clark; Coats; DeKrey; Delmore; Fairfield; Glassheim; Grumbo; Hanson; Jensen; Kelsch, R.; Kelsh, S.; Kliniske; Kunkel; Nicholas; Nichols; Niemeier; Nottestad; Oban; Poolman; Price; Rose; Sabby; Schmidt; Stenehjem; Svedjan; Wardner; Warner

NAYS: Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Dalrymple; Delzer; Devlin; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Grande; Grosz; Gulleson; Gunter; Hausauer; Henegar; Jacobs; Johnsen, C.; Johnson, D.; Keiser; Kempenich; Kerzman; Kilzer; Klein; Koppelman; Kretschmar; Kroepflin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Olson; Renner; Rennerfeldt; Sandvig; Skarphol; Soukup;

Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Hawken; Huether

SB 2219 was declared lost.

SECOND READING OF SENATE BILL

SB 2303: A BILL for an Act to amend and reenact subsection 1 of section 57-02-01 of the North Dakota Century Code, relating to the definition of agricultural property for property tax assessment purposes; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; 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; Wilkie; Speaker Timm

NAYS: Dalrymple; Keiser

ABSENT AND NOT VOTING: Hawken; Huether

Engrossed SB 2303 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2398: A BILL for an Act to create and enact six new sections to chapter 54-17 of the North Dakota Century Code, relating to the tax-exempt financing of farmland, livestock, and farm equipment through the industrial commission; and to amend and reenact subdivision 1 of subsection 1 of section 28-32-01 of the North Dakota Century Code, relating to the definition of an administrative agency.

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 76 YEAS, 18 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Callahan; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grosz; Grumbo; Gulleson; Gunter; Hausauer; Henegar; Jacobs; Johnson, D.; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; 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; Stenehjem; Sveen; Thompson; Thoreson; Thorpe; Torgerson; Wardner; Warner; Weisz; Wilkie

NAYS: Brusegaard; Byerly; Carlisle; Carlson; Delzer; Grande; Hanson; Jensen; Johnsen, C.; Keiser; Kilzer; Kliniske; Skarphol; Soukup; Svedjan; Wald; Wentz; Speaker Timm

ABSENT AND NOT VOTING: Hawken; Huether; Tollefson

Engrossed SB 2398 passed and the title was agreed to.

MOTION

REP. DORSO MOVED that House Rule 507, with reference to study resolutions and proposed Constitutional amendments being reported out of committee, be suspended until Monday, March 3, 1997, which motion prevailed.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1088, HB 1121, HB 1125, HB 1127, HB 1155, HB 1171, HB 1175, HB 1211, HB 1230, HB 1232, HB 1239, HB 1298, HCR 3008.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2055, SB 2059, SCR 4001.

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3042.

MOTION

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

MOTION

REP. FREIER MOVED that the House be on the Fifth and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:30 p.m., Monday, March 3, 1997, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2024: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2024 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2025, as engrossed: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2025 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2035: Natural Resources Committee (Rep. Olson, Chairman) recommends **DO PASS** (15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2035 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2048: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2048 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2049: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) recommends **DO PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2049 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2069: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO PASS** (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2069 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2075, as engrossed: Natural Resources Committee (Rep. Olson, Chairman) recommends **DO PASS** (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2075 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2079: Natural Resources Committee (Rep. Olson, Chairman) recommends **DO PASS** (15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2079 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2082, as engrossed: Natural Resources Committee (Rep. Olson, Chairman) recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2082 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2083: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2083 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2103: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2103 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2107: Natural Resources Committee (Rep. Olson, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2107 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2111: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2111 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2126: Transportation Committee (Rep. Skarphol, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2126 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2143, as engrossed: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2143 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2164, as engrossed: Political Subdivisions Committee (Rep. Poolman, Chairman) recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2164 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2201: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) recommends **DO PASS** (9 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). SB 2201 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2212: Transportation Committee (Rep. Skarphol, Chairman) recommends **DO PASS** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). SB 2212 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2245: Transportation Committee (Rep. Skarphol, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2245 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2277: Transportation Committee (Rep. Skarphol, Chairman) recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2277 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2316: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) recommends **DO PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2316 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2337, as engrossed: Transportation Committee (Rep. Skarphol, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2337 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3036: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3036 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3043: Agriculture Committee (Rep. Nicholas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HCR 3043 was placed on the Sixth order on the calendar.

Page 1, line 2, after "urban" insert "and rural"

Page 2, line 2, after "urban" insert "and rural"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3046: Transportation Committee (Rep. Skarphol, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3046 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3048: Natural Resources Committee (Rep. Olson, Chairman) recommends **DO PASS** (8 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING). HCR 3048 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4004: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SCR 4004 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4008, as engrossed: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SCR 4008 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4009: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4009 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4017: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4017 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4023: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4023 was placed on the Tenth order on the calendar.

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4014: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of restructuring county government.

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

SCR 4020: A concurrent resolution directing the Legislative Council to study and develop a long-term plan for the investigatory and penological support mechanisms of the criminal justice system.

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

SCR 4024: A concurrent resolution directing the Legislative Council to study the development of an electronic mail and records management policy for governmental entities.

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

SCR 4025: A concurrent resolution directing the Legislative Council to study the effects of sexual abuse on child victims, strategies to assist child victims and the parents of child victims, the use and effectiveness of the mandatory reporting law, effective deterrents, and the need for training of professionals, public awareness initiatives, and training of school personnel in the recognition of victims and in prevention activities.

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

SCR 4027: A concurrent resolution requesting the North Dakota Department of Transportation to study the feasibility and desirability of upgrading United States Highway 281 to an all-year load-free highway.

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

SCR 4030: A concurrent resolution directing the Legislative Council to study the issues of welfare reform as they relate to the relationship between the state and the federally recognized Indian tribes within the state.

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

SCR 4033: A concurrent resolution urging the Congress of the United States and the United States Army Corps of Engineers to assume responsibility for Missouri River bank erosion downstream from all Pick-Sloan Project dams, including the Garrison Dam to Oahe Reservoir reach in North Dakota, and to continue a program of annually appropriating funds for the maintenance and construction of bank protection projects.

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

SCR 4034: A concurrent resolution urging the United States Army Corps of Engineers to include provisions for the protection of recreation, municipal, industrial, irrigation, and other interests on the Missouri River in North Dakota in developing a revised master manual for the future operation of the Pick-Sloan Project.

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

SCR 4037: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of licensing high pressure boiler operators, including which state agency would manage a state licensing process, the fees necessary to fund a licensing program, whether adequate training opportunities exist to support licensing, and whether any other state has a boiler licensing program with which this state could join.

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

SCR 4038: A concurrent resolution directing the Legislative Council to study the effectiveness of and methods to improve advocacy programs administered by the Department of Human Services and the feasibility and desirability of merging those advocacy programs, including the vulnerable adult protective services program, into the protection and advocacy program.

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

SCR 4039: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of implementing voter registration.

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

SCR 4041: A concurrent resolution directing the Legislative Council to study the establishment of watershed districts to manage water based on watershed boundaries.

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

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

ROY GILBREATH, Chief Clerk